

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Spain

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Brief contextualization: background and evolution of coronavirus disease (COVID-19) in Spain

On 31 December 2019, the Wuhan Municipal Health and Sanitation Commission (Hubei Province, China) reported a cluster of 27 cases of pneumonia of unknown etiology, including seven severe cases, with common exposure to a wholesale market for seafood, fish and live animals in Wuhan City. The onset of symptoms of the first case was December 8, 2019: fever, dry cough, dyspnea and radiological findings of bilateral pulmonary infiltrates. On January 7, 2020, Chinese authorities identified as the causative agent of the outbreak a new type of virus in the Coronaviridae family, which has subsequently been named SARS-CoV-2, whose genetic sequence was shared by Chinese authorities on January 12. The disease caused by this new virus has been named by international consensus COVID-19. Current data estimate the incubation period of COVID-19 to be 2-12 days, with an average of 5 days. By analogy with other coronaviruses it is estimated that this period could be up to 14 days.

In Spain on 31 January 2020, a case of COVID-19 coronavirus was confirmed in La Gomera (Canary Islands) in a German citizen, who had had close contact with another case confirmed in Germany, originating in Bavaria.

On 9 February 2020, the second case was confirmed in a resident of Mallorca, who had been in contact with another case detected in the United Kingdom, from the French region of Contamines.

On 24 February 2020 a positive test for SARS-CoV-2 was carried out in Tenerife on a person from Lombardy; subsequently his contacts were tested, with three positive results.

On 25 February 2020 another 4 cases were detected in Madrid (2), Castellon (1) and Barcelona (1), all with an epidemiological link to the areas with communitarian transmission in Italy. On 4 March 2020 Spain recorded the first death from coronavirus and a total of 198 positive cases.

On 11 March 2020, the World Health Organization elevated the public health emergency caused by COVID-19 to an international pandemic. On the same day, Spain recorded 47 deaths and 2128 positive cases. These figures rose to 120 and 4209, respectively, on March 13, 2020. That day, through an institutional declaration, the President of the Government, Pedro Sánchez, declared a state of alarm throughout the entire national territory, which came into effect on 14 March 2020, upon publication in the Official State Gazette (BOE) of *Royal Decree 463/2020, of 14 March, declaring the state of alarm for the management of the health crisis situation caused by COVID-19*. In accordance with its article 3, the duration of the state of alarm declared by this royal decree was fifteen calendar days. However, the Government soon began to prepare society for the real possibility of the state of alarm being extended beyond fifteen days, with the prior authorisation of the Congress of Deputies (the national parliament). Thus, faced with the dizzying increase in intensity, magnitude and scale of the health and social crisis, on 22 March 2020, when the country recorded more than 1,720 deaths and 28,572 positive infections from COVID-19¹, President Pedro Sánchez announced his Government's

¹ Gobierno de España, Centro de Coordinación de Alertas y Emergencias Sanitarias (2020), *Actualización nº 52. Enfermedad por el coronavirus (COVID-19)*. 22 de marzo de 2020 (datos consolidados a las 21:00 horas del 21.03.2020).

decision to extend the state of alarm for a further 15 days (until 11 April 2020)². The Congress of Deputies is expected to authorize this extension at its plenary session on 25 March 2020³.

At the time of writing (24 March 2020), the country had recorded 2.182 deaths and 33.089 positive cases, the vast majority of them in Madrid (1.263 and 10.575, respectively)⁴, making Spain the fourth most affected country after China, Italy and the USA⁵.

1. Measures taken by government/public authorities

In its 20 articles, 5 additional provisions and 3 final provisions, *Royal Decree 463/2020 of 14 March, which declares the state of alarm for the management of the health crisis situation caused by COVID-19* (hereinafter Royal Decree 463/2020)⁶ not only condenses a battery of measures, but also ratifies "all the provisions and measures previously adopted by the competent authorities of the autonomous communities and local entities on the occasion of the coronavirus COVID-19, which will continue in force and produce the effects foreseen therein, provided that they are compatible with this royal decree"⁷.

The above-mentioned battery of measures, arbitrated by Royal Decree 463/2020, is mainly aimed at a) the limitation of the freedom of movement of persons; b) temporary requisitions and obligatory personal benefits; c) the containment of the disease in the field of education and training; d) the containment of the disease in the field of commercial activity, cultural equipment, recreational establishments and activities, hotel and restaurant activities, and other additional activities; e) the containment of the disease in relation to places of worship and civil and religious ceremonies; f) the strengthening of the National Health System throughout the national territory; g) ensuring the supply of goods and services necessary for the protection of public health; h) limiting and, at the same time, guaranteeing transport (the minimum necessary services); i) guaranteeing food supplies; j) guaranteeing customs transit; k) guaranteeing the supply of electric energy and products derived from oil and natural gas; l) protecting and ensuring the operation of critical operators of essential services; m) mobilizing public and private media in the service of disease control. The annex to the Royal Decree contains the list of facilities and activities whose opening to the public is suspended in accordance with the provisions of Article 10.3, thereby making Spain a quarantine country.

In line with the second additional provision which states that "during the period of validity of the state of alarm declared by this royal decree, the Government may issue successive decrees modifying or extending the measures established in this decree", on 16 March 2020 Spain announced the closure of its land borders to contain the spread of the coronavirus, thus suspending the Schengen Agreement. As a result of this decision, from March 17, 2020, "only Spaniards, residents, cross-border citizens, people who can prove force majeure and diplomatic personnel will be allowed access (to the national territory)", explained the Interior Minister Fernando Grande-Marlaska⁸.

² Gobierno de España, Presidencia de Gobierno (2020), "El Ejecutivo solicitará al Congreso la ampliación del estado de alarma hasta el 11 de abril", 22 de marzo de 2020, https://www.lamoncloa.gob.es/presidente/actividades/Paginas/2020/22032020_confeautonomias.aspx.

³ See Congreso de los Diputados (2020), "El Pleno vota el miércoles la solicitud de prórroga del estado de alarma y los decretos-leyes sobre despidos, agricultura y medidas de sanitarias, económicas y sociales para paliar los efectos del COVID-19", Notas de Prensa (20.03.2020), http://www.congreso.es/portal/page/portal/Congreso/Congreso/SalaPrensa/NotPre?piref73_7706063_73_1337373_1337373.next_page=/wc/detalleNotaSalaPrensa?idNotaSalaPrensa=35311&mostrarvolver=N.

⁴ Gobierno de España, Centro de Coordinación de Alertas y Emergencias Sanitarias (2020), *Actualización nº 53. Enfermedad por el coronavirus (COVID-19)*. 23 de marzo de 2020 (datos consolidados a las 21:00 horas del 22.03.2020).

⁵ https://elpais.com/sociedad/2020/03/16/actualidad/1584379038_891570.html

⁶ The Royal Decree may be accessed at <https://www.boe.es/buscar/doc.php?id=BOE-A-2020-3692>.

⁷ As stated in the First Final Provision of Royal Decree 463/2020.

⁸ Ortega Dolz, P. & López-Fonseca, O. (2020), "España clausura fronteras terrestres y solo dejará entrar a residentes o por fuerza mayor", *El País*, 16 de marzo de 2020.

On 17 March 2020, the Government of President Pedro Sánchez approved, by means of the *Royal Decree-Law 8/2020 of 17 March on urgent extraordinary measures to deal with the economic and social impact of COVID-19*, a gigantic package of economic measures valued at 200 billion Euros, equivalent to 20% of annual GDP, to cushion the impact of the coronavirus crisis. The Royal Decree-Law includes a moratorium on the payment of mortgages on the main residence for workers and self-employed persons in a situation of economic vulnerability and for those affected by the COVID-19. It also includes a ban on cutting off basic supplies (water, electricity and gas) to vulnerable groups. These are measures to protect and support families, workers, self-employed and businesses, as well as to develop a vaccine. All this with the aim of initiating recovery as soon as the health emergency is behind us, relaunching the economy, production and employment, so that the fall is followed by economic recovery and not stagnation.

1.1. Freedom of movement

Freedom of movement is the first and most important area of personal, family and social life drastically affected by the set of measures adopted so far to address the health emergency caused by the coronavirus COVID-19.

The restriction of people's freedom of movement is regulated precisely in Article 7 of Royal Decree 463/2020, which, following the enactment of *Royal Decree 465/2020 of 17 March amending Royal Decree 463/2020 of 14 March declaring the state of alert for the management of the health crisis situation caused by COVID-19*, reads as follows:

1. During the validity of the state of alarm, people may only circulate on the streets or spaces of public use to carry out the following activities, which must be carried out individually, unless they are accompanied by disabled people, minors, the elderly, or for another justified reason:
 - a) Acquisition of food, pharmaceutical products and basic necessities.
 - b) Assistance to health centres, services and establishments.
 - c) Travel to the workplace to carry out their work, professional or business activities.
 - d) Return to the place of habitual residence.
 - e) Assistance and care for the elderly, minors, dependents, disabled persons or particularly vulnerable persons.
 - f) Travel to financial and insurance entities.
 - g) Due to force majeure or a situation of need.
 - h) Any other activity of a similar nature.
3. In any case, the recommendations and obligations issued by the health authorities must be respected during any journey.
4. The Minister of the Interior may decide to close down roads or sections of roads for reasons of public health, safety or traffic flow, or to restrict access to certain vehicles on those roads for the same reasons.

As noted above, the restriction on the freedom of movement of persons has been accentuated by the closure of land borders (on 16 March) and the planned closure of sea and air borders (on 17 March)⁹.

Article 20 of Royal Decree 463/2020 provides for a sanctioning regime that includes the application of Organic Law 4/2015 of 30 March on the protection of citizen security (popularly known as the "gag law"), Law 17/2015 of 9 July on the National Civil Protection System and Organic Law 10/1995 of 23 November on the Criminal Code. In practice, and depending on the degree of seriousness

⁹ Ortega Dolz, P. (2020), "El Gobierno urge el regreso de españoles en el extranjero ante un previsible cierre de fronteras aéreas", *El País*, 17 de marzo de 2020.

of the breach, the penalties provided for may range from fines of 100 to 600,000 euros, to prison terms of 3 months to one year.

The restriction on the freedom of movement of persons imposed by the state of alarm is justified by the unprecedented health crisis and the need to contain the easy and rapid spread of COVID-19. The declaration of the state of alarm by means of Royal Decree 463/2020 is perfectly in line with the national legal order, especially Organic Law 4/1981, of 1 June, on states of alarm, exception and siege. In its preamble, Royal Decree 463/2020 itself states that the measures contained therein "are those that are essential to deal with the situation, are proportionate to the extreme gravity of the situation and do not involve the suspension of any fundamental rights, as provided for in Article 55 of the Constitution". In addition, the Royal Decree insists on the need to pay attention to vulnerable persons and groups (Article 4), in order "not to leave anyone behind".

Despite all the precautions taken by the authorities to balance the protection of public health with the least possible restriction of rights, measures restricting freedom of movement tend to adversely affect various aspects of people's lives. In this regard, it is too early to know the existence, magnitude and scope of such effects. Even so, restrictions on freedom of movement are of particular concern to many people in relation to the most vulnerable sectors of society, in particular: (a) older persons, who may be "condemned" to live "in isolation, alone and in fear"; (b) children; (c) the homeless, who have no place to be confined and are at greater risk of being treated as waste¹⁰; (d) the prison population, who are deprived of visits from their loved ones; (e) asylum-seekers; (f) irregular migrants outside or inside Alien Detention Centres (*Centros de Internamiento de Extranjeros* - CIEs).

In view of such concern, it seems fair to point out that the *Instruction of the Directorate-General for Inclusion and Humanitarian Care (DGIAH) 2020/03/20 approving instructions for the management of the international protection reception system and the grants that finance it, in view of the public health emergency caused by Covid-19*¹¹, shows that the public authorities are particularly sensitive to migrants and asylum-seekers.

In certain administrative areas, such as Madrid, there have been public initiatives to assist the homeless. However, there have also been reports of overcrowding in shelters for the homeless¹².

1.2. Disruption of education and work

Articles 9 and 10 of Royal Decree 463/2020 set out, respectively, the regulatory scope of containment measures in the field of education and training, and in the field of commercial activity, cultural facilities, recreational establishments and activities, hotel and restaurant activities, and other additional activities. Thus, under the terms of Article 9,

1. Classroom-based educational activity is suspended in all the centres and stages, cycles, grades, courses and levels of education referred to in Article 3 of Organic Law 2/2006, of 3 May, on Education, including university education, as well as any other educational or training activities provided in other public or private centres.
2. During the period of suspension, educational activities will be maintained through the distance and online modalities, whenever possible.

In turn, Article 10, in its wording resulting from the aforementioned *Royal Decree 465/2020, of 17 March, which modifies Royal Decree 463/2020, of 14 March, which declares the state of alert for the management of the health crisis situation caused by the COVID-19*, establishes the following:

¹⁰ Puente, A. (2020), "Pasar la crisis sanitaria sin sitio donde confinar: 'Ninguna recomendación vale para quien no tiene casa'", *eldiario.es*, 18 de marzo de 2020.

¹¹ Available at <http://prensa.mitramiss.gob.es/WebPrensa/noticias/inmigracionemigracion/detalle/3754>.

¹² de Vega, L. (2020), "'¡El que entre ya no sale!': abre el albergue de emergencia de Ifema para personas sin hogar", *El País*, 20 de marzo de 2020; Tapia Zamorano, M. (2020), "Alertan al Defensor del Pueblo del "hacinamiento desmedido" en los centros para personas sin hogar de Madrid", *Público*, 22 de marzo de 2020.

1. The opening to the public of retail premises and establishments is suspended, with the exception of retail establishments selling food, drinks, basic necessities, pharmaceuticals, health care, veterinary centres or clinics, opticians and orthopaedic products, hygiene products, press and stationery, fuel for motor vehicles, tobacco shops, technological and telecommunications equipment, pet food, internet, telephone or mail order businesses, dry cleaners, laundries and the professional practice of hairdressing at home. In any case, the activity of any establishment which, in the opinion of the competent authority, may pose a risk of contagion due to the conditions in which it is being carried out, shall be suspended.
2. The stay in commercial establishments which are allowed to be opened shall be that which is strictly necessary for consumers to purchase food and basic necessities, the possibility of consuming products in the establishments themselves being suspended. In any case, crowding shall be avoided and consumers and employees shall be controlled to maintain a safety distance of at least one metre in order to avoid possible contagion.
3. The opening to the public of museums, archives, libraries, monuments, as well as of the premises and establishments where public shows, sports and leisure activities indicated in the annex to this royal decree, are to be suspended.
4. Hotel and restaurant activities are suspended, and only home delivery services may be provided.
5. “Verbenas”, parades and popular festivals are also suspended.
6. The Minister of Health is empowered to modify, extend or restrict the measures, places, establishments and activities listed in the preceding paragraphs, for justified public health reasons.

As previously mentioned, the annex to Royal Decree 463/2020 contains a detailed list of facilities and activities whose opening to the public is suspended in accordance with the provisions of Article 10.3.

The investigation carried out to date has not found any violations of the fundamental rights of students and workers. Public authorities are taking what can be considered courageous steps to address the negative impacts of the restrictive measures on the student population, businesses and workers, trying to “leave no one behind”.

While it is early to detect and quantify the effectiveness of such mitigation measures, the restrictive measures being taken against the coronavirus expose the fragility of the education system, in relation to the most vulnerable households. In this sense, child poverty (children with a canteen grant) and digital poverty (lack of internet, technological means and knowledge of the use of new technologies by families) deserve special attention. To illustrate this situation, a key informant, a teacher in a public secondary school in Madrid, considers that, due to this digital poverty, virtual education, imposed as an alternative to face-to-face teaching because of the coronavirus, is unviable and could be exacerbating inequalities and social marginalisation among students. Similarly, the Coordinating Body for Public University Student Representatives (CREUP) assumes that virtual teaching will reduce the quality of education and accentuate inequalities among students. “There are many students who used to use the connection of their universities and on the student floor pulled data to not pay more or the wifi of the college, and now they do not have it or are often in areas where the connection is very bad. In addition, the servers are so saturated that in the middle of the class the connection falls”¹³.

¹³ Salió, E. (2020), “La epidemia pone a prueba en España la Universidad a distancia”, *El País*, 19 de marzo de 2020.

The suspension of the opening to the public of equipment and activities affects in a particularly serious way women victims of gender-based violence, people with disabilities¹⁴ and older people living alone or in institutions.

It seems that there are good reasons to fear that the quarantine imposed by Covid-19 has locked up the victims of gender violence with their aggressors; that during quarantine, the mistreatment is aggravated in a context where victims and aggressors cannot leave their homes except for what is necessary; and that, due to the fact that there are more hours of cohabitation without the possibility of interrupting it with daily routines, the aggressors perceive impunity and security, while the victims experience increased difficulties in leaving the relationship or filing a complaint¹⁵.

The closure of day centres and the restriction of visits to old people's homes means the complete "annulment of life"¹⁶ and "unheard of cruelty"¹⁷ for the vast majority of older people, who are forced into isolation, loneliness and fear. On the morning of 19 March 2020, when Spain recorded 767 deaths from COVID-19 and 17.147 positive cases¹⁸, the human drama of the elderly was described as follows:

The deaths of elderly people in nursing homes in the Community of Madrid due to the outbreak of coronavirus are a tragedy of unknown proportions that is slowly coming to the surface.

Workers abandon their posts for fear of contagion, hospitals refuse ambulance requests and the elderly die alone because family members cannot enter to visit them due to quarantines. Some elderly caretakers have had to bring their own cooking gloves into the home for protection¹⁹.

1.3. Access to health and medical supplies

Throughout the country, hospital emergency services are preparing for a foreseeable exponential increase in cases. In general, the main shortage is of protective equipment for health professionals: masks, gloves and disinfectant gels. In Madrid, the national epicentre of coronavirus (with 498 deaths and 6777 positive cases on 19 March)²⁰, hospitals are on the verge of collapse due to the accelerated arrival of patients and the shortage of material to tackle the coronavirus. The pressure on hospitals and health centres is accelerating as cases triple and admissions to Intensive Care Units (ICUs) triple in five days. Health professionals consider the situation to be dramatic. In an attempt to mitigate this situation and improve the health response, since March 19, 2020 the Community of Madrid has hundreds of beds in two hotels to care for people infected by the Covid-19 that do not need intensive care and cannot be at home.

¹⁴ In this regard, the complaints and recommendations of the Spanish Committee of Representatives of People with Disabilities (CERMI), reflected in the document entitled *People with disabilities and their families in the face of the coronavirus health crisis: a forecast of needs in the immediate management of the pandemic*, made public on 23 March 2020, should be taken into account. The document can be accessed at <https://www.cermi.es/es/actualidad/novedades/las-personas-con-discapacidad-y-sus-familias-ante-la-crisis-sanitaria-del>.

¹⁵ García de Blas, E. (2020), "Encerradas con su maltratador", *El País*, 21 de marzo de 2020.

¹⁶ Galaup, L. (2020), "Usuarios de centros de mayores, ante el cierre en Madrid por COVID-19: 'Una cosa es prevenir y otra que nos anulen la vida'", *El País*, 6 de marzo de 2020.

¹⁷ "Directores de Servicios Sociales califican de "crueldad inaudita" la prohibición de entradas y salidas en residencias de mayores", *infoLibre*, 9 de marzo de 2020 https://www.infolibre.es/noticias/madrid/2020/03/09/directores_servicios_sociales_tachan_crueldad_inaudita_prohibir_entradas_salidas_residencias_104755_1762.html.

¹⁸ Gobierno de España, Centro de Coordinación de Alertas y Emergencias Sanitarias (2020), *Actualización nº 49. Enfermedad por el coronavirus (COVID-19)*. 19 de marzo de 2020.

¹⁹ Quesada, J. D & Peinado, F. (2020), "La situación en las residencias: 'No querían que viera los cadáveres en las bolsas de color crema'", *El País*, 19 de marzo de 2020.

²⁰ Gobierno de España, Centro de Coordinación de Alertas y Emergencias Sanitarias (2020), *Actualización nº 49. Enfermedad por el coronavirus (COVID-19)*. 19 de marzo de 2020.

All the above shows the efforts of the public administrations to ensure access to public health for all and to guarantee health as a fundamental right. Therefore, for the moment, this report does not accuse the existence of situations of violation of that right.

2. Impact of the outbreak on certain national or ethnic communities

At the beginning of February 2020, there were complaints from the Chinese community in Spain that they had been victims of xenophobia because of the coronavirus²¹. There were even a few serious cases of violence constituting a hate crime²². As a result, "well-known members of the Chinese community in Spain, including journalists, artists and lawyers, have launched the campaign 'I am not a virus' through social networks. The aim is to prevent xenophobic attitudes or possible prejudices towards their compatriots as a result of the spread of the coronavirus²³. In turn, the Spanish government was quick to condemn "any sign of xenophobia" that may occur due to the coronavirus disease and has made several calls for "restraint and responsibility" of all (especially the media) to follow the normalcy in terms of coexistence with the Chinese community in the country²⁴. To date, it seems that these appeals have had the desired effect. The National Office for the Fight against Hate Crimes, visited virtually, does not draw a contrary conclusion²⁵.

3. Impact on privacy and spread of disinformation

On 13 March 2020, the Spanish Data Protection Agency (AEPD) published a report²⁶ analysing the processing of personal data in relation to the situation resulting from the spread of the COVID-19 virus. The AEPD recalls, in general, that the personal data protection regulations, insofar as they are aimed at safeguarding a fundamental right, are applied in their entirety to the current situation, given that there is no reason that determines the suspension of fundamental rights, nor has such a measure been adopted. And that, nevertheless, the personal data protection legislation itself²⁷ contains the necessary safeguards and rules to legitimately allow the processing of personal data in situations, such as the present one, in which there is a health emergency of general scope. Consequently, the AEPD recalls that the processing of personal data in the current health emergency situation must be carried out in accordance with the aforementioned personal data protection regulations. Therefore, all its principles, contained in Article 5 RGPD, must be applied. Among them is the principle of processing personal data in a lawful, loyal and transparent manner, the principle of purpose limitation (in this case, safeguarding the vital/essential interests of natural persons), the principle of accuracy, and of course, and special emphasis must be placed on this, the principle of data minimization. On the basis of all of the above, the AEPD understands that data protection should not be used to hinder or limit the effectiveness of the measures adopted by the authorities, especially the health authorities, in the fight against the pandemic.

²¹ López, C., Cedó, F. & Sen, C. (2020), "El coronavirus despierta la xenofobia", *La Vanguardia*, 4 de febrero de 2020; Pont, E. (2020), "Coronavirus, ¿un pretexto para la discriminación?", *La Vanguardia*, 11 de febrero de 2020; "La comunidad china en España se queja de xenofobia por culpa del coronavirus", *rtvcyl.es*, 11 de febrero de 2020.

²² Giménez Lorenzo, C. (2020), "Un estadounidense de origen chino denuncia una agresión racista en Madrid por el coronavirus", *eldiario.es*, 10 de marzo de 2020.

²³ "El racismo y la xenofobia contra los chinos se expanden más rápido que el coronavirus", *RTVE.es*, 4 de febrero de 2020.

²⁴ *Idem*.

²⁵ At <http://www.interior.gob.es/web/servicios-al-ciudadano/delitos-de-odio>.

²⁶ It may be checked at <https://www.aepd.es/es/documento/2020-0017.pdf>.

²⁷ Organic Law 3/2018, of December 5, on the Protection of Personal Data and Guarantee of Digital Rights; Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation, GPRD).

So far, there is no record of situations of infringement of the right to privacy as a result of measures to combat the coronavirus. However, certain technological initiatives, such as Covidapp, launched by the government of the Community of Madrid, are causing much concern. This is a mobile application that will allow users' personal data to end up in companies such as Google, Telefónica or Ferrovial, which have collaborated in its development. Among the personal data collected by Covidapp would be, in addition to health information about the user's symptoms, his or her name and surname, mobile phone number, national identity card (DNI) or foreigner's identity number (NIE), date of birth, e-mail address, full address and postal code, gender and geolocation (the GPS location of personal mobile phone)²⁸. Meanwhile, launched on 24 March 2020, the final version of the coronavirus mobile app, which is now called "CoronaMadrid", shows that the government of the Community of Madrid is rectifying the most invasive conditions of privacy: it limits the possibility of data ending up in private companies, specifies that the app will not be used to monitor the quarantine and includes a process of anonymization of the information used for scientific purposes²⁹.

There are also doubts and misgivings about data protection in relation to the "StopCovid19Cat" mobile app launched by the Catalan government on 18 March 2020³⁰.

Since the outbreak of the current health crisis, the number of hoaxes about the coronavirus has not stopped increasing. They consist of false methods to prevent infection, inaccurate figures or videos and images that have nothing to do with the coronavirus, a whole series of misinformation aimed at generating social alarm. The platform called "maldita.es", which specializes in detecting and deconstructing hoaxes about various realities or situations, states that up to March 19, 2020, it had already denied 207 lies, false alerts and misinformation about COVID-19³¹. Similarly, both public (e.g. RTVE³²) and private media (e.g. eldiario.es³³) are working tirelessly in the fight against disinformation, verifying data, catching lies and hunting down and dismantling hoaxes.

It is not difficult to see the damage that such misinformation causes, since it triggers collective paranoia, bewilderment and fear, which could, in certain cases, undermine the effectiveness of the real measures to prevent the spread of the coronavirus. In the meantime, to date (19 March 2020), this report has found no record of any concrete negative impact of such misinformation on fundamental rights.

²⁸ Del Castillo, C. (2020), "Covidapp: Madrid se desmarca y lanza una app contra el coronavirus diferente a la que prepara el Gobierno", *eldiario.es*, 19 de marzo de 2020.

²⁹ del Castillo, C. (2020), "Madrid lanza su app móvil del coronavirus y rectifica las condiciones más invasivas de privacidad", *eldiario.es*, 24 de marzo de 2020.

³⁰ Rodríguez, P. (2020), "Catalunya lanza una 'app' para conocer los síntomas de la ciudadanía y controlar la epidemia por territorios", *eldiario.es*, 18 de marzo de 2020.

³¹ "Los bulos del coronavirus: 207 mentiras, alertas falsas y desinformaciones sobre COVID-19", *maldita.es*, 19 de marzo de 2020, < <https://maldita.es/malditobulo/2020/03/19/coronavirus-bulos-pandemia-prevenir-virus/>>.

³² RTVE Verifica, <https://www.rtve.es/noticias/coronavirus-covid-19/bulos-fake-news/>.

³³ El Cazabulos, https://www.eldiario.es/autores/el_cazabulos/.