



*El Embajador Representante Permanente
de España en el Consejo de Europa
Estrasburgo*

Mr. Matjaž Gruden
Director
Directorate of Democratic Participation
Council of Europe

14/2024

Strasbourg, June 28, 2024

Dear Director,

In relation to the alert No. 44/2024, "Madrid Community Official Threatens and Doxxes Journalists Over News Reports", of the Platform to promote the protection of journalism and safety of journalists, I have the honour to convey to you the following comments on behalf of the Government of Spain.

On 28 March, the Council of Europe issued the aforementioned alert, on the threatening expressions of Mr. Miguel Ángel Rodríguez against members of the press. By virtue of the powers conferred by article 19.1 of Royal Decree 267/2022, of 12 April, which develops the basic organic structure of the Ministry of Foreign Affairs, European Union and Cooperation, letters k/ ("Coordination and monitoring of the development of the external activity of the ministerial departments and public bodies of the General State Administration, of the other public administrations and constitutional bodies") and l/ ("The report and monitoring of the acts and provisions of the Autonomous Communities that affect the responsibilities of the Department"), the General Technical Secretariat of Ministry of Foreign Affairs, European Union and Cooperation, through the Division of Institutional Relations and Collaboration with the Autonomous Communities and Local Bodies, forwarded the request for a written reply to the Autonomous Community of Madrid on 11 April. The reply was received by e-mail on 26 June and is attached to this letter in its entirety.

It should be recalled that the Government of Spain has strongly condemned the threats made by Miguel Ángel Rodríguez, chief of staff of the President of the Community of Madrid against Esther Palomera, journalist of *elDiario.es*. The Spokesperson's Office of the Government stressed that "press freedom is sacred in a democracy".

At the same time, the defence of the journalist's interests by journalist's associations has been resounding. In particular, the Federation of Spanish Journalists' Associations (FAPE) and the Madrid Press Association issued a joint statement, which was supported by Reporters Without Borders, describing Mr. Rodríguez's actions as "intolerable pressure that curtails press freedom and violates citizens' right to truthful information as enshrined in the Constitution", and demanding him to rectify his actions. A complaint was also lodged by the Committee to Protect Journalists (CPJ), an international organisation that promotes press freedom, which had requested explanations for this "campaign of harassment and singling out of journalists". This media and social pressure forced Mr. Rodríguez to acknowledge the facts.

On the other hand, and in any case, the Spanish legal system has a series of remedies for the protection of journalists in the face of events such as those that have occurred:

- Prior to the judicial process, it is possible to make use of the FAPE's Commission for Arbitration, Complaints and Journalism Ethics.

- Likewise, the right of rectification can be exercised before the media responsible of disinformation that violate the right to honour, as *ElDiario.es* did against *El Confidencial Digital* for the reproduction of the hoax spread by Mr. Rodríguez.

- In the judicial sphere, the Spanish Criminal Code typifies a series of offences of threats (Chapter II of Title VI), offences against honour (Title XI) and offences against privacy and self-image (Title X). The persons affected by these offences have the right to file a complaint and initiate criminal legal proceedings for their defence before the ordinary courts. There is also the possibility of filing an appeal for protection before the Constitutional Court for the violation of the fundamental rights enshrined in the Constitution, specifically in the case in question: the right to honour, to personal and family privacy and to one's own image (Article 18), freedom of expression and communication (Article 20), and the right of association (Article 22).

I seize the opportunity to convey to you the assurance of my highest consideration.

Yours sincerely,



Juan Ignacio Morro



Referencia: DRICA/2024/032.080

Madrid, 21 de junio de 2024

SECRETARÍA GENERAL TÉCNICA DEL MINISTERIO DE ASUNTOS EXTERIORES,
UNIÓN EUROPEA Y COOPERACIÓN

Estimada Sra. Secretaria General Técnica,

En respuesta a su escrito de fecha 11 de abril de 2024, con referencia a la alerta nº 44/2024 de la "Plataforma para la Protección del Periodismo y la Seguridad de los Periodistas" del Consejo de Europa, le informo lo siguiente.

La Comunidad de Madrid, en el marco del artículo 1.3 de la Ley Orgánica 3/1983, de 25 de febrero, por la que se aprobó su Estatuto de Autonomía, garantiza la plena participación de los ciudadanos en la vida política, económica, cultural y social, de conformidad con los principios de libertad, justicia e igualdad para todos los madrileños. Asimismo, el artículo 7.1 del citado Estatuto reconoce como derechos fundamentales los contemplados en la Constitución Española, entre lo que se incluyen los de libertad de expresión y libertad de información (artículo 20).

El Gobierno de la Comunidad de Madrid ha mantenido siempre una postura de firme respeto hacia la libertad de prensa, facilitando un acceso sin restricciones a todos los medios de comunicación a las ruedas de prensa y demás actos públicos a todos los medios de comunicación, sin ningún tipo de distinción.

El 21 de marzo de 2024, la Asamblea de Madrid aprobaba por unanimidad una declaración institucional en defensa de la libertad de prensa y el respeto al trabajo periodístico. Dicha declaración reafirma el compromiso inquebrantable de nuestra comunidad con la libertad de prensa, reconociéndola como un derecho humano esencial y pilar fundamental de la sociedad democrática.

A la espera de que esta información resulte de utilidad, quedamos a su disposición para cualquier consulta o aclaración adicional que requiera.

Atentamente,

LA SECRETARIA GENERAL TÉCNICA

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Lourdes Ríos Zaldívar



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COMMUNITY OF MADRID

GENERAL TECHNICAL SECRETARIAT

REGIONAL MINISTRY OF THE PRESIDENCY, JUSTICE AND LOCAL ADMINISTRATION

Madrid, June 21, 2024

GENERAL TECHNICAL SECRETARIAT OF THE MINISTRY OF FOREIGN AFFAIRS, EUROPEAN UNION AND COOPERATION

Dear Ms. General Technical Secretary,

In response to your letter dated April 11, 2024, with reference to alert no. 44/2024 of the "Platform to Promote the Protection of Journalism and the Safety of Journalists" of the Council of Europe, I hereby inform you of the following.

The Autonomous Community of Madrid, within the framework of Article 1.3 of Organic Law 3/1983, of 25 February, which approved its Statute of Autonomy, guarantees the full participation of citizens in political, economic, cultural and social life, in accordance with the principles of freedom, justice and equality for all the citizens of Madrid. Likewise, Article 7.1 of the above-mentioned Statute recognizes as fundamental rights those set forth in the Spanish Constitution, including the rights to freedom of expression and freedom of information (Article 20).

The Government of the Autonomous Community of Madrid has always maintained a position of firm respect for press freedom, providing unrestricted access to all media outlets to press conferences and other public events, without any distinction whatsoever.

On March 21, 2024, the Assembly of Madrid unanimously approved an institutional declaration in defence of press freedom and respect for journalistic work. This declaration reaffirms the unwavering commitment of our Community to press freedom, recognizing it as an essential human right and a fundamental pillar of democratic society.

In the hope that this information is useful, we remain at your disposal for any further information or clarification you may require.

Sincerely

THE GENERAL TECHNICAL SECRETARY

Lourdes Ríos Zaldívar