

2026 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, six editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2026 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2026 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

(1) developments and measures taken in relation to the recommendations in the 2025 report, (2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation and enforcement of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. To simplify your answers to the questionnaire, if there are no developments, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism and Freedom
- ☐ Checks and Balances
- ☒ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☒ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution as we will not be able to guarantee anonymisation of these elements.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2026 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

^[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark

- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☒ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

In 2025, the European Commission recommended that Spain (page 2) “take forward the process in view of adapting the appointment procedure of the Council for the Judiciary’s judges-members, taking into account European standards on Councils for the Judiciary”. This concern over judicial independence is echoed in a recent study published by the Catalan Institute of Self-Government Studies, which indicates that Spain’s Constitutional Court does not function as a consistently independent, counter-majoritarian institution. Instead, it tends to reproduce existing power balances and reinforce the position of the central state, particularly in contexts of ideological alignment or conservative majorities. While its behaviour is not entirely uniform and can adapt strategically to political circumstances (for example, when the central government depends on territorially based parties for parliamentary support) the Court largely operates within prevailing political equilibria.

Overall, the study concludes that the Constitutional Court has acted as a structurally centralising actor, systematically favouring the Spanish government over regional authorities. This is reflected in the significantly higher annulment rate of regional legislation compared to state laws, especially when cases are brought by the central government and when political alignment exists between the Court and the executive. These findings suggest a structural link between partisan affinity and the Court’s centralising jurisprudence, raising concerns about its effective independence in territorial conflicts.

Links to the mentioned study: <https://presidencia.bibliotecadigital.gencat.cat/handle/20.500.14623/971?locale-attribute=en>

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to ‘judges’ concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Judicial competitive exams for entry into the judicial career (“oposiciones” in Spanish) are centrally organized and must be taken in Spanish, considering that Article 231 of the Organic Law of the Judiciary provides that “in all judicial proceedings, Judges, Magistrates, Prosecutors, Court Clerks and other officers at the Courts and Tribunals will use the Spanish language which is the official language of Spain”. This is the practical norm: the exam content, questions, and oral tests are in Spanish. There is no official provision allowing candidates to take the judge/prosecutor exam in a co-official language or another language. This circumstance creates a structural disadvantage for speakers of other official languages, such as Catalan. Thus, candidates whose primary legal education, daily use, or cognitive processing is in another official language may face an additional burden (terminology, oral exams, memorisation), which can affect performance in highly competitive exams.

Link: Organic Law of the Judiciary: <https://www.poderjudicial.es/stfls/CGPJ/DOCUMENTACI%C3%93N%20DEL%20CPGJ/COMPENDIO%20DE%20DERECHO%20JUDICIAL/FICHERO/20160125%20LOPJ%20ingl%C3%A9s%2012-2015.pdf>

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e. g. Council for the Judiciary)

5000 character(s) maximum

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)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

The current legal framework governing the Spanish justice system, as set out in Article 231 of the Organic Law of the Judiciary, imposes Spanish as the default language of judicial proceedings. The use of co-official languages, such as Catalan, is only permitted if no party objects, effectively making linguistic rights conditional and unenforceable.

This situation constitutes a systematic violation of the Rule of Law, disproportionately affecting Catalan speakers and other minoritised language communities. According to the Department of Justice of the Generalitat de Catalunya, the only region where such data are systematically collected, more than 79% of requests to receive all court recommendations in Catalan were not respected in 2023, while only 1.7% of similar requests in Spanish were rejected. Notably, fewer than 7% of judicial decisions in Catalonia are issued in Catalan, a figure starkly misaligned with the region's sociolinguistic reality, where over 45% of the population are Catalan speakers. The situation is demonstrably worse in the Valencian Community and the Balearic Islands, where no such option is provided.

The absence of mandatory language proficiency requirements for judges, prosecutors, and civil servants stationed in Catalan-speaking territories, as stipulated in Articles 483 and 530 of the Organic Law of the Judiciary, exacerbates the issue. Knowledge of the co-official language is regarded merely as a merit-based consideration, rather than a binding requirement. This legislative deficiency leads to systemic discrimination, denial of service, and a climate of apprehension among Catalan speakers, who may fear using their language in court due to the risk of retaliation or compromised legal standing.

In fact, the Justice Administration makes no effort to monitor its language use. Despite Article 563 of the Organic Law of the Judiciary stating that the General Council of the Judiciary's yearly report must include a chapter on the use of co-official languages in Justice and, in particular, by judges and magistrates in exercising their functions, none of the reports of the period studied monitored the issue. Without such monitoring, there can be no guarantee at the state level on use of regional languages in the judicial system, and the lack of such information suggests that legislative bodies do not consider this a concern to be addressed.

By contrast, the fact that Catalonia maintains an electronic system for systematically recording language use in judicial proceedings makes it possible to quantify compliance with linguistic rights and identify structural discrimination patterns. Extending such a system to other Catalan-speaking territories (and more broadly across the State) would enable effective oversight, evidence-based policymaking, and accountability regarding the use of co-official languages in the justice system.

This imbalance has been repeatedly flagged by the Council of Europe, the Committee of Experts on the ECRML, and the United Nations Special Rapporteur on Minority Issues (point B 17 of his 2020 Visit to Spain report), all of whom have urged the Spanish State to bring its legal framework into conformity with international standards.

Additionally, the Catalan-speaking minority perceives the Spanish justice system as hostile to the Catalan

language and the minority in general. This perception is based not only on the treatment of the language in the courts, but also on the courts' treatment of policies to promote the language. Moreover, in the justice system, Catalan suffers from structural discrimination. In fact, the use of Catalan in the courts of Catalonia, the Balearic Islands and Valencia is infrequent and disproportionate to the population weight of the Catalan-speaking linguistic minority.

Links: Organic Law of the Judiciary: <https://www.poderjudicial.es/stfls/CGPJ/DOCUMENTACI%C3%93N%20DEL%20CPGJ/COMPENDIO%20DE%20DERECHO%20JUDICIAL/FICHERO/20160125%20LOPJ%20ingl%C3%A9s%2012-2015.pdf>

Study of the Department of Justice of the Generalitat de Catalunya: <https://repositori.justicia.gencat.cat/bitstream/handle/20.500.14226/1447/indicadors-SLAJ-2023.pdf>

Council of Europe's position: <https://www.coe.int/en/web/portal/-/spain-s-system-to-protect-regional-and-minority-languages-is-well-developed-but-gaps-persist-in-justice-healthcare-and-public-administration>

New's about the Committee of Expert's report: https://www.plataforma-llengua.cat/que-fem/en_noticies/118/the-council-of-europes-committee-of-experts-confirms-spains-breach-of-the-ecrml-and-rebukes-the-spanish-government-for-imposing-25-teaching-in-spanish

Text of the Special Rapporteur on minority issues visit to Spain: <https://docs.un.org/en/A/HRC/43/47/ADD.1>

Diagnosis and first package of measures to promote Catalan in the areas of Justice done by the Government of Catalonia: <https://govern.cat/govern/docs/2022/06/16/14/55/4fa13714-b18a-40c4-9e75-1a8d73fd28e9.pdf>

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical/specialised resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector in particular as regards high-level officials (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement if available to you**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

[single market relevance] Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

- *Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- **[single market relevance]** information on specific legal provisions and procedures applying to media service providers, including as regards granting /renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'*/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

** This includes also the consultation of social partners*

5000 character(s) maximum

[single market relevance] Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency /urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past year

5000 character(s) maximum

Despite reiterated recommendations for immediate action by the Committee of Experts of the European Charter of Regional or Minority Languages (ECRML) and the UN Special Rapporteur on minority issues, the Spanish Courts have not yet amended Article 231 of the Organic Law of Judicial Power. As the Special Rapporteur noted in 2020 after his visit to Spain, "Article 231 [...] has been identified as one of the obstacles to the full implementation by Spain of its human rights obligations in relation to the use of co-official minority languages, since it stipulates that in judicial procedures, judges, magistrates, prosecutors, clerks and other officers are to use Castilian, and that co-official minority languages will be allowed only if no party objects".

Links:

Fifth report of the Committee of Experts in respect of Spain: [https://search.coe.int/cm/#{%22CoEIdentifier%22:%22090000168096fa01%22,%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:%22090000168096fa01%22,%22sort%22:[%22CoEValidationDate%20Descending%22]})

Report of the UN Special Rapporteur on minority issues visit to Spain: <https://documents.un.org/doc/undoc/gen/g20/063/88/pdf/g2006388.pdf>

Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial: <https://www.boe.es/buscar/act.php?id=BOE-A-1985-12666>

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

[single market relevance] Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, 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, as well as available remedies

5000 character(s) maximum

The Spanish legal framework and judicial practice do not recognise language-based discrimination as a distinct or actionable form of discrimination. As a result, hate speech targeting Catalan speakers and organisations promoting the Catalan language is not effectively addressed, and complaints rarely lead to investigation or sanctions. This lack of recognition leaves civil society organisations and human rights defenders without effective legal remedies.

In fact, hate speech against Catalan speakers and the Catalan language is a feature of both militant and generalised Spanish nationalist discourse. Instead of aspiring to create a political landscape in which all language groups can participate using their languages, Spanish nationalism argues that the language and identity of the majority should be imposed on minorities, who do not have the right to a distinct identity of their own. This hostile environment has a direct impact on the effective operation and safety of civil society organisations and human rights defenders working on linguistic, cultural and minority rights.

Catalan-language civil society organisations, cultural associations, educators, journalists and language-rights activists are regularly exposed to verbal attacks, online harassment, smear campaigns and delegitimising narratives. For example, their publications on social media to be the target of national vitriol and hateful comments that undermine their public legitimacy and discourage participation in public debate. In fact, discrimination based on the use of Catalan in Barcelona increased by more than 60% from 2021 to 2022, making language the fourth most common ground of discrimination, according to the 2022 Report of the Barcelona Discrimination Observatory, behind only racist and xenophobic, LGBTI-phobic, and health-related

discrimination. Furthermore, the 2022 Survey on Neighbourhood Relations and Coexistence in the Metropolitan Area of Barcelona identified language as the second most common cause of discrimination, while highlighting the persistent underreporting of cases involving discrimination against Catalan speakers.

Links:

Information about catalanophobia: [https://wiki.vilaweb.cat/index.php/Base_de_Dades_sobre_la_Catalanof%C3%B2bia_\(B.D.C.\)](https://wiki.vilaweb.cat/index.php/Base_de_Dades_sobre_la_Catalanof%C3%B2bia_(B.D.C.))

Example of hateful comments online: <https://www.dbalears.cat/ara/tendencies/2023/02/03/376329/les-xarxes-omplen-catalanofobia-per-possibilitat-presentar-canco-catala-eurovisio.html>

Report of the Barcelona Discrimination Observatory: <https://ajuntament.barcelona.cat/dretsdiversitat/sites/default/files/Informe-discriminacions-2022.pdf>

Survey on Neighbourhood Relations and Coexistence in the Metropolitan Area of Barcelona: https://www.institutmetropoli.cat/wp-content/uploads/2023/03/ECAMB22_Primers_resultats.pdf

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

rule-of-law-network@ec.europa.eu