

## Spain 2025

### Information from: Defensor del Pueblo de España

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Defensor Del Pueblo of Spain was last re-accredited with A-status in [May 2024](#).

Regarding selection and appointment, the SCA took the view that the selection process enshrined in the Law was not sufficiently broad and transparent in that it did not require the advertisement of vacancies, nor specified the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process of the Defensor. It reiterated its recommendation that the NHRI advocate for changes in this regard.

As the legislation is currently silent on the number of times an individual can be re-elected to the position of Defensor, the SCA also recommended the NHRI advocate for amendments to ensure that there is a limitation in the enabling law to a re-election of only one additional term.

Article 32 of the enabling law does include the debate and consideration of the Ombudsman's reports, both annual and monographic. However, the parliamentary agenda is subject to emerging issues depending on the political context, so the institution's thematic reports may be postponed. The SCA encouraged the NHRI to advocate for its annual, as well as its thematic reports to be widely circulated, discussed and considered by the legislature.

Finally, the SCA encourages the NHRI to continue interpreting its mandate in a broad manner and advocating for amendments to its enabling law to have an explicit mandate encouraging the ratification or accession to regional and international human rights instruments.

### Follow-up to international and European actors' recommendations on NHRIs and relevant developments

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

In May 2024, the GANHRI Sub-Committee on Accreditation (SCA), reaccredited the Ombudsman as a National Human Rights Institution (NHRI) with Status A.

In relation to the SCA's recommendation on the personnel recruitment process, the Ombudsman publishes, in the recruitment section of its website ([Convocatorias](#)), the open and closed vacancies, the professional profile and requirements for the post as well as the procedure and the work conditions. In the case of support staff vacancies, the public employment service provides candidates according to the demanded profile.

In relation to solidifying the stability of the Ombudsman's staff, the fact that the personnel is recruited by formal appointment as "temporary staff" is a more flexible legal formula, in line with the independence of the Spanish Ombudsman/NHRI.

With regards to the measures taken by Spain to follow up on the recommendations concerning the Spanish NHRI, the Ombudsman notes that the constitutional guarantees of the Spanish Ombudsman fully comply with all recommendations. In particular Recommendation CM/Rec (2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent NHRI, with some exceptions that are justified by the constitutional position of the Ombudsman institution. For example, the recommendation that the "process of selecting and appointing the leadership of an NHRI should be based on competence, be transparent and participatory, to guarantee the independence and plural representation within these institutions" can be considered partially included in art. 54 of the Constitution and in the process established in Organic Law 3/1981 (art. 2 to 4). The assumption of the status of NHRI by the Ombudsman implies the adoption of a somewhat more rigid mandate due to its constitutional regulation.

Something similar happens with the mention of "guaranteeing functional immunity." Article 6.2 of LO 3/1981 states that "The Ombudsman shall enjoy immunity. He may not be arrested, subjected to disciplinary proceeding, fined, prosecuted or judged on account of opinions he may express or acts he may commit in performing the duties of his office. In all other cases, and while he continues to perform his duties, the Ombudsman may not be arrested or held in custody except in the event of in flagrante delicto; in decisions regarding his accusation, imprisonment, prosecution and trial the Criminal Division of the High Court has exclusive jurisdiction. The above rules will be applicable to the Deputies of the Ombudsman in the performance of their functions."

Likewise, the head of the institution is entitled, as a procedural guarantee, to appear before the Supreme Court in the event that any judicial action is taken

against him, and not before the courts that would correspond to the rest of the citizens (arts. 56-58 of Organic Law 6 /1985, of July 1, of the Judiciary).

## Regulatory framework

### Regulatory framework

The Spanish NHRI notes that the regulatory framework of the Defensor del Pueblo has not been modified in 2024, and its broad mandate remains unchanged in recent years, remaining sufficient to fulfil its constitutionally attributed functions.

## NHRI enabling and safe space

### NHRI enabling and safe space

#### **Citizens' and national authorities' awareness about the NHRI**

The Spanish Ombudsman is known primarily as the High Commissioner of the Parliament (Ombudsman), appointed by it to defend the rights established in Part I of the Constitution by supervising the activity of the Spanish public administrations. (Art. 54 of the Spanish Constitution and its [regulatory law, Organic Law 3/1981](#)). Eventually, the Ombudsman took on two other mandates: as National Human Rights Institution (NHRI), since 2000 (incorporated into the Spanish legal system in art. 7.3 of Act 2/2014, of 25 March Foreign Service and Action of the State), and as National Mechanism for the Prevention of Torture (NPM), after the signing by the Spanish State of the OPCAT and the decision of the Parliament in 2009 to attribute the status of NPM of Spain to Ombudsman (through the single final provision of Organic Law 1/2009, of November 3).

Due to its constitutional regulation and its broad mandate, the institution's role as Ombudsman is better known by the citizens and the administration than its roles of NHRI and NPM. But it is precisely thanks to this mandate as Ombudsman that this NHRI enjoys an especially strong, broad and independent mandate that facilitates its work and presence.

Art. 19 of Organic Law 3/1981 establishes that all public authorities are obliged to give preferential and urgent assistance to the Ombudsman in his investigations and inspections. During the stage of verifying and investigating a complaint or in the case or proceedings initiated ex officio, the Ombudsman, his Deputy, or the person delegated by him may present himself at any establishment of the Public Administration or attached thereto or responsible for a public service, in order to verify any necessary information, hold relevant personal interviews or examine pertinent records and documents. In the pursuit of this objective, he may not be denied access to any administrative

record or document related to the activity or service under investigation. In this regard, the time the administrations take to respond to requests of information from the Ombudsman remains high. The Ombudsman continues to work with those small administrations that have few resources to help them to respond to our requests within a reasonable time and justify their decision.

### **The participation of the NHRI in the law- and policymaking processes**

The Ombudsman does not participate as such in the process of elaborating regulations but may request modifications when it considers that they cause unfair situations or affect fundamental rights. According to Art. 28.2 LO 1/1981: 1. “Although not empowered to modify or overrule the acts and decisions of the Public Administration, the Ombudsman may nevertheless suggest modifications in the criteria employed in their production. If as a result of his investigations it should reach the conclusion that rigorous compliance with a regulation may lead to situations that are unfair or harmful to those persons thereby affected, he may suggest to the competent legislative body or the Administration that it be modified.

Additionally, as NHRI, the institution may participate in those legislative processes and formulation of public policies in which human rights are involved.

As High Commissioner, the Ombudsman interacts with government, parliamentary and judicial institutions, with which it shares reports, recommendations and suggestions to improve the protection of rights and freedoms. Moreover, the institution maintains an active relationship with civil society, working alongside non-governmental organizations and community groups to stay aware of current human rights concerns and challenges. Through its actions, reports and statements, it promotes public conversation, pointing out areas for improvement or potential violations of rights. Thus, last year it published, in addition to the 2024 Annual Report, the monographic reports on “[Challenges of financial inclusion. Banking services and vulnerable people](#)” and on “[Vicarious gender violence. The other victims.](#)”

### **Adequate resources for the NHRI**

The independence and effectiveness of the Spanish Ombudsman is guaranteed by its legal and constitutional regulation as High Commissioner of the Parliament and by having an adequate budget attached to it. This constitutional relationship with the Parliament, the only body to which it must be accountable for its activity, provides the institution with the budgetary stability necessary to exercise its functions for the benefit of citizens with independence and transparency.

The assumption of new mandates would imply the need to accommodate these budgets/resources to the new powers, guaranteeing that independence and

autonomy were not affected. In any case, it is worth remembering that the institution is protected against inappropriate mandates (LO 3/1981 art. 6, “The Ombudsman shall not be subject to any binding terms of reference whatsoever. He shall not receive instructions from any authority. He shall perform his duties independently and according to his own criteria”).

### **Timely responses to NHRI requests and NHRI’s staff protection mechanisms**

While since 2022 any new State measures or practices ensuring timely and reasoned responses to NHRI recommendations have not been introduced, the Spanish Penal Code provides protection in this regard. In fact, article 502.2 of the Spanish Penal Code punishes as a crime of disobedience with the penalty of suspension of employment or public office for a period of six months to two years, if the defendant was an authority or public official, to the authority or official who obstructs the investigation of the Ombudsman, Court of Accounts or equivalent bodies of the Autonomous Communities, refusing or unduly delaying the sending of the reports that they request or hindering their access to the files or administrative documentation necessary to such investigation.

### **Functional immunity and protection from threats**

The staff of the Spanish NHRI does not enjoy functional immunity. As mentioned in the section related to the regulatory framework, the head of the institution has granted privileges before the Supreme Court, as a procedural guarantee, and is inviolable, along with the Ombudsman’s Deputies, for the acts carried out in the exercise of the competencies.

Furthermore, as mentioned above, regarding the presence of sufficient measures necessary to protect and support the NHRI, the head of institution and staff against threats and harassment, or any other forms of intimidation, article 502 of the [Criminal Code](#) functions as a deterrent. This article only applies to public authorities. In case of threats or coercion from non-State actors, other articles of the Criminal Code offer protection.

None of these measures apply to staff.

## **NHRI’s recommendations to national authorities**

NHRI’s recommendations to national authorities

The Spanish NHRI recommends national authorities to enhance their response efforts when information has been requested by the NHRI’s office.

## **Spain 2025**

## Information from: Defensor del Pueblo de España

# Human rights defenders and civil society space

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## Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The Spanish NHRI finds that during 2024, no laws, policies or state measures have been detected that negatively impact civil society and Human Rights. Nevertheless, in such an eventuality, the Ombudsman proceeds mainly through the study of complaints, the issuance of recommendations and suggestions to the authorities and the preparation of reports addressed to the Parliament. Likewise, it is entitled to file an unconstitutionality appeal against legal provisions, as well as individual appeals for protection. In April 2024, an unconstitutionality [appeal](#) was filed against Law 17/2023, of December 27, which modifies Law 2/2016, of March 29, on Gender Identity and Expression and Social Equality and Non-Discrimination of the Community of Madrid (known as the Trans Law), for violating the rights of trans minors, by pathologizing trans minors. The Constitutional Court admitted [the appeal](#) filed by the office of the NHRI.

Additionally, the institution maintains regular meetings with human rights defenders and representatives of civil society. The support provided is essentially channelled through investigations initiated as a result of complaints filed by these organizations or individuals or actions initiated ex officio by the Ombudsman, often thanks to the information provided by these entities.

## Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The Ombudsman highlights that threats or violent attacks that may occur against representatives of civil society by private actors are occasional and are managed properly by Law enforcement bodies and the Courts of Justice. The Ombudsman monitors these events.

The [II National Human Rights Plan](#) (2023-2027) states as its objective 2.1.1 “To guarantee freedom of expression and protect those who defend human rights.” However, from the Ombudsman’s perspective, it is not apparent that there is a serious structural risk for Human Rights defenders.

Regarding Strategic lawsuits against public participation (SLAPP), since they are judicial processes that are outside the scope of supervision of the Ombudsperson (article 17.2 Organic Law 3/1981, of April 6, of the Ombudsman), they are not the object of direct analysis by this institution.

However, there is a social debate about possible abuses in line with the strategic demands coming from certain entities that extensively use public complaint (art. 19 of Organic Law 6/1985, of July 1, of the Judiciary), a Spanish singular procedure recognized in the Constitution that allows any citizen to participate in judicial processes, even if they have no direct relation to their object.

These possible abusive actions do not have their origin in public powers, but in private entities that resort to massive judicial actions, with very limited possibilities of prospering, with the mere intention of intimidating those sectors that they perceive as antagonistic.

Within the framework of this debate, a bill has been presented (a proposal for an Organic Law to guarantee and protect fundamental rights against harassment derived from abusive judicial actions, which is currently being processed by parliament). The Ombudsman is closely following this initiative, as well as the future transposition of Directive (EU) 2024/1069, of April 11 2024, known as the Anti-SLAPP Directive). The [Action Plan for Democracy](#) to strengthen transparency, pluralism and the right to information approved by the Council of Ministers on September 17, 2024, contemplates this transposition, without so far indicating that any development initiatives have been activated.

It is in this transposition where the necessary instruments can be developed to protect human rights defenders from these intimidating and abusive practices.

## **National initiatives, frameworks and policies for the protection of human rights defenders**

National initiatives, frameworks and policies for the protection of human rights defenders

At national level, the NHRI considers that the guarantees of the Spanish rule of law sufficiently protect human rights defenders.

## **International protection mechanisms of human rights defenders**

International protection mechanisms of human rights defenders



At international level, it is worth mentioning that the Human Rights Office (ODH) of the Ministry of Foreign Affairs, European Union and Cooperation manages the Programme for the Protection and Temporary Shelter of Human Rights Defenders since 1998. This Program is aimed at human rights defenders threatened for their peaceful defence of human rights. The ODH collaborates with other programs to welcome human rights defenders developed by different regional institutions and NGOs. In February 2024, the Spanish Agency for International Development Cooperation (AECID) presented the Support Mechanism for Human Rights Defenders, as a support tool for people and organizations defending human rights in Latin America and the Caribbean.

## **Activities of NHRIs to support civil society space and Human Rights Defenders**

Activities of NHRIs to support civil society space and Human Rights Defenders  
The Spanish NHRI, in 2024, has organized various initiatives and a wide range of activities to promote civil society space and human rights defenders.

In his daily work, the Ombudsman has an active relationship with civil society actors, interacting with non-governmental organizations, groups and platforms to be aware of their concerns and challenges regarding human rights. The Ombudsman promotes public campaigns to spread relevant information about its activity, particularly on its website and on social networks. Furthermore, the head of the institution and its staff regularly participate in meetings and other events like forums and activities dedicated to Human Rights and meet periodically with representatives of civil society.

As an NHRI, the institution carries out education and awareness-raising work on human rights, collaborating with educational entities and the media to promote a culture of respect for these rights in Spain. In this sense, the Ombudsman promotes public conversation through its actions, reports and statements, pointing out possible failures or gaps that could result in human rights violations. This work is best illustrated in its annual report and in its monographic reports on matters that it considers priority, urgent or that require special attention, as has been the case of the most recent ones published:

[Vicarious gender violence. The other victims \[2024\]:](#)

[Challenges of financial inclusion.](#) Banking services and vulnerable people [2024].

In general, these reports usually provoke the reaction of public administrations, as is the case of the “Response and Implementation Plan of the Ombudsman's report” (see del [Plan de respuesta](#)) approved by the Council of Ministers, on the



report mentioned in the previous paragraph.

In 2024, the Ombudsman gave two awards:

- [School drawing competition on human rights](#) (annual)
- [King of Spain Human Rights Award](#) (biannual), which recognizes and promotes the work of organizations working in the defense and promotion of human rights and democratic values in Spain, Portugal and Latin America, and is awarded by HM the King of Spain. In 2024, this award was awarded to the Mexican missing persons of Jalisco association (FUNDEJ). The Spanish NHRI covers various roles and contributes to the protection of civic space and HRDs in the following ways:
  - Monitoring: The Ombudsman monitors the situation of civil society and human rights defenders, not only through complaints received and regulatory monitoring and analysis, but through regular contacts with interested actors.
  - Complaints handling: During 2024, 34,402 complaints have been studied and 185 ex officio actions have been opened.
  - Legal assistance: Through the analysis of complaints and published reports, the Ombudsman establishes a legal position in reference to the issues analyzed that can serve civil society and legal actors to address these issues. Even in the case of non-acceptance of complaints, citizens are guided about their rights. In specific justified cases, it has legitimacy to file appeals for protection (art. 29 LO 3/1981) and appeal for unconstitutionality against legal norms (see response 14).
  - Recommendations & opinions: The Ombudsman has issued 1,138 recommendations and 382 suggestions in 2024. Likewise, he has published the reports mentioned in the previous section.
  - Capacity Building: The Ombudsman and his staff participate in relevant training activities for the protection of Human Rights, such as with professionals from Penitentiary Institutions, Law Enforcement bodies or Universities, as well as internal training activities in relevant aspects, in addition to other professional training activities in a supranational and international environment. Similarly, Coordination Conferences are held annually with counterpart institutions at the regional level.
  - Institutional HRD protection (such as human rights defender focal points) : There is no formal attribution in this regard, but in practice, the Ombudsman fulfills a relevant role of reference for human rights defenders such as the NHRI.
  - Through NHRI's specific/additional mandates (for example: focal point on SLAPPs, support to whistle-blowers): The Ombudsman is not subject to any imperative mandate (Art. 6 LO3/1981). However, as previously indicated, it has been assigned the role of National Mechanism for the Prevention of Torture (MNP) in a legislative modification of 2009. Also, Congress of Deputies tasked the Ombudsman to carry out the "Report

on sexual abuse in the scope of the Catholic Church and the role of public powers. A necessary response” (October 27, 2023). In addition, the Spanish State has considered that the mandate of the Ombudsman includes supervising the implication in human rights and public freedoms of the activities carried out through Artificial Intelligence (AI).

## **NHRI engagement with international and regional mechanisms for the protection of Human Rights Defenders**

NHRI engagement with international and regional mechanisms for the protection of Human Rights Defenders

The Ombudsman actively collaborates with OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant international and European actors from the European Union, the Council of Europe or the OSCE, in order to further strengthen its institutional framework and work procedures. In 2024, this NHRI participated in:

- Universal Periodic Review (UPR); in the European Commission’s Rule of Law report; in the annual report on the implementation of the EU Charter of Fundamental Rights (through ENNHRI’s submissions);
- Sent written contributions to:
  - Report on Good Practices of the Ombudsman as an NHRI (OHCHR);
  - Committee against racism and intolerance (ECRI) of the Council of Europe;
  - Report on Good Practices of the Ombudsman and mediators to guarantee governance, the Rule of Law and Human Rights (OHCHR);
  - OHCHR study on “the role of the rule of law and accountability at the national and international levels in the prevention of human rights”;
- Prepared a complementary report to the 99th Committee on the Rights of the Child and appeared as an NHRI in the previous session in Geneva together with civil society in September 2024;
- Attended the General Assembly of ENNHRI and GANHRI in Geneva;
- Sent contribution to the United Nations Voluntary Review of Spain (ENV) entitled: “The 2030 Agenda from the perspective of the actions of the Ombudsman”;
- Submitted to the GANHRI reaccreditation process, obtaining A status again.

To learn more about the activity carried out, you can consult Annex E that will be published in the 2024 Annual Report, which can be consulted on the

following [webpage](#).

## NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- The NHRI recommends national authorities to correctly and fully transpose Directive 2024/1069 of April 11, 2024 (Anti-SLAPP Directive).
- The NHRI recommends regional authorities to promote and monitor the legal instruments adopted by the anti-SLAPP Directive. To achieve this, it would be key to design national strategies to counteract SLAPPs in line with the Recommendation of the Committee of Ministers of the Council of Europe of April 2024.
- The NHRI recommends all public authorities to strengthen the human rights-based approach of NHRIs when collecting, disaggregating and using data, including data for the SDGs and global indicators collected by UN Human Rights. Better data on human rights strengthen arguments and are the best basis for public policies in favor of human rights.

## Spain 2025

**Information from: Defensor del Pueblo de España**

## Functioning of justice systems

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### Follow-up to regional actors' recommendations and latest developments

Follow-up to regional actors' recommendations and latest developments  
The Spanish NHRI notes that in 2024 and 2025, Spain has implemented the European [Commission recommendations](#) concerning the Spanish justice system.

In September 2024 the new General Council of the Judiciary (CGPJ) was finally established, following the agreement reached by the two majority parties in Parliament in June 2024. It had been abnormally constituted since December 2018. The Ombudsman welcomes the overcoming of this serious deficiency and closely follows the development of the agreements reached and the return to institutional normality.

Likewise, in November, [Organic Law 5/2024, of November 11, on the Right to Defense](#), was approved. It regulates, for the first time in a unitary manner, the right to legal assistance, guarantees of the relationship between lawyer and client, and other institutional guarantees, as well as the duties of lawyers in the relationship.

In addition, Royal Decree 1100/2024, of October 29, has also been approved, which expands and modifies the organic staff of the Public Prosecutor's Office to adapt it to existing needs, creating 79 new positions for prosecutors, including two Chamber Prosecutors to fight against public and private corruption: The Prosecutor's Office for Crimes against Public Administration and the Prosecutor's Office for Economic Crimes.

Finally, [Organic Law 1/2025, of January 2, on measures regarding the efficiency of the Public Justice Service](#), has led to a profound reform of the judicial system, through the disappearance of single-judge courts and their transformation into Courts of Instance and Judicial Offices that support them. The reforms also affect the public service of justice both in the jurisdictional and extrajudicial channels, by betting on the use of Appropriate Methods of Dispute Resolution (MASC) in civil and commercial matters before judicializing, or introducing measures to reduce litigation and streamline processes. Criminal, labor and bankruptcy matters would be excluded from the general scope of application of the MASC, in addition to those in which the public sector was a party in the process. There are also far-reaching procedural streamlining measures, as well as the implementation of the Electronic Judicial Administration. Periodic specialized training in matters of family, childhood, capacity and violence against girls, boys and adolescents is also foreseen for substitute magistrates and substitute judges, as well as for members of the Public Prosecutor's Office.

## **Access to justice affecting women**

### **Access to justice affecting women**

With regards to challenges in access to justice that disproportionately impacted women, in 2024, the Ombudsman published the report “Vicarious gender violence. The other victims” to address this form of “extended gender violence”, which uses the bond of the abused woman with her most loved ones, essentially on the woman's sons and daughters, whether common or unrelated to the aggressor.

The Recommendations of this institution have been oriented towards a better knowledge of this phenomenon, collecting specific data from judicial, police, and social services sources, to design effective public policies; the implementation of the Violence against Children and Teenager Central Registry; improvements in healthcare networks; the inclusion in all public

policies related to the protection of children and the specificity of minors who are victims of this type of violence in order to better detect and/or prevent manifestations of an episode of violence or the risk of it to happen; put into action the “Personalized family intervention plan”. It is also insisted that all competent administrations guarantee sufficient resources and the immediate implementation of social services for primary care and protection of children and teenagers, especially family intervention teams (see [Recommendation](#) of November 25, 2024, addressed to the Secretary of State for Youth and Children, Ministry of Youth and Children, related to vicarious gender violence), recommendation accepted by the Ministry.

Finally, the Ombudsman has raised other [recommendations during 2024 that affect the treatment of victims of gender violence](#) (e.g. protection for victims of economic gender violence).

## Implementation by state authorities of European Courts’ judgements

Implementation by state authorities of European Courts’ judgements

According to the data published by the Council of Ministers of the Council of Europe on the execution of judgments issued by the European Court of Human Rights, there is no significant improvement in recent years in the execution of ECtHR sentences by Spain. In this context, participation through Rule 9 as an NHRI in certain especially relevant matters may be interesting. However, this is not considered as an extensive resource. Likewise, the Ombudsman regularly uses the legal arguments contained in the rulings of the ECtHR in his actions vis-à-vis administrations.

The Spanish NHRI undertakes the following activities to support the implementation of the European Courts’ judgments:

- Rule 9 has not been used to present observations in the process of executing ECtHR sentences, but the Spanish NHRI has not ruled out its use in some particularly significant cases.
- The Ombudsman considers the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union when setting standards for the interpretation of fundamental rights and when basing decisions. It is very important in the daily work of the Ombudsman. Explicit references to rulings from these courts can be found in numerous actions in all thematic areas of the institution, with those included in the 2024 Annual Report or in the “Report on sexual abuse in the scope of the Catholic Church”. and the role of the public powers”, being of special interest in aspects such as the position of the victims and the obligation of reparation borne by the State, or the responsibility of the public powers from the educational perspective.

- The Ombudsman does not participate in the jurisdictional function and is obliged, in accordance with its Organic Law (art. 17), to suspend its actions if the matter in question is submitted to the courts.
- The Ombudsman participates in different training processes, especially at the university level or in courses aimed at groups of officials (Law enforcement bodies, prison officials...)
- Support for specific groups is carried out especially through the analysis of complaints, which exclude matters subject to the courts.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

1. The Spanish NHRI recommends national authorities to fully implement Organic Law 1/2025, of January 2, on measures regarding the efficiency of the Public Justice Service, in accordance with the deadlines set out.
2. The Spanish NHRI recommends national authorities to reinforce resources, create new courts where needed and to enhance the organizational and structural efforts of certain courts.
3. The Spanish NHRI recommends national authorities to develop a regulatory reform tackling the problem of judges' prolonged medical leaves hindering the delivery and execution of judgements.

## **Spain 2025**

**Information from: Defensor del Pueblo de España**

## **Media freedom, pluralism and safety of journalists**

The evolution of the way information is consumed has affected the structure of the market and has caused some risks in a sector that is essential for maintaining the rule of law and democratic quality.

The development of technologies has led to the emergence of more media outlets (most of them online) and social networks, where the information they offer is not always verified. Anonymous sources are sometimes used with the intention of misinforming and manipulating.

Some measures such as Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU have highlighted the need to protect the independence and pluralism of the media.

This perception has led in Spain to the development of the Action Plan for Democracy approved by the Council of Ministers on September 17, 2024. It includes relevant measures to protect the independence and plurality of the media, including modifications to the Law on institutional advertising, to provide greater transparency to the sector, to promote a new Law on professional secrecy for journalists, the transposition of the anti-SLAPP Directive, the approval of a National Strategy to combat disinformation campaigns or the extension of the right of rectification to social networks (modification of Organic Law 1/1982 and Organic Law 2/1984).

The processing of some of these measures, such as the reform of the right of rectification, has already been initiated, with the reading of the draft in the Council of Ministers on December 17, 2024.

The Ombudsman recognizes the relevance of the proposed measures and is attentive to their implementation, the execution of which has not yet begun. However, it should be noted that no complaints about the work of journalists or freedom of information have been processed by the Ombudsman during 2024. However, if they were to occur, they would be linked to article 20 of the Constitution (the right to receive truthful information is recognised and protected) and would fall within the scope of supervision of the Ombudsman, when it comes to restrictions imposed or promoted by public powers.

In the area of access to relevant information, the Ombudsman regularly receives complaints about non-compliance with Law 19/2013, of December 9, on transparency, access to public information and good governance.

In 2024, some recommendations have been made in this area, for example, to the Department of Citizen Security of the Autonomous City of Melilla. Several entities have also been recommended to increase transparency standards within the framework of staff selection processes. The Ombudsman also positively values the measures included in the Fifth Open Government Plan.

This institution considers that it is an essential element of the rule of law that citizens can access a plurality of content from editorially independent media, without being subject to disinformation and respecting the confidentiality of sources as indicated in the European Regulation on Freedom of Information Media and in the jurisprudence of the ECHR.

## **Follow-up by state authorities to the**



## recommendations concerning media freedom issued by European actors

Follow-up by state authorities to the recommendations concerning media freedom issued by European actors

In relation to the follow-up by State Authorities to the recommendations concerning media freedom issued by European actors, the Spanish NHRI points out that the [II National Human Rights Plan \(2023-2027\)](#) and the [Democratic Action Plan](#) include some measures to protect media freedom. Overall, the Ombudsman believes that the steps taken (European Regulation on Freedom of Sources, European Strategy against disinformation, etc.) are on the right track and are beneficial as a starting point for improving the protection of press freedom in Spain and in Europe.

## NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The Spanish NHRI recommends national authorities to increase efforts and standards on transparency, access to public information and good governance.
2. The Spanish NHRI recommends regional authorities to monitor the implementation of recent European regulations in the field of media freedom.

## Spain 2025

### Information from: Defensor del Pueblo de España

## Other challenges to the rule of law and human rights

The Ombudsman notes that NHRIs will need to be alert to the significant implications that artificial intelligence (AI) has for human rights, both in terms of challenges and opportunities.

The Ombudsman also reports that measures have been taken by the national authorities to follow-up on the European actors' recommendations concerning other areas of rule of law, such as checks and balances and anti-corruption. In

September 2024, the Council of Ministers approved the Action Plan for Democracy as a follow-up instrument to the recommendations of the "Action Plan for European Democracy" ([Plan de Acción por la Democracia](#)), reinforcing transparency around 3 axes: expanding and improving the quality of government information; strengthening the transparency, plurality and responsibility of our information ecosystem; and reinforcing the transparency of the legislative power and the electoral system.

Among the announced measures, it is proposed to finally approve a Law on Interest Groups that regulates their code of conduct and facilitates the monitoring of the legislative process.

The Reform of the Law on Official Secrets (of 1968) is also addressed to adapt it to a current and guarantee-based context in compliance with one of the recommendations to Spain of the Rule of Law report.

In October 2024, the [Statute of the Independent Authority for the Protection of Informants, A.A.I.\(API\)](#), was approved, in compliance with Law 2/2023, of February 20, regulating the protection of persons who report regulatory violations and the fight against corruption, approved in compliance with Directive 2019/1937. This public law entity at the state level will act with full autonomy and organic and functional independence from the Government. Its purpose will be to guarantee the protection of the informant and to serve as an institutional pillar in the prevention and fight against fraud and corruption. The Ombudsman is following the implementation of this measure with interest. The Spanish NHRI also deems that the work of serious and rigorous media is essential to protect democracy and contribute to social peace.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The Spanish NHRI recommends national and regional authorities to:

- Closely monitor the implications of Artificial Intelligence on human rights. In this regard, the use of AI techniques in relations with citizens should be preferably studied, in order to specify the rights and obligations of the parties and guarantee the existence of periodic, agile and effective fact-checking systems to avoid rights violations and biases that produce discrimination (profiling). Likewise, the use of AI in commercial relations should be monitored, anticipating some risks (such as the growth of cases of identity theft or discrimination)
- Protect freedom of information from incumbent risks affecting rule of law and democracy. The right to receive truthful information is included in the Spanish Constitution (art. 20.1. d CE) as a fundamental right, and

in the current context is a requirement for any democracy, and for having a free and informed citizenship.

- Continuously seek progress in the activation of positive discrimination policies to give opportunities to the most vulnerable groups in accessing public services.

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