



ECF Rule of Law contribution 2025

Spain

By NOVACT and òmnium Cultural

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Key civic space trends

- Gag Law continues to restrict the right to peaceful assembly and expression.
- Absence of clear regulation on surveillance and police infiltration continuously being used to justify intrusive police practices against civil society and movements
- An increase in mass demonstrations, particularly mobilisations focusing on solidarity with Palestine, housing rights and opposition to mass tourism.

Summary

Civic space is rated as narrowed in Spain, according to the CIVICUS Monitor.¹ In 2024, the main threats to civic space in Spain have been the misuse of the Penal Code, the Gag Law and the disproportionate use of force by security forces, the criminalisation and persecution of civil society organisations (CSOs) and human rights defenders (HRDs), state espionage through spyware in Catalonia and police infiltration of social movements and censorship and attacks on the freedom of expression. Compliance with international identification standards for police forces and public access to police protocols remain an issue, despite being a crucial demand of civil society organisations.

In its 2024 Rule of Law report,² the European Commission recommended that the Spanish government “advance with strengthening access to information, in particular via revision of the Law on Official Secrets” to prevent the use of spy technology against civil society and HRDs. There has been no progress despite a commitment made by the governing Socialist Party. The report also pointed out how the Organic Law 4/2015 on Citizen Security, or the so-called Gag Law,³ is tied to the shrinking civic space and the chilling effect on media freedom. Despite commitments in 2022, there has been no progress from the government to reform the law.

Mobilisations in solidarity with Palestine have been the most repressed and criminalised movement across the country, except in Catalonia, where the housing rights and self-determination movements were the most persecuted. 2024 was characterised by a surge in mobilisations and a diversification of social movements as well as the emergence of new movements, such as the mobilisations against mass tourism in various parts of the country.

¹ <https://monitor.civicus.org/country/spain/>

² https://commission.europa.eu/document/download/2bd09a6f-ef56-494a-8303-e0de808ee981_en?filename=23_1_58063_coun_chap_spain_en_0.pdf

³ <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>



Institutional, political and socio-economic landscape

In 2024, no significant legislative changes were made that impacted fundamental rights, the rule of law, or democracy. In 2023, the process of reforming the Law 4/2015 on Citizen Security,⁴ known as the Gag Law, failed. No progress was made in 2024 either, despite the government's public statements. Numerous CSOs, including Amnesty International, *No Somos Delito*, *Defender a quien Defiende* and Greenpeace, expressed regret over the "missed opportunity" to reform the Gag Law due to a lack of majority support in the interior committee.⁵ This development is distressing for HRDs.

The amendment to the Gag Law is urgently needed and has been called for by various international and regional human rights bodies, such as the Commissioner for Human Rights and the Venice Commission of the Council of Europe (CoE).⁶ After extensive negotiations between some CSOs and the government, organisations pointed out that parliamentary groups committed to the reform should have continued negotiations until an agreement was reached. Organisations dedicated to protecting the right to protest and freedom of expression agreed that, after ten years of documenting and denouncing violations of rights under the law, they would continue to work for legislation that complies with international human rights standards. On 24 October 2023, the governing parties PSOE and Sumar, signed a coalition pact for the next government, renewing the failed commitment made in 2023 to approve "a new law on citizen security, which replaces the 'Gag Law' to guarantee the exercise of the right to freedom of expression and peaceful assembly."⁷

The General Council of the Judiciary (CGPJ) decides promotions within the judiciary and among prosecutors in Spain. However, in practice, these appointments are often influenced by negotiations between the two main political parties, the Socialist Party and the Popular Party.⁸ This dynamic is particularly evident in appointments to higher courts, including the different chambers of the Supreme Court.⁹ Since these courts handle final appeals in significant legal matters, the selection process can have a major impact on judicial independence and decision-making.

The National Court holds a special jurisdiction set up to deal with matters of particular legal, economic and political importance, such as terrorism, felonies against the crown, and drug

⁴ <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

⁵ <https://nosomosdelito.net/escritosaprensa/2023/03/14/la-falta-de-acuerdo-impide-la-reforma-de-la-ley-mordaza>

⁶ <https://rm.coe.int/letter-to-mr-jose-luis-abalos-meco-president-of-the-interior-committee/1680a57abe>

⁷ https://www.eldiario.es/politica/politica-directo-ultima-hora-negociaciones-nuevo-gobierno_6_10624422_1103686.html

⁸ <https://www.publico.es/politica/psoe-pp-cierran-acuerdo-renovar-cgjp-cinco-anos-bloqueado-derecha.html>

⁹ Two examples: 1) the case of Carmen Lamela, who previously initiated one of the most controversial proceedings and heavily criticised by international human rights bodies, the case against nine social and political leaders that lead to their arbitrary imprisonment following the referendum of 1st October 2017, heavily criticised by the United Nations Working Group on Arbitrary Detentions:

<https://documents.un.org/doc/undoc/gen/g19/158/75/pdf/g1915875.pdf>. She was not a senior judge with an outstanding record so her appointment as a Supreme Court judge could be a reward; https://www.ara.cat/politica/cgjp-premia-carmen-lamela-placa-tribunal-suprem_1_2724997.html.

2) The case of Vicente Magro Servet, former senator for the Popular Party:

https://www.eldiario.es/politica/progresistas-exsenador-pp-tribunal-supremo_1_2825376.html

trafficking. Its rules of jurisdiction are flexible, can be reinterpreted according to circumstances, and have the power to take up cases that should not be dealt with by ordinary regional courts. Hence, certain forms of political dissent have become classified as potential terrorist offences, depriving people of the right to have their cases heard by a legally competent judge.

For example, during some of the protests against the harsh prison sentences of Catalan independence leaders in October 2019, city property was damaged and altercations with the police took place. However, these incidents did not meet international criteria for terrorism. As a result, most prosecuted individuals faced charges such as public disorder, property damage, and injury in local courts, rather than terrorism-related offences.¹⁰ Nevertheless, the National court launched several criminal investigations using counter-terrorism legislation,¹¹ to criminalise not only the right to protest but the mere existence of Catalonia's independence movement. The investigations are compiled by an attorney, with several far-right organisations as part of the accusation. These organisations are the ones appealing the closing of the case. Under the justification of the "fight against terrorism," these investigations lacked procedural guarantees, involved lengthy pre-trial detentions of activists, mass police surveillance with spyware, physical surveillance, unlawful installation of geolocation devices on cars, and intrusion into the email and social media accounts of the movement.¹²

In a notable case, the grassroots movement *Tsunami Democràtic* (Democratic Tsunami), an online platform, called for demonstrations around Catalonia against the sentencing of political prisoners in October 2019.¹³ The investigation against the movement was secret and continued for more than four years without the knowledge of the persons under investigation.¹⁴ The actions deemed as "terrorism" were peaceful demonstrations, which under international law can in some cases be inherently or deliberately disruptive. In total 12 persons, including politicians, activists and journalists, were accused of terrorism for the alleged organisation of the movement. Some of the accused spent several months in exile in Switzerland because there were no guarantees of a fair investigation and trial in Spain. In July 2024, the whole case was dropped on a technicality, to the vocal dismay of the judge leading the case, but appeals from different organisations exercising the public prosecution are still pending.¹⁵

About 400 organisations signed the manifesto "Protesting is not terrorism" and in a statement initiated by the European Civic Forum,¹⁶ several international human rights organisations, including Amnesty International, CIVICUS and the World Organisation Against Torture, called on the court to drop the accusations.

¹⁰ <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/espana-cataluna-amnistia-internacional-advierde-que-las-movilizaciones-de-tsunami-democratic-no-son-terrorismo/>

¹¹ <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Noticias-Judiciales/El-juez-de-la-Audiencia-Nacional-eleva-exposicion-razonada-al-Tribunal-Supremo-contr-Carles-Puigdemont--Marta-Rovira-y-otras-diez-personas-por-terrorismo-en-la-causa-de-Tsunami-Democratic>

¹² <https://igualtat.gencat.cat/web/.content/Ambits/drets-igualtats/informes-DDHH/informe-terrorisme.pdf> (from page 26 onwards, about the affected rights)

¹³ <https://www.publico.es/public/protestar-terrorisme-clam-societat-civil-persecucio-tsunami-democratic.html>

¹⁴ <https://internationaltrialwatch.org/wp-content/uploads/2019/11/POSICIONAMIENTO SENTENCIA 12112019-ingles-carta.pdf>

¹⁵ https://www.elnacional.cat/en/politics/reasons-supreme-court-prosecutor-report-terrorism-tsunami_1155729_102.html

¹⁶ <https://civic-forum.eu/publications/open-letter/joint-letter-solidarity-for-activists-in-catalonia-accused-of-terrorism>

The National court has also investigated 12 people from the Committees for the Defence of the Referendum (CDR) under the charges of the crimes of rebellion and terrorist offences and the possession, placement and manufacture of explosives.¹⁷ The CDR movement was a grassroots group with no legal entity, which organised some demonstrations in Catalonia between 2017 and 2019. On 23 September 2019, nine members of CDR were detained and seven of them remained in pre-trial detention for three months. In June 2021, more people were arbitrarily arrested. The investigation has lacked procedural guarantees and the criminal chamber of the National court has reprimanded the investigating judge claiming that the investigation “violates Article 24.2 of the Spanish Constitution and in particular Article 5 of the European Convention on Human Rights”, as the court failed to give the attorneys access to the full content of the investigation.

The defence requested an application for amnesty, which was supported by the public prosecutor's office, but the National court decided to submit a preliminary question to the Court of Justice of the European Union (CJEU). The amnesty law excludes terrorism offences from its application and refers to the definition of terrorism provided by European Directive 2017/541,¹⁸ which states that it must involve serious violations of human rights. The National Court considers that the facts can be amnestied because they “do not fall within the exclusions of the Organic Law 1/2024 on amnesty.”¹⁹ However it considers that the Amnesty law could contravene the European regulation on terrorism, as well as the principle of legal cooperation.²⁰ Many judges, including members of the Constitutional Court and the General Council of the Judiciary (CGPJ), have made political comments and even demonstrations²¹ questioning the legitimacy and legality of the Amnesty Law, and even the CGPJ approved a resolution.²²

On 10 June 2024, the Spanish parliament adopted the Amnesty Law. Seven months later, the law has had insufficient implementation, primarily due to the vocal opposition from the Spanish right and far-right, present both in the political leadership and parts of the judiciary, particularly at the highest levels. Specifically, the Supreme Court and the National Court questioned the constitutionality of the law, while the lower courts have not and are slowly implementing the law. This is mainly because the higher levels of the judiciary are politicised against the parliamentary majority that passed the Amnesty Law. Conservative judges—many of whom are linked to the right-wing Popular Party—have held majority influence in the Supreme Court for 22 of the past 27 years.

The Amnesty Law recognises that the acts related to the 2017 Catalan independence referendum and related demonstrations for which amnesty is granted should never have been criminally prosecuted. Moreover, the law aims to “return the resolution of the political conflict to the

¹⁷ <https://www.poderjudicial.es/cgpi/es/Poder-Judicial/Noticias-Judiciales/La-Audiencia-Nacional-confirma-la-conclusion-del-sumario-de-la-causa-de-los-CDR-y-abre-juicio-oral-contra-12-procesados-por-terrorismo>

¹⁸ https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=oj:JOL_2017_088_R_0002

¹⁹ <https://www.boe.es/buscar/act.php?id=BOE-A-2024-11776>

²⁰ <https://www.poderjudicial.es/cgpi/es/Poder-Judicial/Audiencia-Nacional/Oficina-de-Comunicacion/Notas-de-prensa/La-Audiencia-Nacional-plantea-cuestion-prejudicial-al-TJUE-por-la-Ley-de-Amnistia-en-la-causa-de-terrorismo-de-los-CDR-por-ser-contraria-al-Derecho-comunitario-y-garantizar-la-impunidad>

²¹ https://www.eldiario.es/politica/jueces-convocan-manifestaciones-tribunales-ley-amnistia-acuerdo-psoe-junts_1_10683138.html

²² <https://www.poderjudicial.es/cgpi/es/Poder-Judicial/En-Portada/-El-Pleno-del-CGPJ-aprueba-el-informe-a-la-proposicion-de-ley-de-amnistia>

framework of political dialogue". It applies to individuals convicted or under investigation in criminal and administrative cases connected to the referendum or related protests.

According to the report,²³ Òmnium Cultural presented in the Catalan Parliament,²⁴ the last time on 23 January, over 700 individuals in criminal cases and almost 900 in administrative procedures qualify for amnesty, which means that their offences, such as disobedience, public disorder, resistance, attacks against authority, and embezzlement, should be invalidated.

The judicial resistance has resulted in a slow and uneven application of the law. As of January 2025, according to that same report, 154 applications, the majority of them, are still awaiting a response from judges and courts, having surpassed the two-month resolution period established by the law. Only 116 individuals have been granted amnesty, while 57 applications have been rejected (out of which 33 finally were acquitted or filed). A further 47 cases remain suspended due to referrals to the Constitutional court or the CJEU. Notably, those whose applications were rejected or delayed are predominantly politicians affiliated with Catalan pro-independence political parties. For the remaining cases eligible for amnesty, there is no record of processing either ex officio or at the request of the parties involved.

In stark contrast, at the end of January 11 Spanish police officers who are in criminal proceedings because they brutally beat peaceful voters in the 2017 referendum have immediately been granted amnesty by the courts²⁵ (45 Guardia Civil in Mataró,²⁶ 27 Spanish National Police in Girona,²⁷ 46 Spanish National Police in Barcelona,²⁸ and one in Lleida²⁹). This selective application of the law undermines its purpose, promoting impunity for police violence while obstructing justice for activists and political dissidents. In Spanish police cases, there was no hesitation regarding the constitutionality of the law.

The politicisation of the judiciary and its resistance to the Amnesty Law represent a significant barrier to restoring trust in Spain's justice system. The judiciary's actions not only delayed the resolution of the political conflict but also cast doubt on the impartiality of Spanish courts in politically sensitive cases.

The resurgence of street mobilisation in 2024 signals strong and coordinated social movements across Spain. These protests have focused on solidarity with Palestine, housing rights and opposition to mass tourism and have become a unified call that transcends local boundaries and has grown into a collective, organised response. For example, the movement in solidarity with Palestine which, since the beginning of the genocide in Gaza in October 2023, has been able to coordinate a total of 13 simultaneous monthly demonstrations in more than 100 cities in Spain. The increasing mobilisation, including massive demonstrations, acts of civil disobedience, sit-ins, and strikes, has been met with corresponding violations of rights, similar to the levels seen in 2022 and 2023. A higher mobilisation has led to more repression against civil society.

²³ <https://amnistia.omnium.cat/avaluacions/>

²⁴ <https://www.parlament.cat/document/trancricao/426842653.pdf>

²⁵ <https://es.ara.cat/misc/policias-mitad-amnistiados-medio-ano-despues-aprobacion-ley-1-5232583.html>

²⁶ <https://elpais.com/espana/catalunya/2024-10-16/amnistiados-45-guardias-civiles-que-cargaron-contralos-votantes-del-1-o-en-dosrius.html>

²⁷ <https://www.diaridegirona.cat/girona/2024/12/19/jutjat-comenca-amnistiar-els-27-112768385.html>

²⁸ <https://elpais.com/espana/catalunya/2025-02-14/la-audiencia-de-barcelona-confirma-la-amnistia-a-los-46-policias-investigados-por-las-cargas-del-1-o.html>

²⁹ <https://www.lavanguardia.com/vida/20240723/9823821/amnistiado-policia-nacional-procesado-lesiones-1-lleida-agenciaslv20240723.html>

The general impression and public narrative surrounding civil society and rights defenders in Spain are increasingly influenced by the rise of right-wing narratives and the spread of fake news. The normalisation and institutionalisation of far-right ideologies and hate speech online and in the media have been linked to increased violations against the LGBTQI+ community and the Palestine solidarity movement through psychological and physical violence, censorship, and legal attacks. The presence of far-right parties, such as *Vox* and *Aliança Catalana*, in institutions and public administration has further contributed to this trend. Article 510 of the Penal Code, which criminalises hate speech, is being misused to prosecute individuals or groups who criticise the political system or the far-right. On the other hand, technology companies are increasingly shirking their responsibility of tackling hate speech in the name of freedom of expression.

The regulatory environment for civic freedoms

Freedom of association

The primary laws governing freedom of association are the Spanish Constitution, particularly Article 22, the Organic Law regulating freedom of association (LO 1/2002, March 22),³⁰ and the Penal Code (LO 10/1995, November 23).³¹ Although the Penal Code underwent a recent reform in 2022, the introduced modifications do not impact freedom of association. These laws align with international standards on freedom of association.

Freedom of peaceful assembly

There are several legal texts regarding freedom of peaceful assembly. This includes Article 21, the Organic Law regulating Freedom of Assembly (LO 9/1983, July 15),³² the Organic Law regulating Citizen Security (LO 4/2015, March 30),³³ also known as the Gag Law, and the Penal Code (LO 10/1995, November 23),³⁴ which was recently reformed.

Both the Gag Law and the new version of the Penal Code approved in 2022 were criticised by CSOs,³⁵ international human rights institutions³⁶ and some political parties for violating international human rights standards. As raised in previous submissions to the European Commission, since its passage, the Gag Law has been criticised for the discretionary powers granted to police officers, the increased number of infractions compared to the previous law, challenges in appealing sanctions (the veracity presumption of police officers and the bureaucratic and technical hurdles), and the use of ambiguous language that allows for irregular and arbitrary

³⁰ <https://www.boe.es/buscar/act.php?id=BOE-A-2002-5852>

³¹ <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

³² <https://www.boe.es/buscar/act.php?id=BOE-A-1983-19946>

³³ <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

³⁴ <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

³⁵ <https://www.article19.org/resources/spain-time-to-end-to-repressive-gag-law/>;
<https://civicspacewatch.eu/spain-csos-call-for-reform-of-gag-law-within-six-months-to-protect-the-right-to-protest/>

³⁶ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)004-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)004-e);
<https://www.ohchr.org/en/press-releases/2015/02/two-legal-reform-projects-undermine-rights-assembly-and-expression-spain-un?LangID=E&NewsID=15597>

actions in police interventions. Once again in 2024, the reform of the Gag Law was announced but never implemented.

The law has been used increasingly to criminalise demonstrations. Social movements, activists, and journalists have been accused of “terrorism” or of being a “criminal organisation,” the most severe offences under criminal law. They have been investigated for actions recognised as legitimate parts of freedom of peaceful assembly, such as demonstrations, sit-ins, or acts of civil disobedience.

Access to public space remains unequal, particularly for migrants and marginalised groups. Migrants with irregular administrative status face the risk of deportation when participating in protests due to a punitive approach to demonstrations. Even those with regular status fear sanctions that could jeopardise their residence permits. CSOs highlight a racial bias in political participation, exacerbated by gendered security risks for women and the LGBTQI+ community, who often experience discrimination from law enforcement.

According to data gathered by the civic space monitoring platform *Defender A Quien Defiende* (DqD),^{37,38} one of the most persecuted movements in Spain in 2024 has been the solidarity movement with Palestine, which has remained active in response to Israel’s genocide in Gaza. There were 57 documented cases of repression in 2024, including 34 arrests, at least 133 identifications, and 16 cases of judicial repression, making up 58% of all censorship cases across the country. Protesters have reported ethnic and racial profiling and police violence, particularly in student-led university protests. Judicial repression includes charges of hate crimes and criminal organisation affiliation. Censorship has also been rampant, extending to public and sporting events where Palestinian symbols have been banned. Repression has been carried out by state authorities, far-right groups, and Zionist individuals and companies, signalling a broader crackdown on civic space and dissent in Spain.³⁹

Housing rights activists have faced the second-highest level of repression, particularly in Catalonia, where 24 of the 32 recorded cases occurred. Violations include 67 identifications, 60 financial penalties, 41 cases of judicial repression, and 41 cases of violations against physical and psychological integrity, mainly disproportionate use of force and several cases of threats by police officials. Judicial repression increased particularly, as seen in December in the case of 21 activists prosecuted for protesting the eviction of *Bloc Llavors*, facing a total of 35 years in prison and €190,000 in fines. Police repression has also intersected with racism, with authorities targeting

³⁷ The platform *Defender a Quién Defiende* publishes an annual monitoring report on the state of the right to protest in Spain. The 2024 report was published on 21 February 2025 and is available at: <https://defenderaquiendefiende.org/investigaciones/>.

³⁸ Methodological Note: It is important to highlight the limitations of the observatory's work in documenting rights violations, as there is no official institutional mechanism for recording such incidents. This means that the data presented here does not constitute a complete count of all cases of protest repression but rather a partial snapshot, with possible unreported cases. The number of affected individuals is an estimation, using a minimum baseline. For example, in cases where a group of protesters is identified by the police but DqD has no access to the exact number of people involved, the incident would be recorded as a single violation, with only one affected person reflected in the data. A single case often involves multiple violations, as it may affect several individuals and the persons involved may experience different types of violations. For instance, someone attending a protest could be subjected to police violence, identified, arrested, and even face judicial repression.

³⁹ <https://defenderaquiendefiende.org/2024-un-ano-de-represion-contra-la-protesta/>

squatted housing inhabited by migrants in at least two cases, both of them in Barcelona, leading to detentions in immigration detention centres (CIEs).⁴⁰

Environmental activism has suffered a significant decline in 2024 due to intense repression in previous years. In 2023, the climate and environmental groups were the most persecuted movements, with 74 arrests across 43 cases. In 2024, 19 cases highlighted the chilling effect of repression, including 116 police identifications, 85 fines, and 33 prosecutions. Among all movements, environmental activism has faced the highest number of financial penalties, often particularly severe. Mass identifications were used to suppress protests, such as an Extinction Rebellion and Scientist Rebellion demonstration in Gijón where 100 activists were identified. Judicial repression has continued, dismantling groups like *Futuro Vegetal*. Financial penalties have been severe, including a €180,000 fine under the Aviation Security Law for an action by two *Futuro Vegetal* activists who temporarily blocked a runway at Barajas Airport in 2023.

According to the *Defender A Quien Defiende* platform, 2024 saw 228 cases of repression, leading to 1140 distinct rights violations against at least 1029 individuals. The violations included 361 police identifications of protesters, 218 financial sanctions, 198 judicial proceedings, including formal charges and convictions, 148 instances of police violence, including excessive force, threats, humiliation, and racial discrimination, 109 arrests, 54 cases of detention or restriction of movement, and 24 cases of censorship. This is double the number recorded in 2023, and two new cases of police infiltration were uncovered, adding to seven cases uncovered in 2023. Additionally, 25 other violations were recorded, including police officers' not identifying themselves, unauthorised photographing and filming of detained protesters, confiscation of materials, raids and attacks on community spaces, bureaucratic repression, and violations of the right to strike. To conclude, in 2024, there were nearly as many violations as in 2022 and 2023 combined recorded by the platform.

Notable cases included:

- Seven activists from the feminist movement *8 Mil Motius* were sentenced to 18 months in prison and €26,000 in fines for blocking train tracks during a feminist strike on 8 March 2018.⁴¹
- Currently on trial, Scientist Rebellion activists, are accused of crimes against property and are facing 21 months in prison and fines for a 2022 civil disobedience protest at the Spanish parliament to raise awareness of the lack of climate action. The activists owe fines of €2,592 to the Spanish State and €713 to Madrid's City Council for cleaning the Parliament stairs that were stained during the protest.⁴²
- Madrid residents in the *No a la Tala* case were convicted and fined a total of €19,232 for protesting tree loggings by chaining themselves in the trees during 2023.⁴³
- At least two cases of use of rubber bullets by police forces have been detected. The first one, in February 2024 in Tolosa (Basque Country), happened during the town's festivities

⁴⁰ <https://directa.cat/el-cas-del-vito-un-exemple-de-repressio-contra-lactivisme-i-les-persones-migrants/>

⁴¹ <https://directa.cat/condemnales-les-set-activistes-de-8-mil-motius-a-un-any-i-mig-de-presos-per-tallar-les-vies-de-fgc-durant-la-primera-vaga-feminista/>

⁴² <https://www.elsaltodiario.com/cambio-climatico/fiscalia-pide-21-meses-15-activistas-rebelion-cientifica-tineron-congreso-remolacha>

⁴³ https://www.eldiario.es/madrid/somos/multas-suman-19-000-euros-vecinos-encadenados-talas-madrid-rio-amenaza-tres-cargos-penales_1_10882336.html

when the Basque police force shot a 16-year-old boy and wounded him in the eye.⁴⁴ The second case occurred in Murcia in a student protest that the National Police decided to disperse with this ammunition.⁴⁵

- The verdict for the 2012 *Rodea el Congreso* protest in Madrid is still pending. This demonstration aimed to surround the Spanish Congress peacefully but was dispersed by police, leading to 34 arrests. The case is significant in 2025 because the Gag Law formally criminalised such protests. The 12-year delay in the trial has been criticised as a form of punishment for the 21 accused, who face potential prison sentences of three to eight years.⁴⁶

Freedom of expression and the right to privacy

Freedom of expression in Spain is regulated in the Constitution by Article 20, the Organic Law on Citizen Security, the Gag Law, (LO 4/2015),⁴⁷ and the Penal Code (LO 10/1995).⁴⁸ The Gag Law restricts expression through Article 36.23, which criminalises the unauthorised use of images of security forces and is used by police officers to prevent protesters from recording their actions and to frighten them, even if the articles per se do not typify this action. Article 37.4 of the law, penalises disrespect toward law enforcement and allows police officers to fine protesters because of what they say. These provisions are often used to suppress protests and silence dissent.

The *Defender A Quién Defiende* platform has reported at least 13 cases of violation of the right to freedom of expression in 2024. The instrumentalisation of legal provisions, particularly concerning religious insults, remains a concern, as seen in the case of comedian LalaChús, who faced threats from fundamentalist organisations, such as *Hazte Oír* and *Abogados Cristianos*, for a satirical sketch.⁴⁹ LalaChús, a well-known anti-fatphobia activist and the presenter of the New Years Eve's programme on the main national TV channel, showed a picture of the Virgin Mary with the Virgin illustrated with a bull's head. The comedian and the TV channel were reported by *Abogados Cristianos*, for possible hate crimes and offences against religious feelings. In another case in October, comedians were denounced by far-right organisations and were summoned to testify for an alleged crime of "incitement to discrimination, hatred, and violence" for a joke about the fascist monument Valle de los Caídos.⁵⁰

In response, the government has announced a reform of the law on religious offences in 2025 as part of the Democracy Action Plan.⁵¹ Other cases, such as the prosecution of feminist activists from the *Chumino Rebelde* group, the satirical magazine *Mongolia*, and artist Abel Azcona, illustrate the

⁴⁴ <https://www.elsaltodiario.com/violencia-policial/joven-herido-ojo-pelota-ertzaintza-carnaval-tolosa>

⁴⁵ <https://cadenaser.com/murcia/2024/10/05/la-polemica-por-las-cargas-policiales-en-murcia-llega-al-congreso-podemos-pedira-la-comparecencia-del-ministro-marlaska-radio-murcia/>

⁴⁶ https://www.eldiario.es/politica/juicio-rodea-congreso-12-anos-despues-fiscalia-pide-21-acusados-entren-carcel_1_11819590.html

⁴⁷ <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

⁴⁸ <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

⁴⁹ <https://www.lavanguardia.com/television/20250102/10251839/bolanos-sale-defensa-lalachus-recuerda-reforma-delito-ofensas-religiosas.html>

⁵⁰ https://amp.lasexta.com/noticias/sociedad/comico-queque-imputado-querella-ultras-abogados-cristianos-broma-valle-caidos_2024102267178543596dfb0001ccd4da.html

⁵¹ <https://www.elsaltodiario.com/extrema-derecha/presidencia-reforma-del-delito-ofensas-religiosas>

pattern of using legal harassment to stifle political and artistic expression and dissent. Civil society has long denounced this instrumentalisation, highlighting how such cases are driven by far-right actors exploiting outdated legal frameworks to silence critical voices. The pending reform offers an opportunity to safeguard freedom of expression and prevent the weaponisation of the justice system against dissidents and civil society actors.

Spain's Penal Code continues to criminalise dissent through offences like the glorification of terrorism (Article 578), insults against the monarchy (Article 490.3), and offences against religious sentiments (Article 525), despite its reform. One of the most significant cases remains the imprisonment of rapper Pablo Hasel who was sentenced to nine months in 2021 for his anti-monarchy lyrics. The enforcement of these laws criminalises certain expressions that are legally protected while failing to provide an adequate legal response to degrading speech against migrants, LGBTQI+ people and other marginalised groups, leading to a chilling effect on freedom of expression.⁵²

In 2024, these laws and offences of glorifying terrorism, insults and slander, and hate crimes have increasingly been applied against the Palestine solidarity movement. The legal landscape has also led to a rise in SLAPP lawsuits, targeting comedians, journalists, and activists. Notable examples include the conviction of presenter David Broncano over a satirical joke,⁵³ a legal case against a school in Valencia for painting a mural dedicated to Basque artist Fermin Muguruza,⁵⁴ and the prosecution of a singer in Navarra for satirical lyrics.⁵⁵

Censorship and self-censorship have intensified, with at least 24 reported violations, primarily affecting the Palestine solidarity movement (14 incidents). Incidents include censoring of radio programmes,⁵⁶ the removal of murals,⁵⁷ confiscation of Palestinian symbols,⁵⁸ banning of public readings,⁵⁹ cases of arbitrary identification by police officers for wearing the Palestinian Keffiyeh

⁵² <https://novact.org/es/publicacio/guia-de-defensa-contr-la-criminalizacion-indebida-de-activistas-mediante-los-delitos-de-expresion/>

⁵³ <https://www.rac1.cat/televisio/20241223/221837/esquetx-broncano-locomundo-comportat-multa-economica-movistar-el-terrat-lv.html>

⁵⁴ https://www.eldiario.es/comunitat-valenciana/autor-mural-fermin-muguruza-denunciado-extrema-derecha-ataque-libertad-expresion_1_11214555.html

⁵⁵ <https://www.elsaltodiario.com/libertad-expresion/upn-ataca-raimundo-canastero-cancion-fiestas-estella>

⁵⁶ <https://www.elsaltodiario.com/ocupacion-israeli/corte-ingles-censura-un-programa-radio-genocidio-gaza>

⁵⁷ https://www.eldiario.es/comunitat-valenciana/autor-mural-fermin-muguruza-denunciado-extrema-derecha-ataque-libertad-expresion_1_11214555.html; <https://directa.cat/la-censura-en-lart-impulsada-pel-pp-i-vox-no-pot-quedar-impune/>; https://x.com/DDCC_ZGZ/status/1830280474406887426?mx=2

⁵⁸ https://naciodigital.cat/esports/prohibeixen-banderes-palestina-barca-maccabi-basquet_1859303_102.html; https://www.eldiario.es/politica/multas-50-euros-activistas-colgaron-bandera-palestina-frente-embajada-israel-madrid_1_10989980.html#:~:text=Varios%20activistas%20que%20en%20noviembre,del%20Gobierno%20de%20la%20capital

⁵⁹ <https://x.com/LHambPalestina/status/1843376792163463479>

scarf,⁶⁰ and event cancellations by public institutions⁶¹ and universities⁶². Restrictions also extend to LGBTQI+ activists and environmental groups, particularly in regions governed by far-right parties like *Aliança Catalana* in Ripoll.

Additionally, journalists continue to face increasing obstacles in covering protests, such as police violence during demonstrations in València and Barcelona. Some examples of cases affecting journalists in 2024 include:

- On 2 April police prevented journalists from recording the eviction of the Social Center *La Bankarrota* in Madrid.⁶³
- Journalists in València experienced police violence, covering a demonstration calling for political accountability for the mismanagement of the DANA natural disaster. The floods caused more than 200 deaths and numerous disappearances in Valencia.⁶⁴
- A journalist was hit with tear gas in Barcelona.⁶⁵
- Three journalists were identified by the police in 2023 when covering an event by a housing union in València, and in 2024 they were accused of a minor offence of usurpation.⁶⁶

The use of spyware and police infiltration

Repression against civil society has been particularly severe in Catalonia, where activists and CSOs have faced legal harassment, smear campaigns, accusations of terrorism, police violence, and state surveillance. At least 1,700 persons have been criminally prosecuted, with around 1,000 cases dismissed after years of investigations, and before the Amnesty Law existed.

Citizen Lab confirmed that at least 65 individuals, including politicians, journalists, and civil society leaders, were infected with spyware between 2015 and 2021, creating a chilling effect on civil society in Catalonia.⁶⁷ This case is the largest documented cluster of mercenary spyware attacks, and the biggest espionage case using Pegasus spyware in the world. The Spanish government's response has been marked by opacity: The Spanish National Intelligence Centre (CNI) admitted to spying on 18 individuals, leading to the removal of the director of CNI, but the government has refused to provide transparency or cooperate with EU inquiries. UN Special Rapporteurs have called on the Spanish authorities to conduct a full and effective investigation of the Catalangate and stop the violation of the human rights of Catalan activists.⁶⁸ Many victims have filed criminal complaints, but most legal proceedings are at a standstill.

⁶⁰ <https://www.instagram.com/reel/DBKPwvktalZ/?igsh=MW0yaXU2eTF6emt4YQ%3D%3D>

⁶¹ <https://directa.cat/lajuntament-de-vinaros-veta-unes-jornades-en-solidaritat-amb-el-poble-palesti/>; https://www.instagram.com/p/DCIgr8bqIIW/?utm_source=ig_web_copy_link

⁶² <https://www.elsaltodiario.com/palestina/universidad-sevilla-censura-un-acto-relatora-onu-palestina>

⁶³ <https://www.publico.es/sociedad/policia-impide-publico-informar-sobre-desalojo-bankarrota.html>

⁶⁴ <https://www.elsaltodiario.com/valencia/decenas-miles-personas-desbordan-valencia-pedir-dimision-carlos-mazon>

⁶⁵ <https://x.com/elnacionalcat/status/1821467451525148801?t=P4-BQSB7iNq-KG0LmhWQQ&s=35%20/%20https://www.vilaweb.cat/noticies/mossos-disparen-gas-pebre-contras-els-manifestants-puigdemont/>

⁶⁶ <https://directa.cat/a-judici-periodistes-advocades-i-activistes-per-usurpar-un-edifici-al-qual-mai-van-entrar/>

⁶⁷ <https://citizenlab.ca/2022/04/catalangate-extensive-mercenary-spyware-operation-against-catalans-using-pegasus-candiru/>

⁶⁸ <https://www.ohchr.org/en/press-releases/2023/02/spain-un-experts-demand-investigation-alleged-spying-programme-targeting>

The legal loopholes in the Spanish legislation allow for the use of such spyware without proper oversight. The operations of the CNI are regulated by Law 11/2002⁶⁹ and Organic Law 2/2002,⁷⁰ which creates a supposed system of prior judicial control, but which is inadequate and lacks control during or after such invasive interventions. Law 9/1968 on Official Secrets⁷¹ classifies all CNI-related information as secret, under a broad justification of national security. This lack of transparency serves as a reminder that anything that cannot be scrutinised or held accountable is, by definition, prone to abuse.

The cases of police infiltration, first exposed in January 2023, remain one of the most serious human rights violations documented in Spain in recent years. Initially thought to be an isolated incident in 2022, a broader pattern of repression has since been revealed. From May 2022 to January 2025, nine undercover police officers were discovered operating in civil society spaces in Barcelona, València, Girona, and Madrid.⁷²

The most recent case involves a police officer, María Ángeles G. A., who spent two decades infiltrating various social movements in Madrid. She integrated herself into social centres like *El Laboratorio*, prisoner support groups, and the *Coordinadora Antifascista de Madrid*, and was a key member of *Madres Contra la Represión*.⁷³ The case is notable for its duration, showing that police infiltration is a longstanding and more widespread practice than previously understood. Little information or accountability is available on these operations because the role of the "intelligence agents" involved is unregulated. Another officer, Juancar, who infiltrated the *Distrito 14* collective in Moratalaz, attended assemblies, protests and social activities, was unmasked and later accused of threatening a member of the collective.⁷⁴ Despite growing evidence of human rights violations, the Spanish state continues to justify these actions under "national security."

Írídia, Centre for the Defence of Human Rights, has appealed to the Constitutional Court⁷⁵ after the ordinary courts dismissed a complaint filed on 31 January 2023, by eight affected individuals against an infiltrated officer, his superiors, and the Ministry of the Interior. This appeal highlights serious violations of fundamental rights and the state's failure to investigate these incidents. The cases raise critical concerns about Spain's obligations under international human rights law, particularly regarding the absolute prohibition of torture and inhuman or degrading treatment.

The appeal also stresses the need for the Constitutional Court to address the legal and ethical limits of undercover officers engaging in sexual and affective relationships, a practice not yet defined in case law for infiltrated agents. The interior ministry has classified these individuals as intelligence agents rather than undercover officers, a distinction with serious implications for dignity, sexual freedom, and political participation.

Investigations into police infiltration have seen little progress, with the public prosecutor's office pushing for case dismissals. In a recent case in Girona, the prosecutor openly admitted that officers

⁶⁹ <https://www.boe.es/buscar/act.php?id=BOE-A-2002-8628>

⁷⁰ <https://www.boe.es/buscar/doc.php?id=BOE-A-2002-8627>

⁷¹ <https://www.boe.es/buscar/act.php?id=BOE-A-1968-444>

⁷² https://www.eldundercoveriario.es/politica/policia-espio-colectivos-sociales-madrilenos-durante-tres-anos-agente-infiltrada_1_11312665.html

⁷³ <https://www.elsaltodiario.com/policia/marta-estupa-dos-decadas-infiltrada-movimientos-sociales>

⁷⁴ <https://www.elsaltodiario.com/policia/policia-infiltrado-movimientos-sociales-madrid-juancar>

⁷⁵ https://www.eldiario.es/catalunya/activistas-espiadas-piden-constitucional-ponga-limites-legales-eticos-policias-infiltrados_1_11959081.html

formed relationships within social movements as part of intelligence-gathering. Although the Council for Transparency and Good Governance ruled in September 2023 that the number of infiltrators should be disclosed,⁷⁶ the interior ministry refuses to release this information.⁷⁷ Minister Fernando Grande-Marlaska has overseen these operations, and Spain has now been condemned 14 times by the European Court of Human Rights (ECHR) for failing to investigate allegations of torture, with six of those rulings occurring under his jurisdiction as a judge.⁷⁸

Safe space

The Palestine solidarity movement has been especially targeted by civic space restrictions in 2024. In 2024, 57 cases of repression against the movement were documented, with the most recurrent violations being identifications, many of which occurred in police raids explicitly targeting individuals based on racial profiling. The cases highlight a broader crackdown, misuse of hate crime accusations, creation of vilifying public narratives, and criminalisation of anti-racist and Palestine solidarity activists. A striking example was the identification of 92 students participating in a student solidarity encampment at the Universidad Complutense de Madrid. Another example is journalist and antiracist activist Youssef M. Ouled, who was sued by Esteban Ibarra, president of the Movement Against Intolerance (MCI), for alleged antisemitism due to his posts expressing solidarity with Palestine and criticism of Israeli actions in Gaza.⁷⁹

Other incidents include hate crime charges against 10 youths at a basketball match in Tenerife⁸⁰ and violent attacks on students expressing solidarity with Palestine at the University of Illes Balears.⁸¹ The broader criminalisation of solidarity has resulted in severe legal charges against activists for 'organisation of criminal group' or 'glorification of terrorism' and 'public disorder', as was seen in the case of the two women who were detained in Navarra and Galicia in February 2024.⁸² They were accused of 'apology of terrorism' for their solidarity with Palestine on social media.

During the 8 March feminist demonstration in Madrid, activists faced verbal and physical attacks, including racial and xenophobic slurs. A man physically assaulted one participant,⁸³ marking the

⁷⁶ https://www.consejodetransparencia.es/ct_Home/en/dam/jcr:60387335-c006-4244-bd1d-1a02d62cb787/R%20CTBG%202023-0746%20%5BResoluci%EF%BF%BDn%20expte.%20889-2023%5D.pdf

⁷⁷ <https://www.publico.es/politica/interior-ignora-consejo-transparencia-oculta-policias-infiltrado-movimientos-sociales.html>

⁷⁸ European Court of Human Rights, official data table including violations committed from 1959 to 2021, classified by article and by condemned state.

https://www.echr.coe.int/documents/d/echr/Stats_violation_1959_2021_ENG

⁷⁹ https://www.publico.es/sociedad/demandan-antisemitismo-activista-antirracista-denuncia-genocidio-israel-gaza.html?fbclid=PAZXh0bgNhZW0CMTEAAaYVwE16fk06qEi5oNH5HvYH05uqO9G2qK62GUWVlaQwBUA5TMenFLnMp6U_aem_FV-AkzJepv5tfR1lLpqavA

⁸⁰ <https://www.eldia.es/sucesos/sucesos-en-canarias/2024/03/08/denunciados-10-jovenes-delito-odio-99210219.html?s=35>

⁸¹ https://www.instagram.com/p/C7PKTPaNL2J/?igsh=cjU5cW5yZnA3ZzU1&img_index=1

⁸² <https://x.com/RevistaComuna/status/1755343120399515759>

⁸³ <https://www.elsaltodiario.com/racismo/feministas-antirracistas-comision-8m-denuncian-actitudes-xenofobas-durante-manifestacion-madrid>

first formally reported incident. In 2024, there have been at least eight documented incidents against the LGBTQI+ rights movement, including attacks on physical and symbolic integrity, such as the burning of pride flags⁸⁴ and homophobic insults at local festivals.⁸⁵ Additionally, there have been at least three cases of censorship, where LGBTQI+ symbols were removed, and events were suspended. Judicial repression has also been used to silence trans rights activists, such as in the case known as *Al Punt de Mira*, a lawsuit against activists of the organisation *Crida LGBTI* protesting against a transphobic book, with activists facing a possible one-year prison sentence and a €4,000 fine for alleged "disobedience and trespassing."⁸⁶

In December 2024 during the Federal Congress of the PSOE party, an amendment removing the 'Q' and the 'plus' from official party documents was approved, excluding the recognition of queer identities. Additionally, a proposal to ban trans women from participating in women's sports has reinforced institutional discrimination, which activists argue legitimises broader societal violence. These measures, described by trans rights organisations as "criminal attacks" against the LGBTQI+ community, have been widely criticised by human rights defenders and progressive political parties. Experts warn that such exclusionary policies not only deny trans and non-binary people's right to identity but also contribute to increased violence and discrimination in daily life, particularly in employment, sports, and public discourse.⁸⁷

Over the past year, civic actors have faced increasing repression, leading to severe psychological, financial, and organisational consequences. Many activists now reduce their engagement due to fear of state retaliation, legal sanctions, and police surveillance. Judicial harassment imposes financial strain, while prolonged legal battles drain resources from advocacy. Repeated exposure to institutional violence results in trauma, burnout, and, in some cases, forced relocation. This repression weakens social movements, discourages participation, and undermines efforts for political change.⁸⁸

Civil society funding

Social and economic challenges fostered by high levels of bureaucracy and increasing housing emergency, as well as diminishing financial resources for civil society, continue to pose significant barriers to civil society's effective participation in upholding the rule of law. This is especially evident for organisations working without state funding. Many local community organisations struggle to secure the funding necessary to maintain their work. These organisations often face obstacles such as the inability to receive institutional support to continue their work. A case in point is the situation with *Lluïsos de Gràcia*, a Catalan non-profit socio-cultural and sports association.

⁸⁴ <https://beteve.cat/societat/cremen-segon-cop-bandera-lgtbi-facana-forn-trinitat/>

⁸⁵ https://x.com/La_Barraqueta/status/1826351275652551039?t=EfpJb1Q2fqKM1IP8WOOklg&s=09
https://x.com/La_Barraqueta/status/1826351275652551039?t=EfpJb1Q2fqKM1IP8WOOklg&s=09

⁸⁶ <https://x.com/alpundemira/status/1748259222456791081>

⁸⁷ <https://www.elsaltodiario.com/psoe/psoe-borra-q-plus-siglas-lgtbiq+-colectivos-responden-se-trasladara-violencia>

⁸⁸ Defender a quién Defiende, 2024 Diagnóstico del Derecho a la Protesta, <https://defenderaquiendefiende.org/wp-content/uploads/2025/02/DQD-DERECHO-A-LA-PROTESTA-2024.pdf>

Despite being recognised by the City Council for its public service contributions, the association was excluded from a 2024-2027 participatory budget call, where it had applied for funding to renew the sports court. The reason for the exclusion was their status as a private entity, even though the call for projects did not specify such a restriction, and it explicitly included public buildings or spaces as eligible for investment.⁸⁹

Another notable case was the notification of eviction of two migrant support associations, *Valiente Bangla* and the *Asociación de Senegaleses en España*, from municipal properties in Madrid's Lavapiés neighbourhood.⁹⁰ These associations, which have been helping migrants for years, were notified by the municipal housing company, EMVS, that their rental contracts would not be renewed. This decision directly threatens the continuity of vital services such as legal advice, Spanish language classes, and food aid. Despite their longstanding contributions to the neighbourhood and collaboration with institutions like the Reina Sofía Museum, the local government under José Luis Martínez-Almeida decided to evict these organisations, citing expired contracts and an unwillingness to grant further extensions. This situation has been met with widespread condemnation since the eviction undermines the essential work these associations do in fostering community cohesion. The decision is a stark example of how civil society, especially organisations working with vulnerable communities, faces obstacles that hinder their ability to sustain their work.

Civil dialogue and right to participation

Spain has introduced various digital tools to enhance public participation in decision-making at national and regional levels, allowing people to propose initiatives, debate public policies and take part in legislative consultations. As part of its Open Government Strategy, Spain operates a transparency portal, which includes the *Participación Ciudadana* platform,⁹¹ enabling public input on legislative proposals and consultations. However, participation remains generally low, with slightly more engagement at regional and municipal levels than at national level.

At the regional and municipal levels, several governments have developed specific digital platforms to encourage citizen involvement. Some examples include *Decide Madrid*,⁹² launched by the Madrid City Council, the *Laboratorio de Aragón Gobierno Abierto* (LAAAB),⁹³ and *Irekia*,⁹⁴ the Basque country's participation platform. In Catalonia, the *Participa Gencat* portal⁹⁵ centralises participatory processes, regulatory consultations, and citizen councils, making public engagement more accessible. Additionally, *Decidim*,⁹⁶ an open-source citizen participation platform which enables participation in legislative and political processes through electronic voting and participation procedures, has become a benchmark for participatory democracy. It is widely used by municipalities, including Barcelona city council. Another key initiative is the implementation of

⁸⁹ <https://x.com/lluissodegracia/status/1892891712474742845?t=BUcgRx1sZJdCpTBZHjO3ug&s=35>

⁹⁰ https://www.eldiario.es/madrid/somos/lavapiés/ayuntamiento-madrid-expulsa-asociaciones-asistencia-migrantes-locales-municipales-lavapiés_1_11628381.html?utm_campaign=botonera-share&utm_medium=social&utm_source=telegram

⁹¹ <https://plataformadeparticipacionciudadana.es/>

⁹² <https://decide.madrid.es/>

⁹³ <https://www.laaab.es/author/laaab/>

⁹⁴ <https://www.irekia.euskadi.eus/?locale=en>

⁹⁵ <https://participa.gencat.cat/>

⁹⁶ <https://decidim.org/es/>

participatory budgeting platforms in cities such as Madrid, Barcelona, and Valencia, where people can directly influence the allocation of public funds.

Despite these efforts at both national and local levels, public participation in decision-making faces significant challenges. Real impact on policymaking remains limited, and digital barriers—such as accessibility issues and platform complexity—can exclude certain population groups. To strengthen civic engagement, it is essential to improve accessibility, enhance digital literacy, and ensure that citizen proposals are meaningfully integrated into decision-making processes.

A major difficulty in national consultations is the lack of transparency and access to official data on police actions and protocols. The government does not publish detailed information on law enforcement operations, nor provides clear protocols for public scrutiny. Additionally, data related to the Gag Law is not properly disaggregated, making it impossible to assess how sanctions specifically impact activists and journalists. In response to this institutional opacity, CSOs have taken on the responsibility of conducting independent monitoring to document and analyse patterns of repression. However, the absence of official and disaggregated data severely hinders efforts to hold authorities accountable and advocate for necessary legal reforms.

There is a lack of meaningful dialogue between civil society and the government. The existing dialogue is often insufficient and opaque, hindering progress on critical issues. A clear example of this is the reform process of the Gag Law, where civil society groups had very few opportunities to engage openly and publicly with the government to express their concerns and demands. In another example regarding the design of National Implementation Plans for the Pact on Migration and Asylum, several NGOs have denounced very limited participation and opacity in the procedures.⁹⁷

Civil Society Resilience

Organised civil society in Spain is strong and well-coordinated. Many campaigns and initiatives have achieved human rights reforms and advances in recent years. However, many of the current political dynamics and the rise of the far-right globally restrict the conditions of civil society, the rule of law and the enjoyment of fundamental rights.

In recent years, CSOs in Spain have made significant strides in organising and building coalitions to defend housing rights. These efforts have been essential in addressing the growing housing crisis and advocating for policies that prioritise affordable and dignified living conditions for all. One of the key factors in the success of these efforts has been the ability of these organisations to form alliances and build broad-based coalitions between different actors in different areas. This includes grassroots organisations, tenants' unions, housing cooperatives, and other civil society groups. By working together, they have created a unified voice that can challenge powerful actors such as real estate developers, banks, and even local and national governments that often prioritise profit over people.

These coalitions have been effective in highlighting the systemic issues that contribute to the housing crisis, such as speculation in housing markets, rising rent, and inadequate social housing policies. For example, movements like the *Plataforma de Afectados por la Hipoteca* (Platform for

⁹⁷ <https://elpais.com/espana/2024-12-05/mas-de-20-organizaciones-reclaman-al-gobierno-participar-en-la-aplicacion-del-pacto-migratorio-de-la-ue.html>

people affected by mortgages) and *Sindicato de Inquilinas* (Union of tenants) have brought together individuals and communities who are directly affected by housing insecurity, using their shared experiences as a powerful tool for advocacy. Organisations have engaged in strategies such as legal challenges, demonstrations, and political advocacy to push for legislative change. By mobilising in local communities and organising protests, sit-ins and petitions, these groups have consistently raised awareness and pushed for tangible policy changes.

Another crucial aspect of the coalition-building process has been the ability to work across different geographical areas. A strong movement for housing rights has risen to oppose the touristification of certain cities and areas. The mobilisation started in the Canary Islands and the Balearic Islands, which are among the territories most affected by mass tourism resulting in increased rental prices, and has spread all over Spain.

Civil society has developed an observation and monitoring mechanism to scrutinise police actions and compliance with the law and police protocols during protests. Observation contributes to the free, full and effective exercise of people's rights, grants greater security to those who exercise their freedom of assembly and, on occasions, can dissuade and/or prevent possible violations of rights by the security forces and police. When such violations occur, the observer can inform the public and the competent authorities to demand an investigation and clarification of the violations. The monitoring network has two objectives: to prevent and mitigate rights violations during demonstrations, by being present on the ground, and to gather information that can help accountability processes for observed rights violations, support judicial processes and challenge institutions to make changes that guarantee the enjoyment of rights for the whole population. The consolidation of the network has been particularly successful in Barcelona and Granada since 2023 and is currently being developed in Galicia.

Recommendations

- **Targeted recommendation:** Urgently reform the Gag Law to safeguard the freedoms of association, peaceful assembly and expression by the end of 2025.

- Urgently address the misuse of the Penal Code which is used to repress civil society and HRDs.
- Implement stricter identification measures for law enforcement officers, providing public access to police protocols and guidelines and establish independent oversight mechanisms to improve police accountability and transparency.
- Stop police infiltration and the use of spyware against social movements, human rights and environmental defenders, journalists, lawyers and political opposition and urgently hold police officers to account for infiltration.
- End the criminalisation of CSOs and HRDs and prevent the misuse of legislation, such as anti-terrorism and hate crime laws, to target activists
- Refrain from targeting the Palestine solidarity movement, the climate movement and the housing movement, drop all charges against the movements and take steps to ensure that these movements can exercise fundamental rights.
- Establish a clear legal framework that defines racial profiling as discrimination and ensure the documentation of the justification for stop-and-search procedures.

- Regulate surveillance and espionage practices and reform the laws governing intelligence and surveillance operations, including the National Intelligence Center Law, the Law on Judicial Control of the CNI, and the Official Secrets Act, to align with international human rights standards
- Fully implement the 2024 Amnesty Law without politically motivated reservations or arbitrary interpretations of the letter of the law.

About the Author:

NOVACT defends life and freedoms in the Euro-Mediterranean region to promote a fair and lasting peace. The organisation reinforces an ecosystem of social change that confronts authoritarianism by accompanying movements and human rights defenders through nonviolence. NOVACT aims to strengthen them from a holistic perspective, based on social environmentalism and gender justice, which fosters coordination and community power-building at the service of fundamental civil and political rights. Furthermore, it strengthens and accompanies the role of civil society as a central actor in conflict prevention, at the service of reducing violence and building peace. NOVACT is committed to a prevention strategy based on nonviolence and human security that focuses on preventing authoritarianism, extremist violence, and negative polarisation, building social cohesion, and contributing to nonviolent conflict transformation.

Òmnium Cultural is a cultural grassroots civil society organisation, with more than 175,000 members and 64 years of history. Òmnium is one of the main civil society organisations in Spain and one of the most relevant cultural organisations in Europe. In Catalonia, Òmnium is a pillar of the promotion of Catalan language and culture, education, social cohesion, and a defender of civil and political rights, especially freedom of speech, peaceful assembly and the right to self-determination.