

OSCE Supplementary Human Dimension Meeting on Freedom of Expression, Media and Information

22-23 June 2020

SESSION II: Access to information as an essential condition for accountability and citizen participation in public life

Intervention of the Catalan National Assembly (Civil Society Organization)

My name is Jordi Vilanova, and I speak on behalf of the Catalan National Assembly, a grass-roots organization defending the right to self-determination of the Catalan people.

The Covid-19 crisis is threatening human rights around the globe, including the right to information. Several international organizations have issued statements warning about this problem, encouraging governments to respect the right to freedom of information. This is the case of the European Commission, the Council of Europe, the United Nations, the Organization of American States and the Organization for Security and Co-operation in Europe, as well as non-governmental organizations such as Amnesty International, Reporters Without Borders and the International Press Institute.

Unfortunately, we have witnessed several episodes threatening the freedom of information in Spain during the past months: events undermining the citizen's rights to access to verified data and directly opposing international recommendations. Accordingly, we would like to address these issues during this intervention.

After declaring the state of alarm on March 14th, the functioning of official press conferences was changed to a new system. According to the Secretary of State's instructions, all media queries had to be sent prior to the press conferences held by the government. As several journalists quickly pointed out realized, this new procedure allowed public officials to ignore or manipulate their questions. Furthermore, there have been accusations by the press that some questions were written by the Secretary of State himself.

In response, hundreds of Spanish journalists signed a manifesto called "The freedom to enquire" on April 1st, endorsed by the International Press Institute. In this statement, they denounce these practices are threatening the right to information granted in article 20 of the Spanish Constitution by increasing control over press and impairing transparency. Their only demand was to be allowed to directly address the government with their own questions.

However, the Secretary of State dismissed all criticism arguing technical reasons. Further inquiries related to this manifesto have not been officially replied to.

Furthermore, questions formulated by signatories of this manifesto have been ignored, which would represent a blatant strategy to silence all sorts of criticism.

Unsurprisingly, not only the press has been the target of state control. On April 19th, the Civil Guard chief General José Manuel Santiago stated in an official conference that one of their lines of work was to minimize criticism against the government's crisis management. This statement was exacerbated by leaked e-mails sent by his institution commanding the monitoring of separatists and other social movements incurring in the publication of so-called "fake news".

This idea of state intervention on information provided by social movements and through social media was also considered in the April 15th government poll, which included a question assessing if the state should be the only source for all information related to the pandemic. We must remember that any state interference on the right to information must be denounced as opposing article 9 of the International Covenant on Civil and Political Rights.

Not only has the Spanish state been controlling the information provided by the media and social movements, but also decreasing its transparency and accountability. After declaring the state of alarm, the government suspended further requests through the Transparency Portal, the official tool by which citizens can gather information on administrative procedures.

Initially, any expense related to the pandemic was to be published as it was considered of public interest. However, four days later, the Decree was modified to exclude this criterion. This lack of transparency has been denounced by dozens of Spanish civil society organizations, by directly affecting the principle of good governance and concealing controversial expenditures conducted during the crisis. Official statistics on people infected and dead have also been under criticism, as regional governments were reporting cases which were not included in state publications.

And yet, the lack of transparency is not only affecting Covid-19 related information. Most recently, a report declassified by the United States Central Intelligence Agency in 2011 regarding the counter-terrorism activities of the Spanish government during the eighties was published last week in the media. According to this report, former Spanish Prime Minister Felipe González was well aware of the terror group known as GAL and in fact, and I quote the CIA report "agreed to the formation of a group of mercenaries, controlled by the army, to combat the terrorists outside the law". This group fought terrorism through illegal means, such as torture and the assassination of at least 27 people.

Furthermore, investigations by the Anticorruption office reported the Royal Family received commissions up to 318 million Euros for their role during the Spanish high speed train contract in Saudi Arabia.

Both these cases led to calls for parliamentary commissions of enquiry, but these were blocked by the governing PSOE party and the conservative People's Party, along with far-right VOX. .

For all these reasons, the Catalan National Assembly calls on the Spanish authorities to respect and promote the right to access to information as an essential condition for accountability and citizen participation in public life, and for the OSCE representatives to ensure that Spain complies with the international standards on the matter.