

SPAIN

Key trends in 2023

- Anti-terrorism laws increasingly applied against human rights and environmental defenders in the name of public or national security.
- Police infiltration operations in social movements seriously violates fundamental rights & creates a chilling effect.
- Protesters face arrests, persecution, disproportionate fines, police violence and ill-treatment in police custody

Targeted recommendation:

- Urgently reform of the Penal Code to guarantee the exercise of the right to peaceful assembly and expression and to ensure that it cannot be investigated and prosecuted under the indirect attribution of crimes of terrorism or of criminal organisation

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Summary

Civic space is rated as narrowed in Spain. There were no recommendations on civic space for Spain in the European Commission's 2023 Rule of Law report, however the report noted civil society concerns regarding the so-called Gag law. This continued in 2023 as the Spanish government failed to reform the Gag Law. In a serious concern, independent media uncovered police infiltrations in social movements which have been criminalised. The application of anti-terrorist laws has been instrumentalised by the authorities to restrict human rights and environmental defenders advocating for different issues, such as environmental and climate protection and Catalanian self-determination.

Police violence and the lack of police identification and accountability, the arbitrary banning of protests, persecution, detention and arrests, identity checks, as well as ill-treatment, humiliation and assaults of activists in police custody have remained worrying issues. These types of violations and the lack of police transparency, often justified for reasons of public and national security, are serious threats to democracy and the rule of law in Spain.

There was an escalation in cases restricting freedom of expression and information, with a significant number of journalists arrested during protests. The last few months of the year were characterised by protests in solidarity with Palestinian people as a result of escalating violence in Israel/ Palestine. During these protests, legal proceedings against activists were initiated, arbitrary racial profiling took place, and the display of Palestinian flags in public spaces, especially at sporting events was restricted. Online pro-Palestinian engagement was censored by removal or banning of content.

The Spanish authorities have failed to address and investigate the massive Pegasus spyware scandal of 2022, targeting at least 65 persons, including members of the Catalan independence movement, politicians, lawyers, journalists, activists as well as some of their family members. Most of the ongoing judicial investigations were paralysed and the Spanish authorities have not implemented any of the recommendations of the European Parliament's PEGA Committee.