

## ALTERNATIVE REPORT FOR THE REVIEW OF SPAIN BEFORE THE 144th SESSION OF THE HUMAN RIGHTS COMMITTEE, June 23 to July 25, 2025.



The Red de Medios Comunitarios or Community Media Network (ReMC) is a civil society organization formally established in 2009 as a non-profit entity that promotes freedom of expression and information, pluralism and citizen participation through the creation and development of community media (radio, television, press) open to the public.

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### List of participant entities

Asociación Almenara para el desarrollo social cultural y Actividades de tiempo libre - Almenara Radio (Madrid)  
Asociación Cultural Colectivo de Universitarios Activos - Cuac FM (A Coruña)  
Entidad de Comunicación y Ondas de Leganés - Eco Leganés (Leganés, Madrid)  
Plataforma de Comunicación Color Comunitaria - Color Comunitaria (Málaga)  
Asociación Onda Merlín Comunitaria Radio Sureste de Madrid (OMC) (Madrid)  
Asociación Cultural Onda Polígono - Onda Polígono (Toledo)  
asociación Taller de Comunicación Radio Enlace - Radio Enlace (Madrid)  
Asociación Cultural Guiniguada Comunicación - Radio Guiniguada (Las Palmas de Gran Canaria)  
Asociación Radio Iris 7 - Radio Iris 7 (Aranda de Duero, Burgos)  
Asociación Iris Radio Jabato - Radio Jabato (Coslada, Madrid)  
Colectivo Radiofónico Asturiano - Radio Kras (Gijón, Asturias)  
Asociación Cultural Radio Comunitaria Moratalaz - Radio Moratalaz (Madrid)  
Asociación JOC-E Castilla y León - Radio Oasis (Salamanca)  
Asociación Radio Siberia FM - Radio Siberia (Vitoria-Gasteiz)  
Asociación Cultural Radio Valdivielso - Radio Valdivielso (Quintana de Valdivielso, Burgos)  
Asociación Sociocultural Radio Xata - Radio Xata (Pinto, Madrid)  
Asociación Cultural Taller de Comunicación Radio Endanza - Radiópolis (Sevilla)  
Associació d'Amics de Ràdio Televisió Cardedeu - RTV Cardedeu (Cardedeu, Barcelona)  
Unión de Radios Libres y Comunitarias de Madrid (URCM) (Madrid)  
Associació Xarxa Audiovisual Comunitària (AXAC) - La Veïnal (Barcelona)  
Asociación Pro Radio Difusora Cultural de Puente Genil - Radio Sintonía (Puente Genil, Córdoba)  
Asociación de Vecinos Nuestra Señora del Pilar - Hispanidad Radio (Huelva)  
Asociación Juvenil Club Cultural de Oviedo - Radio QK (Oviedo, Asturias)  
Asociación de Comunicación Social de La Malva - Radio Malva (Valencia)  
Asociación Cultural Radio Kolor - Radio Kolor (Cuenca)  
Asociación Cultural Radio Libre de Écija - Radio Libre (Écija, Sevilla)  
Asociación de Ágora Sol Radio (Madrid)  
Colectivo de La Trama Comunicación (Córdoba)  
Asociación Cultural Taller de Comunicación Radio Cigüeña - Radio Cigüeña (Rivas-Vaciamadrid)  
Colectivo Oppai - Radio FilispiM (Ferrol, La Coruña)  
Federación de Asociaciones Los Menceyes - Radio Geneto (Tenerife)  
Asociación Sociocultural Mojo Picón de Canarias - Radio Pimienta (Tenerife)  
Asociación de Vecinos Eduardo Pondal - Radio Roncudo (Corme, La Coruña)

Centro de la Cultura Popular Canaria - Radio San Borondón (Las Palmas de Gran Canaria)  
Asociación Rioja Acoge - Hola Barrio (Logroño)  
Asociación Red XXI - Onda Palmeras (Córdoba)  
Asociación Entre Amigos de Sevilla - Radio Abierta (Sevilla)  
Colectivo de Planeta Agua Radio (Zafra, Badajoz)

## **INFORMATION ON THE APPLICATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS IN SPAIN**

### **I. ARTICLE 19: FREEDOM OF EXPRESSION, MEDIA AND PLURALISM**

#### ***Introduction***

Since the return to democracy, Spain has stood out as a country that respects the exercise of civil liberties, including freedom of expression. However, within this overall positive assessment, Spain presents some structural problems regarding media pluralism and the access of certain social groups and minorities to the creation of their own community media. The Media Pluralism Monitor (MPM), a research project that assesses the health of media ecosystems in Europe, has highlighted several threats to pluralism and press freedom in Spain. In its 2024 report, available at <https://doi.org/10.2870/609750>, it includes among the main warnings about the deterioration of media diversity in Spain: the excessive concentration of ownership of the main private media by four companies (p. 27); political control over the public service media and their lack of independence, both at the state and regional levels (p. 21); as well as the underrepresentation in the media space of the various minorities (religious, linguistic, ethnic or cultural) in relation to their demographic weight (p. 23). With regard to the impact on media pluralism and freedom of expression, this report refers specifically to the restrictions in Spain on the development of the so-called community media, which are characterized by giving space and prominence to minorities and disadvantaged social groups, favoring their participation in the public sphere and combating negative stereotypes. The violations of the Covenant noted in this report are related to Communication No. 3131/2018, by J.G. et al Vs Spain.

#### ***Community Media***

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his 2010 Report defines community media as "non-governmental, public interest radio stations and print media that are run by civil society institutions, organizations or associations and any type of non-profit organization run by indigenous peoples for educational, informative, cultural or communal goals purposes. These media work for the development of different sectors of a territorial, ethno-linguistic or other community. They share their communities' interests, challenges and concerns and seek to improve the quality of life of their community and to contribute to the well-being for all its members" (paragraph 68 A/HRC/14/23 2010 United Nations Human Rights Council). According to UNESCO, they are "independent media, directed by and for the community", which conceive communication in a participatory and autonomous manner, while constituting a necessary condition for the existence of a plural and diverse media system and a particularly important part in the construction of healthy democratic societies. Through community media "communities take ownership of their own development and can therefore express opinions or debate on various topics, as well as promote the culture, history and language of their own community". <https://www.unesco.org/es/articles/necesario-e-impostergable-asegurar-la->

However, historically, community media have been excluded from the process of formulating public policies and legislation in the field of communication. In this regard, General Comment No. 34 of the Human Rights Committee stipulates the following: "States parties must avoid imposing onerous licensing conditions and fees on the broadcast media, including on community and commercial stations.<sup>93</sup> The criteria for the application of such conditions and licence fees should be reasonable and objective, <sup>94</sup> clear, <sup>95</sup> transparent, <sup>96</sup> nondiscriminatory and otherwise in compliance with the Covenant. <sup>97</sup> Licensing regimes for broadcasting via media with limited capacity, such as audiovisual terrestrial and satellite services should provide for an equitable allocation of access and frequencies between public, commercial and community broadcasters" (Paragraph 39).

### ***Exclusion of community broadcasting media from the Spanish media ecosystem***

In Spain, after the return of democracy, different types of media began to emerge under the protection of the right to freedom of expression. However, unlike what happened in the rest of Europe, for decades Spanish regulations **only considered the existence of such media, excluding community media outlets from access to radio spectrum frequencies.**

In Spain, community media have developed mainly in marginalized areas of the cities, as well as in small towns where there are information deserts. Despite their important contribution to local development and social cohesion, community media have been marginalized in the allocation of frequencies to operate radio and television stations since the available frequencies have been granted preferentially to public and commercial media.

The impossibility of accessing radio and television licenses has prevented the development of a community media sector in Spain, thus marginalizing the expression of popular social sectors and the various minorities present in the country. Currently, there are less than a hundred community radio stations in existence, none of them have authorization, so they risk persecution, closures or fines. Recent publications and reports are trying to make this problem visible, as shown by researcher Javier García in his article titled "40 años de obstáculos a las radios comunitarias en España (1979 - 2021)" which was published in 2021 in the prestigious research journal *Historia y comunicación social* n.º 26(2), available through the link: <https://dx.doi.org/10.5209/hics.77114>

After decades demanding an adequate regulation for community radio and television, the organizations associated in ReMC managed to influence a law reform. In 2010, through Law 7/2010, the General Law of Audiovisual Communication was approved, which established a special regulation to create community radio and television stations and a duty of the State to ensure the availability of radio spectrum for these new stations. However, the provisions of the Law were never applied and no permits or licenses were granted for community radio broadcasting. However, licenses continued to be granted to publicly owned and privately owned commercial media.

In view of the non-compliance with the Law, the different media associated in ReMC filed administrative and judicial appeals, as well as numerous complaints before the Ombudsman (Obusmsman) in case nos. 10018093, 11021105, 10018093, 11020619, 11021757, 11020674, 11020379, 11021105, 16004672, 16010429 and 17011636. These appeals were not effective and even in two of them their promoters were ordered to pay court costs, despite being non-profit organizations. In Appeal No. 4794/2012, regarding the impediment to community radio stations to participate in the frequency contest in Galicia, the Superior Court of Justice of Galicia dismissed the appeal and ordered the plaintiffs to pay around USD \$ 10,000. In Appeal No. 925/2016 against Royal Decree 805/2014 which approved the National Technical Plan for Digital Terrestrial

Television, which excluded community communication services, the Supreme Court in its Ruling No. 1604/2016, dated June 29 dismissed our claim and ordered us to pay court costs of about USD \$5,000.

In 2022, by means of Law 13/2022, of July 7, the General Law on Audiovisual Communication was amended and a special Provision was included establishing a 6-month term for existing community media to apply for a license. However, three years later, **none of the applicants has obtained a license**, since Spain has not yet proceeded to plan the radio spectrum to allocate frequencies for community radio and television.

Therefore, the entities that sign this report, some of them with a history of more than 20 years, have not been able to obtain the community radio broadcasting license provided for in the General Law on Audiovisual Communication, nor have they been able to access public resources to carry out their activities. This situation affects not only the signatories of this report but also an undetermined number of civil society organizations that are waiting for the opening of public procedure to access licenses.

In view of the failure to comply with the measures provided for in the legislation and the absence of an effective remedy, in 2018 communication No. 3131/2018 J.G. et al Vs Spain was submitted to this Committee for possible violation of articles 2.3, 3, 14.1, 19 and 26 of the International Covenant on Civil and Political Rights (freedom of expression, effective remedy, fair trial, equality and discriminatory treatment), a complaint that is pending the opinion of this Committee.

#### **Recommendations:**

- **Plan radio spectrum frequencies, as well as develop licensing procedures for community audiovisual communication services provided for in the General Law on Audiovisual Communication.**
- **Prepare a report, with the participation of relevant actors and national and international experts, which will provide information on the state of community media in Spain and the potential of these media to contribute to pluralism, social inclusion and media and information literacy.**
- **Develop a plan to promote community audiovisual communication services, with special emphasis on fostering citizen participation in public debate and the dissemination of content that contributes to confronting misinformation and discrimination affecting vulnerable groups.**