

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

Assemblea Nacional Catalana (Catalan National Assembly)

Main Areas of Work

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

If "Other", please specify

defence of people's fundamental rights like self-determination

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

500 character(s) maximum

<https://int.assemblea.cat/>

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

602541324089-94

* 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

Assemblea

Surname

Nacional Catalana

Email Address of the organisation

international@assemblea.cat

* 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

Since the publication of the 2025 Rule of Law Report on Spain, no substantial progress has been made in addressing structural rule of law concerns affecting fundamental rights, judicial independence, media freedom, and the enabling environment for civil society—particularly in relation to the Catalan self-determination movement.

The most significant rule of law concerns affecting the Catalan self-determination movement are: (i) the use (or threat) of terrorism/counterterrorism frameworks and exceptional criminal law tools against non-violent political mobilisation; (ii) chilling effects on civic space, journalism and political participation; (iii) persistent concerns around access to information and safeguards against political interference, and (iv) the need for stronger checks and balances to prevent “security” rationales being used to criminalise peaceful dissent. UNPO’s December 2025 input to the UN Special Rapporteur documents the pattern of counterterrorism measures being used against peaceful self-determination movements, explicitly including Catalans in Spain, and describes impacts such as exile, pre-trial detention, and political exclusion.

The 2025 Rule of Law Country Chapter on Spain notes some institutional developments (e.g., renewal of the Council for the Judiciary; reforms relating to the Prosecutor General), but the Catalan context shows that legal certainty and rights safeguards remain fragile when broad “national unity/security” arguments are used to pursue criminalisation of political dissent. Key issues identified in previous reports persist, including the criminalisation of peaceful political activity, the continued use of criminal law against civil society and elected representatives, shortcomings in judicial independence and accountability, and restrictions affecting media pluralism and freedom of expression, especially in politically sensitive contexts. In several areas, developments since 2025 indicate regression rather than improvement, notably regarding hate speech, disinformation, and the protection of minority and linguistic rights.

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

The 2025 Spain chapter reports progress on renewing the Council for the Judiciary and steps towards reforming the appointment procedure of its judges-members, as well as ongoing work on the Prosecutor General's statute, amid tensions and protests by judges/prosecutors.

A further source of concern is the perception of judicial partiality in highly politicised proceedings, including the recent conviction of the General Prosecutor. While accountability of public officials is essential in a rule of law system, the handling and framing of this case has intensified doubts about selective enforcement and political instrumentalisation of criminal responsibility. Such cases risk reinforcing public distrust in the neutrality and independence of judicial institutions rather than strengthening confidence in the justice system.

Assemblea's concern resides institutional reforms do not, by themselves, address the use of criminal law as a tool to manage political conflict, which directly impacts trust in justice for a significant part of the Catalan public and for civil society organisations.

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

For Catalan civil society, the most damaging factor for perceived independence is the recurrent judicialisation of political activity, including through counterterrorism or terrorism-related accusations tied to protest and mobilisation.

UNPO documents that in Spain "counterterrorism legislation" has targeted elected representatives, journalists, activists and artists linked to the Catalan self-determination movement (including Tsunami Democràtic and CDR), with consequences including imprisonment/exile, pre-trial detention and exclusion from political participation.

This is relevant to the consultation's focus on "significant developments capable of affecting the perception that the general public has of the independence of the judiciary."

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

The 2025 Spain chapter describes reforms and debate concerning the Prosecutor General (including planned changes to separate the Prosecutor General's term from that of the Government).
Asamblea's concern resides in politically sensitive cases linked to Catalonia, the safeguards around prosecutorial decision-making and proportionality are perceived as insufficient when combined with broad security framing and the use of exceptional charges (e.g., terrorism), as documented by UNPO.
Criminal and administrative proceedings against Catalan elected officials, activists and civil society actors for acts related to peaceful political expression remain ongoing.
The broad interpretation of criminal offences (e.g. disobedience, misuse of public funds, public disorder-related offences) continues to have a chilling effect on democratic participation.
The lack of effective safeguards against political or ideological bias in sensitive cases undermines public trust in judicial independence

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

While the Amnesty Law was upheld by the Constitutional Court in June 2025, its uneven and restrictive application by ordinary courts has limited its practical impact, leaving numerous cases of judicial persecution unresolved. Several Spanish courts have continued to raise preliminary questions before the Court of Justice of the EU, prolonging legal uncertainty for affected individuals and undermining legal certainty.

Furthermore, draft reforms of the Criminal Procedure Code, particularly those limiting popular action, risk reducing civic oversight of judicial proceedings and may disproportionately affect civil society organisations engaged in human rights and accountability work, including in politically sensitive cases related to Catalonia.

The 2025 Report identified long-standing concerns regarding the independence of the judiciary, the renewal of key judicial bodies, and the perceived politicisation of judicial proceedings. Since then, no effective structural reforms have been adopted to address these issues. In cases linked to the Catalan political context, judicial practices continue to raise serious concerns regarding proportionality, legal certainty, and fundamental rights.

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

Persistent barriers to the use of Catalan in judicial proceedings undermine equal access to justice and disproportionately affect Catalan-speaking citizens.

Despite existing legal provisions, Catalan is still marginalised in courts in practice, contributing to discrimination and inefficiency.

While the renewal of the CGPJ represents progress noted in the 2025 Report, concerns about judicial independence persist in politically sensitive cases, especially those linked to Catalonia. Courts continue to interpret criminal offences such as disobedience, public disorder, or misuse of public funds in an expansive manner when applied to pro-independence actors.

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

Politically sensitive cases often involve excessive length of proceedings, repeated appeals, and legal uncertainty, exacerbating their punitive impact irrespective of final outcomes.

Any other developments related to the justice system - please specify

5000 character(s) maximum

In practice, implementation gaps remain significant. Despite commitments noted in the 2025 Report, peaceful political activism related to Catalan self-determination continues to face surveillance, judicial investigations, and administrative sanctions, particularly through public order legislation and selective enforcement. Concerns persist regarding the effectiveness and independence of national human rights and oversight bodies when addressing politically sensitive issues. Recommendations by ombudsman institutions and international bodies concerning Catalonia-related cases are frequently not implemented.

No effective policy measures have been introduced to address:

- The systemic use of criminal law against non-violent political action;
- The persistence of hate speech and stigmatization against Catalans and the independence movement, including in digital environments;
- Algorithmic amplification of discriminatory narratives, an issue previously highlighted in UN minority forums but absent from Spain's domestic policy response.
- Follow-up to recommendations by UN treaty bodies and special procedures concerning Spain's handling of the Catalan issue remains limited and largely declaratory.

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

We underline that integrity and anti-corruption tools must not be repurposed as pretexts to target political opposition or civil society; the Commission should continue to assess safeguards against politically motivated enforcement, particularly in politically polarised contexts.

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

The 2025 Spain chapter reports no further progress on strengthening access to information pending legislative changes, and records continued challenges to journalists' working conditions and safety, including chilling effects and alerts registered in Council of Europe platforms.

While Spain maintains a formal anti-corruption framework, selective enforcement and lack of accountability in politically sensitive cases remain a concern.

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

There is a perceived imbalance in the use of prosecutorial and investigative resources, with disproportionate attention to cases involving political dissent, while high-level corruption cases from the two main Spanish political parties continue to face delays.

The use of public funds-related allegations against political opponents, later dismissed or reduced, raises concerns about instrumentalisation of anti-corruption mechanisms.

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

Catalan and pro-independence media outlets and journalists continue to face stigmatisation, hostile narratives, and reduced access to institutional information.
State advertising allocation lacks sufficient transparency and safeguards against political bias.
Self-censorship remains a tangible concern. Many journalists and cultural actors avoid expressing views on Catalan self-determination due to fear of legal consequences, social stigmatisation or professional retaliation.
This environment is incompatible with robust media pluralism and open democratic debate.

[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

Journalists, artists and communicators linked to Catalan political debate continue to face legal pressure and chilling effects. Criminal proceedings, combined with uncertainty around broad criminal provisions, discourage investigative reporting and critical commentary.

Access to public information remains inadequate, limiting scrutiny of state actions related to policing, surveillance and judicial responses to protest. This undermines democratic accountability in a politically sensitive context.

Catalonia-related concerns include:

- Criminalisation / prosecutions affecting journalists and artists linked to Catalan political debate.
- Chilling effects: UNPO describes increased self-censorship and reluctance to openly express support for Catalan self-determination due to fear of legal repercussions, framing this as a “lawfare” effect.
- Access to information: the 2025 Spain chapter highlights ongoing shortcomings and the need for reform (including classified information/official secrets and broader transparency commitments).

Requested by the consultation: the Commission should pay particular attention to (i) SLAPP-like dynamics and criminal proceedings with chilling effects, and (ii) access to documents as a condition for democratic accountability, both of which are central in politically contested contexts.

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

The 2025 chapter referenced the planned reform of the Citizen Security Law and assessed civic space in Spain as “narrowed”.

The system of checks and balances continues to be strained by overreliance on judicial and punitive approaches to manage political conflict.

From Assemblea’s perspective, reforms remain insufficient as long as peaceful mass mobilisation can still be subject to disproportionate policing, administrative sanctions or criminalisation.

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

Assemblea’s main concern comprises the fact that legal certainty and non-discrimination are undermined when “unity/territorial integrity” rationales are used to justify punitive responses to peaceful political mobilisation. This creates uncertainty for citizens exercising fundamental rights and risks discriminatory application of the law against specific political movements.

UNPO explicitly warns against vague “stability/political unity/sovereignty/territorial integrity” concepts being used in ways that criminalise dissent, and argues for narrow, rights-compliant thresholds (violence-based) so that peaceful protest and self-determination advocacy are excluded from “terrorism” framing. This creates uncertainty for citizens exercising fundamental rights and risks discriminatory application of the law against specific political movements.

[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

The planned reform of the Citizen Security Law is relevant given longstanding stakeholder concerns about its effects on assembly/expression and civic space.

Catalan civil society has a long record of peaceful, mass participation. Nevertheless, protest-related sanctions,

criminal investigations and surveillance continue to affect activists and organisations.

The rule of law assessment should examine whether legal frameworks governing protest and public order are applied proportionately and without political bias.

[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

[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

A major gap in Spain's rule of law framework remains the absence of recognition and protection of minority nations as political subjects. The continued denial of Catalonia's right to decide its political future through democratic means fuels institutional conflict, social polarization, and long-term instability. Assembleia recalls that international standards increasingly link peace, democratic resilience and minority protection, as reflected in recent UN Forum on Minority Issues sessions. Spain's failure to integrate these standards into domestic law and practice constitutes a structural rule of law concern, not merely a political disagreement.

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

In the Catalan National Assembly assessment, developments since the 2025 Rule of Law Report indicate limited progress in addressing systemic challenges related to judicial practice, civic space and minority rights in Spain. Persistent delays in implementing ECHR judgments, the continued application of restrictive public order legislation and the criminalisation of peaceful political expression pose ongoing risks to the rule of law.

Assemblea respectfully encourages the European Commission to broaden the scope of the 2026 Rule of Law assessment to include the impact of judicial and administrative practices on minority rights, political pluralism, and peaceful democratic participation, particularly in Catalonia. These elements are essential to a substantive understanding of the rule of law in Spain.

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

A core concern is the normalisation of exceptional legal tools to manage political conflict. When democratic systems rely on punitive or security-driven approaches instead of political dialogue, checks and balances are weakened and democratic pluralism is eroded.

Assemblea wants to highlight a central issue for the Catalan case: counterterrorism-as-lawfare. UNPO's December 2025 submission to the Special Rapporteur on Counterterrorism and Human Rights describes how democratic states, including Spain, can "drift toward punitive, security-driven approaches" when counterterrorism frameworks are applied to legitimate political dissent, eroding democratic participation and setting problematic precedents within the EU.

The perceived lack of impartiality in high-profile cases continues to undermine public trust, particularly among minorities.

The Constitutional Court's endorsement of the Amnesty Law has not prevented lower courts from delaying or restricting its application.

No specific safeguards have been introduced to prevent judicial harassment (lawfare) against elected officials, activists, or civil society leaders.

Independent bodies addressing equality and non-discrimination have not yet demonstrated effective capacity to address structural discrimination against linguistic and national minorities, including Catalans.

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

Concrete points the Commission could reflect in the 2026 Spain chapter:

1. Assess proportionality and legality of terrorism/counterterrorism (or terrorism-adjacent) pathways used in relation to non-violent political mobilisation, including their chilling effects on participation and speech.
2. Track civic space indicators and the real impact of Citizen Security Law reform efforts, including on journalists and human rights defenders.
3. Maintain focus on access to information and reform of secrecy/classification rules, given the 2025 chapter's finding of no further progress.
4. In the Catalan context, analyse how the interaction between judicial institutions, prosecution decisions, and political discourse affects public trust and democratic pluralism.

Supporting document upload

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

[bf7918ec-f4dc-4d5c-b768-844d0fcad768/rule_of_law_report_spain_2025.pdf](#)

[e7ca9d92-af3e-4763-afb2-7398d34fc741/Spain-UPR-49th-session_-Joint-submission-final.docx.pdf](#)

[6e800c1b-7d0d-4266-abd0-6392bd01db40/Submission-on-the-Implementation-of-the-International-Covenant-on-Civil-and-Political-Rights.docx.pdf](#)

[a21187fa-cf9b-44c6-986e-ff2190691c66/UNPO-Call-for-Inputs-on-Definition-of-Terrorism.docx.pdf](#)

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