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Freedom Of The Press - Spain (2011)

Status: Free
Legal Environment: 4
Political Environment: 13
Economic Environment: 6
Total Score: 23

Freedom of expression is guaranteed in Section 20 of the constitution, and press freedom is generally respected in practice. Threats to press freedom include defamation suits against journalists and economic challenges faced by the news industry, but Spain generally remains a free and robust media environment. Spain does not have any freedom of information legislation; although a law was drafted in 2010, it had not been passed at year's end.

Several positive legal events took place in 2010. On June 2, the European Court of Human Rights ruled that a sentence for libel handed down to former *Diario 16* newspaper editor Jose Luis Gutierrez by a Spanish court was in violation of freedom of expression and of the press. The case arose in 1997 when the Moroccan Royal Crown sued Gutierrez for a story he had written two years earlier alleging that a truck found carrying large amounts of hashish belonged to then Moroccan King Hassan II. In April 2010, a Spanish court acquitted five journalists affiliated with the shuttered daily *Euskaldunon Egunkaria* who were accused of having ties to the Basque separatist group Euskadi Ta Askatasuna (ETA). The paper's offices had been closed for seven years while the Spanish civil guards tried to find evidence tying the journalists to the radical separatist group. *Egunkaria* is Spain's only Basque-language daily.

There were no reported cases of harassment or attacks against journalists, although prior threats made by ETA have not been rescinded publically. An outlawed political wing of the ETA, Batasuna, called for peace in 2010, but journalists who have been past targets of the group's violent attacks continued to hire bodyguards for protection. In September 2010, Spain welcomed 15 Cuban journalists who were freed after seven years incarceration by the Cuban government.

Spain has a free and diverse press, including both public and private print and broadcast media outlets. Radio Television Espanola runs public radio and television, and several regional and local stations operate throughout Spain. Newspapers are still present in Spain, but several have been downsized in response to the lagging economy. In response to the 2008 financial crisis, in 2009 the Spanish government relaxed media ownership rules, allowing a single entity to own a stake in more than one major broadcaster. However, safeguards include a mandate for at least three distinct broadcasting companies, and a ban on the mergers of the two leading companies. During the first quarter of 2009, advertising income for the Spanish press dropped by one-third; further, more than 3,000 journalists were reported to have been laid off in 2008 alone. In July 2010, press associations and journalists drafted the Madrid Declaration to present to the European Union to demand better financial safeguards for media workers.

There are no government restrictions on the internet in Spain, and 67 percent of the population had access to the medium in 2010. Authorities do monitor websites that publish hate speech and advocate anti-Semitism. For example, three members of a Nazi right wing group were arrested in November 2010 because they spread Nazi ideology through the internet. Controversial legislation called the Sinde Bill was rejected by parliament on December 21, 2010. The bill would have allowed a government commission to inform the national courts of, and subsequently shut down, websites that offer free downloads of copyrighted material.