

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT**  
**UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

**SPAIN REVIEW**

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**I. Justice System**

**A. Independence**

*Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)*

In October 2022, a UN Special Rapporteur on the independence of judges and lawyers entered into a dialogue with Spain concerning the alleged persecution and reprisals targeting a judge due to his investigations and judicial interpretations ([ESP 9/2022](#)).

**IV. Other institutional issues related to checks and balances**

**D. The enabling framework for civil society**

*Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or online –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.*

In October 2022, three UN Special Procedure entered into a dialogue with Spain in relation to espionage activities through the use of the Pegasus and Candiru spyware on a large number of Catalan personalities and activists during the period 2017-2020 ([ESP 8/2022](#)).

**Other – Accountability of law enforcement authorities**

In July 2022, four UN Special Procedures entered into a dialogue with Spain regarding the alleged excessive and lethal use of force against migrants, including refugees and asylum seekers, of African descent, in Melilla that resulted in the death of at least 37 migrants and the injury of dozens more when attempting to cross the border between Morocco and Spain. The communication followed a previously reported series of cases of excessive use of force against migrants at the Spanish-Moroccan border, allegedly based on racial discrimination which frequently lead to violations of the right to life and of the non-derogable principle of non-refoulement ([ESP 7/2022](#)).

In April 2022, three UN Special Procedure entered into a dialogue with Spain related to formulating recommendations as regards necessary amendments to the 2015 Citizen Security Law with particular reference to the respect of the rights of Afro-descendants ([ESP 5/2022](#)).

**Other – Suspension of elected officials**

After reviewing a complaint filed by Oriol Junqueras i Vies, former Vice-President of Catalonia, and three former ministers, Raül Romeva i Rueda, Josep Rull i Andreu and Jordi Turull i Negre, the UN Human Rights Committee found that Spain violated the political rights of former Catalan Government and Parliament members by suspending them from public duties prior to a conviction following the independence referendum in 2017. Taking note that the four complainants had urged the public to remain strictly peaceful, the Committee considered that the decision to charge them with the crime of rebellion, which led to their automatic suspension prior to a conviction, was not foreseen and

therefore not based on reasonable and objective grounds provided for by law ([CCPR/C/135/D/3297/2019](#)).