

LIBERTIES

RULE OF LAW

REPORT

2026



#roi-report2026

SPAIN



Co-funded by
the European Union

FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

[Download the full Liberties Rule of Law Report 2026 here.](#)

TABLE OF CONTENTS

FOREWORD	2
ABOUT THE CONTRIBUTING ORGANISATIONS	4
OVERALL ASSESSMENT: STAGNATOR	5
Assessment of the trajectory	5
ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX	6
JUSTICE SYSTEM	8
General assessment	8
Implementation of 2025 Commission recommendations	8
Gaps in the Commission's Report	9
New Issues that Emerged in 2025	10
Implications and Recommendations for 2026	12
Implementation of Judgments	13
ANTI-CORRUPTION FRAMEWORK	15
General assessment	15
Implementation of 2025 Commission recommendations	15
Gaps in the Commission's Report	17
New Issues that Emerged in 2025	18
Implications and Recommendations for 2026	20
MEDIA ENVIRONMENT AND MEDIA FREEDOM	22
General assessment	22
Implementation of 2025 Commission recommendations	22
Gaps in the Commission's Report	22
New Issues that Emerged in 2025	22
Implications and Recommendations for 2026	25
CHECKS AND BALANCES	27
General assessment	27
Implementation of 2025 Commission recommendations	27
Gaps in the Commission's Report	28
New Issues that Emerged in 2025	28
Implications and Recommendations for 2026	32
CONTACTS	35

SPAIN

ABOUT THE CONTRIBUTING ORGANISATIONS

Xnet - Institute for Democratic Digitalisation



Xnet is a Barcelona-based collective of activists and specialists dedicated to advancing digital rights and modernising democracy for the digital age. Since its inception in 2008, Xnet has championed internet freedom, transparency, and anti-corruption through a combination of technopolitical tools and advocacy.

OVERALL ASSESSMENT: STAGNATOR

Spain's rule of law environment in 2025 has been dominated by an escalating conflict between the two major parties – the Spanish Socialist Workers' Party (PSOE) and the People's Party (PP). In this conflict, the opposition to the central government appears to be gaining ground by controlling all branches of state power except the central government itself. The criminal conviction of the Attorney General represents the culmination of decades of partisan capture of the judiciary, now in an advanced phase of entrenchment.

DANA disaster – torrential rains that led to flash floods – of 29 October 2024 caused more than 230 deaths in Valencia. In 2025, the use of parliamentary immunity by regional President Mazón to block criminal investigation into officials' response to the disaster raised fundamental questions about accountability. The Ombudsman of Valencia (*Síndic de Greuges*) confirmed a “*failure to fulfil the duty to protect the right to life*”.¹

Internationally, Spain faces significant pressure from the EU. The Commission sued Spain before the Court of Justice of the European Union (CJEU) in May 2025 for non-compliance with the Digital Services Act (DSA). Additionally, €626 million in NextGeneration EU funds were suspended due to continued abuse of temporary public employment. Spain's position as one of the most hostile Member States to end-to-end encryption has drawn criticism from civil liberties organisations.

Civil society demonstrates resilience. The response to the DANA disaster showed citizens' capacity to self-organise when institutions fail. Organisations such as Xnet have documented deficiencies in whistleblower protection, Civio achieved an important victory in making the right to transparency effective, and victims' associations are pursuing accountability through legal and political action.

Assessment of the trajectory

Spain is designated as a 'Stagnator' because the government has made only minimal progress on rule of law indicators, with structural problems remaining unaddressed despite repeated Commission recommendations since 2022.

1 Sanjuán, H.: The Ombudsman of Catalonia points to the Generalitat for a “failure to protect the right to life” after the DANA (“El Síndic de Greuges apunta a la Generalitat por un fracaso en la protección de la vida tras la DANA”), *La Vanguardia*, 25 March 2025, <https://www.lavanguardia.com/local/valencia/20250325/10515060/sindic-greuges-apunta-generalitat-fracaso-proteccion-vida-dana.html> [in Spanish]

The conviction of the Attorney General in November 2025 is not an isolated incident but a symptom of the structural capture of the judiciary by party politics since 1986, when the Organic Law of the Judiciary was reformed so that all members of the General Council of the Judiciary are elected by Parliament, replacing the previous system of direct election by judges. The renewal of the Consejo General Council of the Judiciary (*General del Poder Judicial*) in 2024 has not reversed the politicisation of the judiciary.

Spain responds only to concrete pressure, not to recommendations. Non-compliance with the DSA led to CJEU proceedings; abuse of temporary employment led to the suspension of €626 million in EU funds. Four consecutive rule of law reporting cycles (2022–2025) with repeated recommendations on lobbying, judicial independence and transparency have produced no structural reform.

The Democratic Governance Bill (July 2025) proposes media ownership transparency but remains stalled in Parliament. The Classified Information Bill would replace the Official Secrets Act of 1968, but with longer declassification periods than other European countries. Financial support for judicial career access has been announced but not implemented. These initiatives, while positive, represent minimal progress insufficient to alter Spain's stagnant trajectory.

The pattern is clear: announcements without implementation, reforms without structural change, and compliance only when faced with financial consequences.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

Given Spain's pattern of responding only to concrete pressure, the Commission should establish clear benchmarks with automatic consequences rather than relying on recommendations that have proven ineffective over four consecutive cycles (2022–2025). The Commission should address the conviction of the Attorney General not as an isolated case but as evidence that recommendations for General Council of the Judiciary (CGPJ) (*Consejo General del Poder Judicial*, CGPJ) reform are insufficient. Spain may require constitutional reform to break the bipartisan capture of the judiciary established since 1986. The Commission should also formally assess the compatibility of the National Court (*Audiencia Nacional*) with European standards of decentralisation and the principle of the natural judge.

The Commission correctly sued Spain in May 2025 for non-compliance with the DSA; this should be pursued vigorously. New proceedings should be considered for:

(1) Systematic non-compliance with CJEU rulings on temporary public employment, affecting approximately one million workers. The ruling of June 2024² explicitly established that ‘indefinite non-permanent’ status does not constitute adequate compensation for abusive temporary employment, yet no effective legislative reform has been adopted.

(2) Potential non-compliance with the EU Whistleblower Directive due to ineffective implementation. Research by Xnet, Escola d’Administració Pública de Catalunya (EAPC) and the University of Barcelona has identified critical shortcomings: weak enforcement mechanisms, insufficient support services, and reporting channels that do not guarantee real anonymity.

Additionally, the suspension of €626 million in NextGeneration EU funds demonstrates that financial consequences work where recommendations fail. This approach should be maintained until Spain adopts effective reforms on temporary employment. The Commission should further assess whether systemic failures in judicial independence – evidenced by the partisan capture demonstrated in the Attorney General’s conviction – warrant consideration under Regulation 2020/2092, the Rule of Law Conditionality Mechanism,³ on a general regime of conditionality for the protection of the Union budget.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

- | | | |
|---|---|---|
| Regression | No progress | Progress |
|  |  |  |

2 Joined Cases C-331/22 and C-332/22, KT (C-331/22), HM and VD (C-332/22) v. Directorate-General for the Public Service and Department of Justice of the Generalitat of Catalonia: Judgment of the Court of Justice (Sixth Chamber) of 13 June 2024 (“Asuntos acumulados C-331/22 y C-332/22, DG de la Función Pública, Generalidad de Cataluña y otros”), Official Journal of the European Union, C/2024/4556, 29 July 2024, <http://data.europa.eu/eli/C/2024/4556/oj>

3 *Regulation (EU, Euratom) 2020/2092, on a general regime of conditionality for the protection of the Union budget (the “Rule of Law Conditionality Mechanism”)*, Official Journal of the European Union, L 433I, 22 December 2020, <https://eur-lex.europa.eu/eli/reg/2020/2092/oj> [in English].

JUSTICE SYSTEM

General assessment

The criminal prosecution of the sitting Attorney General marks a turning point: the judiciary has become a battlefield for partisan warfare rather than an independent branch of state. This unprecedented conviction of the Attorney General of Spain, Álvaro García Ortiz — barred from public office for two years by the Supreme Court for revealing confidential information in a politically charged case — has deepened perceptions of judicial fragmentation and political instrumentalisation, as both the government and the opposition have framed the trial as either a politicised attack or a vindication of accountability, eroding public confidence in impartial judicial governance.

Implementation of 2025 Commission recommendations

Recommendation: Continue ongoing efforts to strengthen the statute of the Prosecutor General, in particular regarding the separation of the terms of office of the Prosecutor General from that of the Government, taking into account European standards on independence and autonomy of the prosecution (first made in 2022)

The conviction of Attorney General García Ortiz on 20 November 2025 (by a vote of 5-2) for disclosure of secrets represents the culmination of the ‘judicial war’ between the two major parties that began in 2018.⁴ The PP has presented this victory as a success in its strategy to corner the central government, the only branch of the state it does not control.

Commission’s 2025 assessment: Some further progress

Xnet’s current assessment: Backsliding

4 General Council of the Judiciary (Consejo General del Poder Judicial), Press release: The Supreme Court sentences Álvaro García Ortiz for the crime of revealing secrets to a fine and two years of disqualification from the position of Attorney General of the State (“El Tribunal Supremo condena a Álvaro García Ortiz por un delito de revelación de secretos a pena de multa y 2 años de inhabilitación para el cargo de Fiscal General del Estado”), 20 November 2025, <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-condena-a-Alvaro-Garcia-Ortiz-por-un-delito-de-revelacion-de-secretos-a-pena-de-multa-y-2-anos-de-inhabilitacion-para-el-cargo-de-fiscal-general-del-Estado> [in Spanish]

Recommendation: 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 (first made in 2022)

The renewal of the General Council of the Judiciary (CGPJ) has not reversed decades of partisan capture of the judiciary. The Commission's recommendation is too broad and vague – it covers a wide range of issues without clear steps. Instead, the Commission should recommend that Spain:

Adopt a binding statutory framework to depoliticise judicial governance by reforming the appointment process for members of the General Council of the Judiciary (CGPJ), moving towards a system where a majority of judicial members are elected by their judicial peers under clear objective criteria, and introducing safeguards such as cooling-off periods and merit-based selection panels to limit partisan influence.

This new recommendation should be accompanied by measurable benchmarks for implementation and periodic independent evaluation reported to the Commission, in line with longstanding concerns about political control over judicial appointments and European standards on judicial independence. The ongoing failure to reform these mechanisms despite repeated Commission recommendations highlights a structural problem in judicial independence rather than isolated incidents.

Commission's 2025 assessment: Significant progress**Xnet's current assessment: No progress**

Gaps in the Commission's Report

Reform of the Audiencia Nacional

National Court (*Audiencia Nacional*) is a structural anomaly (centralised national jurisdiction), yet at the same time there is the persistence of a socially homogeneous judiciary, where those who cannot sustain years of preparation at high cost continue to struggle to access the justice system.

In 2025, there was no debate on structural reform of the Audiencia Nacional. Instead, the government announced a reform that provides for increased financial support to facilitate equal access (currently being processed and awaiting results).

New Issues that Emerged in 2025

Conviction of the Attorney General

The criminal conviction of a sitting Attorney General – the first in Spanish democracy – for revealing secrets in a case with clear political dimensions occurred in November 2025. This raises fundamental questions about judicial independence, the politicisation of criminal proceedings against senior officials, and the exploitation of the justice system for partisan purposes.

The Supreme Court convicted Attorney General Álvaro García Ortiz for revealing secrets related to information about tax fraud committed by Alberto González Amador (partner of the President of the Community of Madrid, Isabel Díaz Ayuso).⁵ The ruling was 5-2 with extensive dissenting opinions,⁶ and the sentence was disqualification from holding the office of Attorney General for 2 years and a €7,200 fine.⁷ The critical evidence (deleted communications) could not be recovered from Google or

5 García, D.: The Supreme Court condemns García Ortiz for revealing tax information about Ayuso's partner by a vote of 5 to 2 and disqualifies him as Attorney General ("El TS condena a García Ortiz por revelar datos tributarios de la pareja de Ayuso por 5 votos a 2 y le inhabilita como fiscal general"), *El Español*, 20 November 2025, https://www.elespanol.com/espana/tribunales/20251120/ts-condena-garcia-ortiz-revelar-datos-tributarios-pareja-ayuso-votos-inhabilita-fiscal-general/1003744022429_0.html [in Spanish]

6 General Council of the Judiciary (Consejo General del Poder Judicial): The Supreme Court sentences Álvaro García Ortiz for the crime of revealing secrets to a fine and 2 years of disqualification from the position of Attorney General of the State ("El Tribunal Supremo condena a Álvaro García Ortiz por un delito de revelación de secretos a pena de multa y 2 años de inhabilitación para el cargo de Fiscal General del Estado"), Press release, 20 November 2025, <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-condena-a-Alvaro-Garcia-Ortiz-por-un-delito-de-revelacion-de-secretos-a-pena-de-multa-y-2-anos-de-inhabilitacion-para-el-cargo-de-fiscal-general-del-Estado> [in Spanish]

7 Supreme Court of Spain (Tribunal Supremo), Criminal Chamber, Judgment No. 1000/2025 (9 December 2025), <https://www.poderjudicial.es/stffs/TRIBUNAL%20SUPREMO/DOCUMENTOS%20DE%20INTER%20C3%89S/2025-12-09%20SENTENCIA%201000-2025%20de%209%20diciembre.pdf>

WhatsApp.⁸ This was considered circumstantial evidence,⁹ setting a dangerous precedent. The case originated from a complaint filed by González Amador himself after the Public Prosecutor's Office issued a press release correcting false statements made by officials of the Madrid regional government.

This episode is fundamentally a matter of local politics in Madrid, where the two-party system and party politics have managed to drag down the entire party system, its affiliated press, and the entire judicial system. It represents the 'final blow' to the deterioration of judicial independence that the Commission has been pointing out in successive reports, and confirms that the deadlock in the renewal of the CGPJ was not an isolated problem but a symptom of a deeper institutional capture. In the open war between the two main parties since 2018, the People's Party has claimed a fundamental victory in cornering the central government, the only branch of the state that it does not control.

Failures in disaster response and accountability

Systemic failures in the coordination of emergency response and civil protection systems led to mass fatalities in the DANA disaster, which was combined with accountability gaps that allow regional political leaders to evade criminal investigation through parliamentary immunity.

The DANA disaster of 29 October 2024 caused 229 confirmed deaths in the Valencia region. In 2025, the former Justice and Home Affairs Minister, Salomé Pradas, was charged with reckless homicide by the investigating judge in Catarroja. Regional President Carlos Mazón resigned in November 2025 but retained parliamentary immunity, blocking the criminal investigation against him.¹⁰ The Ombudsman of Catalonia, Síndic de Greuges, published a comprehensive report confirming the 'failure to fulfil the duty to protect the right to life' and identifying critical delays in issuing emergency

8 The UCO claims that the messages on the Attorney General's phone were deleted the day the Supreme Court opened his case ("La UCO afirma que los mensajes del teléfono del fiscal general se borraron el día que el Supremo abrió su causa"), RTVE, 10 February 2025, <https://www.rtve.es/noticias/20250210/fiscal-general-mensajes-juez-abrio-causa/16443352.shtml> [in Spanish]

9 The eight pieces of evidence from the Supreme Court ruling that led to García Ortiz's removal as Attorney General ("Las ocho pruebas de la sentencia del Tribunal Supremo que han acabado con García Ortiz como fiscal general"), El Español, 10 December 2025, https://www.lespanol.com/espana/tribunales/20251210/fiscalia_general_del_estado-Alvaro_garcia_ortiz-tribunal_supremo-revelacion_de_secretos-isabel_diaz_ayuso-alberto_gonzalez_amaador-tribunales/1003744048621_0.html [in Spanish]

10 Live updates: Carlos Mazón's resignation - latest news on his speech in the Valencian Government plenary session("En directo, dimisión de Carlos Mazón: última hora de su intervención en el pleno del Gobierno valenciano"), Infobae, 4 November 2025, <https://www.infobae.com/espana/2025/11/04/en-directo-dimision-de-carlos-mazon-ultima-hora-de-su-intervencion-en-el-pleno-del-gobierno-valenciano/> [in Spanish]

alerts.¹¹ The mayors were exonerated from criminal responsibility, concentrating accountability at the regional government level. Victims' associations have filed legal actions.

Implications and Recommendations for 2026

Regarding the reorganisation of the National Court, the absence of a specific analysis or a recommendation on the Audiencia Nacional from the Commission allows a highly centralised judicial architecture to persist without sufficient comparative assessment of its compliance with European standards of decentralisation and the natural judge, a basic guarantee of the rule of law, consisting of the right of every person to be tried by a court previously established by law, with objective, territorial and functional jurisdiction defined before the facts being judged occurred. And, even if changes are announced, unless their impact is assessed and incentives to the access of justice are corrected, real diversity can only improve marginally and continue to compromise the social representativeness of the judiciary.

Suggested recommendation: Assess the compatibility of the National Court with European standards (jurisdiction, concentration of jurisdiction and institutional alternatives) and consider redistributing jurisdiction among ordinary or specialised bodies, including any court within the Spanish judicial system other than the Audiencia Nacional.

Suggested recommendation: Establish an annual evaluation recommendation with metrics (socio-economic origin, territory, diversity) on the real impact of scholarships and access reforms, and adjust the design if it does not correct entry inequality.

Suggested recommendation: Strengthen structural measures: paid training, accessible public preparation, and transparency of costs/routes to access justice.

Concerning the new developments observed during 2025, the Commission should issue the following recommendations in its next report:

Suggested recommendation: Urgently adopt a binding reform of judicial governance to depoliticise the appointment of the General Council of the Judiciary (CGPJ), including objective, transparent criteria and a peer-based selection process for judicial members, with a clear implementation

11 Valencian Ombudsman (Síndic de Greuges de la Comunitat Valenciana), Extraordinary Report on the DANA Emergency Management ("Informe extraordinario sobre la gestión de la emergencia de la DANA"), 25 March 2025, <https://www.elsindic.com/actualidad/luna-la-dana-ha-puesto-de-manifiesto-el-fracaso-de-la-administracion-en-la-proteccion-del-derecho-a-la-vida/>

timetable and regular independent monitoring to ensure alignment with European standards on judicial independence.

Suggested recommendation: Establish clear accountability frameworks for regional authorities in emergency situations, review whether provisions on parliamentary immunity are compatible with the right to effective judicial protection when deaths result from government negligence, and ensure that victims have access to effective remedies and reparations.

The Commission should also encourage the government to further consider whether the use of a basic mechanism for the separation of powers – such as parliamentary immunity – to halt judicial investigations into the deaths of citizens could constitute an aggravating factor a posteriori, given that it involves perverting an institutional guarantee designed to protect the legislative function, not to shield public officials from the criminal consequences of their negligence.

Implementation of Judgments

CJEU rulings on temporary public sector employment ('*Interinos*')

Spain continues to fail to comply with multiple CJEU rulings on the abuse of temporary contracts in the public sector.¹² The ruling of June 2024 explicitly established that 'indefinite non-permanent' status does not constitute adequate compensation for abusive temporary employment.¹³ Despite Law 20/2021, temporary employment in the public sector remains at 25%.¹⁴ The European Commission

12 Court of Justice of the European Union, Judgment in Joined Cases C-103/18 and C-429/18, *Sánchez Ruiz and Others v Comunidad de Madrid (Servicio Madrileño de Salud)*, 19 March 2020, ECLI:EU:C:2020:219, <https://eur-lex.europa.eu/legal-content/ES/ALL/?uri=CELEX:62018CJ0103>

13 Court of Justice of the European Union, Judgment in Joined Cases C-331/22 and C-332/22, *KT and Others v Generalitat de Catalunya*, 13 June 2024, ECLI:EU:C:2024:496, <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:62022CJ0331>

14 Law 20/2021 of 28 December on urgent measures to reduce temporary employment in public employment (*Ley 20/2021, de 28 de diciembre, de medidas urgentes para la reducción de la temporalidad en el empleo público*), BOE núm. 312, 29 December 2021, <https://www.boe.es/buscar/act.php?id=BOE-A-2021-21651> ; The government approves more positions for temporary staff, but temporary employment in the public sector is still three times higher than the 8% target ("El Gobierno aprueba más plazas para interinos, pero la temporalidad del empleo público aún triplica el objetivo del 8%"), Infobae, 28 December 2023, <https://www.infobae.com/espana/2023/12/28/el-gobierno-aprueba-mas-plazas-para-interinos-pero-la-temporalidad-del-empleo-publico-aun-triplica-el-objetivo-del-8/> [in Spanish]

responded by suspending €626 million in NextGeneration EU funds in July 2025.¹⁵ No effective legislative reform has been adopted, representing a systematic breach of EU law affecting approximately one million workers.¹⁶

CJEU rulings on IRPH transparency (Case C-300/23)

The CJEU ruling of December 2024 requires Spanish courts to apply material transparency control to IRPH mortgage clauses, regardless of the official nature of the index.¹⁷ Implementation remains uncertain as the plenary session of the Supreme Court in October 2025 has not yet issued its ruling.¹⁸ Consumer associations report continued resistance from the banking sector and inconsistent application by lower courts.

15 Serafini, L.: Brussels cuts Spain's European funds by €1.1 billion for failing to implement key reforms (“Bruselas recorta a España 1.100 millones de los fondos europeos por incumplir reformas clave”), Euronews, 7 July 2025, <https://es.euronews.com/my-europe/2025/07/07/bruselas-recorta-a-espana-1100-millones-de-los-fondos-europeos-por-incumplir-reformas-clav> [in Spanish]; The European Commission issues a serious warning to Sánchez and freezes €626 million in European Funds for failing to resolve the issue of temporary staff. (“La CE da un serio aviso a Sánchez y le embarga 626 millones de Fondos Europeos por no resolver el tema de los interinos”), Economist & Jurist, July 2025, <https://www.economistjurist.es/noticias-juridicas/la-ce-da-un-serio-aviso-a-sanchez/> [in Spanish]

16 González, J. A. (COLPISA): The future of a million temporary workers hangs in the balance in Luxembourg as the government delays reform (“El futuro de un millón de interinos se juega en Luxemburgo mientras el Gobierno retrasa la reforma”), La Voz de Galicia, 8 October 2025, https://www.lavozdeg Galicia.es/noticia/economia/2025/10/09/futuro-millon-interinos-juega-luxemburgo-gobierno-evita-reforma/0003_202510G9P31992.htm [in Spanish]

17 Court of Justice of the European Union, Judgment in Case C-300/23, NB v Kutxabank SA, 12 December 2024, ECLI:EU:C:2024:1026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0300>

18 The Supreme Court faces the final review of the IRPH: an imminent ruling that could transform the mortgage market (“El Tribunal Supremo ante el examen definitivo del IRPH: un fallo inminente que puede transformar el mercado hipotecari”), Economist & Jurist, October 2025, <https://www.economistjurist.es/articulos-juridicos-destacados/el-tribunal-supremo-ante-el-examen-definitivo-del-irph/> [in Spanish]

ANTI-CORRUPTION FRAMEWORK -

General assessment

Four consecutive reporting cycles with the same recommendations on lobbying, conflicts of interest, and procurement transparency have yielded no structural reform. The real problem lies not in the absence of registries but in the structural links between political parties, large corporations, and privatised public services that operate beyond any regulatory framework.

Implementation of 2025 Commission recommendations

Recommendation: Continue the ongoing procedure to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists (first made in 2022)

No comprehensive lobbying legislation has been adopted. The existing transparency portal and voluntary lobby registers remain fragmented and ineffective. The real problem lies in the structural links between political parties, large corporations and privatised public services that operate outside any registry. The healthcare sector illustrates this clearly.

The Commission should instead recommend that Spain:

Adopt a comprehensive lobbying and integrity law that goes beyond a formal lobby register to include mandatory disclosure of all lobbying activities and contacts, clear rules on revolving-door employment and conflict of interest, legislative footprint requirements for all policy proposals, and effective sanctions for non-compliance.

Such a law should also ensure transparency in financing and third-party influence and create an independent oversight body to monitor and enforce compliance, addressing structural channels of influence that currently operate with limited transparency and accountability.

Commission's 2025 assessment: No progress

Xnet's current assessment: No progress

Recommendation: Strengthen efforts to address the challenges related to the length of investigations and prosecutions to increase the efficiency in handling high-level corruption cases, including by finalising the reform of the Code of Criminal Procedure (first made in 2022)

The reform of the Criminal Procedure Code remains incomplete. However, focusing on the length of proceedings obscures the deeper problem: the capture of the judiciary by partisan politics since 1986 despite many announcements.¹⁹ High-level corruption cases involving the two main parties are protracted not because of the complexity of the proceedings, but because the politicised judiciary serves partisan interests: expediting cases against political opponents and delaying those affecting allies.

The recommendation should address the root cause: the partisan capture of the judiciary that determines which cases are expedited and which are stalled. Procedural reform is meaningless without ensuring true judicial independence through constitutional reform of the CGPJ election system.

Commission's 2025 assessment: Some further progress

Xnet's current assessment: No progress

Recommendation: Take forward the legislative process to strengthen rules on conflicts of interest and asset declarations of persons with top executive functions, including by further reinforcing the independence and sanctioning power of the Office for Conflicts of Interest (first made in 2023)

No comprehensive legislation on lobbying has been adopted. The existing transparency portal and voluntary registers of lobbyists remain fragmented and ineffective. The real problem lies in the structural links between political parties, large corporations and privatised public services that operate outside any register. The healthcare sector clearly illustrates this.

The Commission should revise the recommendation and instead recommend that Spain:

¹⁹ Government of Spain, Presidency of the Government (La Moncloa): 'Pedro Sánchez announces a State Plan to Combat Corruption', 9 July 2025, <https://www.lamoncloa.gob.es/lang/en/presidente/news/paginas/2025/20250709-appearance.aspx>

Adopt a comprehensive lobbying and integrity law that goes beyond a formal lobby register to include mandatory disclosure of all lobbying activities and contacts, clear rules on revolving-door employment and conflict of interest, legislative footprint requirements for all policy proposals, and effective sanctions for non-compliance.

Such a law should also ensure transparency in financing and third-party influence and create an independent oversight body to monitor and enforce compliance, addressing structural channels of influence that currently operate with limited transparency and accountability.

Commission's 2025 assessment: Some progress

Xnet's current assessment: No progress

Gaps in the Commission's Report

Threats in public procurement system

Systemic weaknesses in public procurement (integrity risks, low effective competition, insufficient traceability and poor data reusability) and outsourcing/privatisation of essential services (especially healthcare services) without sufficiently robust and uniform controls persists. Public procurement remains a high-risk area for corruption in Spain. The measures taken in recent years are not merely cosmetic, but are used to bureaucratically stifle small players and favour large players involved in major corruption schemes. In the health sector, despite numerous announcements, there is no sign of a definitive solution that will be fully operational by 2025, which would require the repeal of:

- Law 15/97,²⁰ which allows for the private management of public hospitals, the concession of hospitals to private companies, etc.
- Article 90 of the General Health Law.²¹ This is the law that allows the public health system to divert funds to private companies.

20 *Ley 15/1997, de 25 de abril, sobre habilitación de nuevas formas de gestión del Sistema Nacional de Salud* (“Law 15/1997 on the authorisation of new forms of management of the National Health System”), Boletín Oficial del Estado (BOE) núm. 100, de 26 abril 1997, páginas 13449-13450, BOE-A-1997-9021, <https://www.boe.es/eli/es/l/1997/04/25/15/con> [in Spanish].

21 *Ley 14/1986, de 25 de abril, General de Sanidad* (“Law 14/1986, General Health Law”), Boletín Oficial del Estado (BOE) núm. 102, de 29 abril 1986, <https://www.boe.es/buscar/act.php?id=BOE-A-1986-10499> [in Spanish].

Launch of the Independent Authority for the Protection of Whistleblowers (A.A.I.): appointments made in April/May 2025 and the body formally operational from 1 September 2025. However, there were clear signs that it began functioning only partially (for example, the website and reporting forms were not yet in place). This provides a useful example of a situation where the institutional structure exists, but its full implementation remains incomplete.²²

New Issues that Emerged in 2025

Church child sexual abuse scandal

One of Europe's biggest institutional child sexual abuse scandals broke open, with persistent impunity due to inadequate state response, reliance on self-investigation by the Church, and the statute of limitations on crimes.

The Ombudsman's report estimates 440,000 potential victims of sexual abuse by clergy in Spain.^{23,24} As of 2025, 674 cases have been confirmed.²⁵ In November 2025, the Bishop of Cádiz resigned following an investigation by the Vatican.²⁶ The Spanish Episcopal Conference received 101 new complaints

22 Order PJC/908/2025 of 8 August 2025 determining the date of commencement of the Independent Authority for the Protection of Whistleblowers, A.A.I. (Orden PJC/908/2025, de 8 de agosto, por la que se determina la fecha de puesta en funcionamiento de la Autoridad Independiente de Protección del Informante, A.A.I.), BOE núm. 193, 12 August 2025, <https://www.boe.es/eli/es/o/2025/08/08/pjc908> [in Spanish]

23 Ombudsman (Defensor del Pueblo), Report on Sexual Abuse in the Catholic Church and the Role of Public Authorities (“Informe sobre los abusos sexuales en el ámbito de la Iglesia católica y el papel de los poderes públicos”), October 2023, <https://www.defensordelpueblo.es/noticias/informe-abusos-sexuales-ambito-la-iglesia/> [in Spanish]

24 Domínguez, Í. & Núñez, J.: The Ombudsman's investigation estimates that there are 440,000 victims of pedophilia in the Spanish Church (“La investigación del Defensor del Pueblo estima en 440.000 las víctimas de pederastia en la Iglesia española”), El País, 27 October 2023, <https://elpais.com/sociedad/2023-10-27/la-investigacion-del-defensor-del-pueblo-estima-en-440000-las-victimas-de-pederastia-en-la-iglesia-espanola.html> [in Spanish]

25 The Ombudsman receives 144 new cases of abuse in the Church one year after publishing his report (“El Defensor del Pueblo recibe 144 nuevos casos de abusos en la Iglesia un año después de publicar su informe”), Vida Nueva, 15 October 2024, <https://www.vidanuevadigital.com/2024/10/15/el-defensor-del-pueblo-recibe-144-nuevos-casos-de-abusos-en-la-iglesia-un-ano-despues-de-publicar-su-informe/> [in Spanish]

26 ‘El Santo Padre ha aceptado la renuncia del Obispo de Cádiz y Ceuta’, Vatican News, 22 November 2025, <https://www.vaticannews.va/es/papa/news/2025-11/el-santo-padre-ha-aceptado-la-renuncia-obispo-de-cadiz-ceuta.html> [in Spanish]

in 2025 alone.^{27,28} The government is negotiating a compensation fund with the Church, but victims' organisations have appealed directly to the Vatican, citing an inadequate national response. Unlike other European countries like Ireland or France, Spain has not established an independent truth commission with investigative powers.

Gaps in whistleblower protection

Despite the transposition of the European Whistleblower Directive, significant implementation gaps remain, leaving whistleblowers without effective protection and undermining the anti-corruption framework.

Research carried out by the civil society organisation Xnet as part of a project by the Escola d'Administració Pública de Catalunya (EAPC) and the University of Barcelona has identified critical shortcomings:²⁹ an inadequate legal protection framework with weak enforcement mechanisms; insufficient support services for whistleblowers facing reprisals (legal, psychological, financial); and proliferation of anonymous reporting channels that do not guarantee real anonymity due to inadequate technical safeguards.³⁰ Many internal reporting channels in public and private entities do not meet the requirements of the Directive. The Generalitat de Catalunya, the government of Catalonia, is developing regional legislation to address these gaps.

Abuse of employment status in healthcare sector

Systematic abuse of employment status in the private healthcare sector has been found, which deprives workers of labour rights, defrauds the social security system and provides unfair competitive advantages to companies that also receive public healthcare contracts.

27 Spanish Episcopal Conference (Conferencia Episcopal Española), Press conference (21 November 2025), <https://www.conferenciaepiscopal.es/reunion-comision-permanente-junio-2025/> [in Spanish]

28 The Spanish Church will receive more than 100 abuse reports in 2025 (“Iglesia española recibe más de 100 denuncias de abusos en 2025”), Excélsior, November 2025, <https://www.excelsior.com.mx/global/iglesia-espana-denuncias-abusos-casos-2025/1753180> [in Spanish]

29 *Project on Whistleblower Protection Policy Improvement* (“Proyecto sobre mejora de política para la protección de personas alertadoras”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), December 2025, <https://xnet-x.net/es/proyecto-eapc-ub-proteccion-personas-alertadoras/> [in Spanish]

30 *Proliferation of Anonymous Mailboxes that Are Not Actually Anonymous* (“Proliferación de buzones anónimos que NO LO SON”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), 2024, <https://xnet-x.net/es/proliferacion-buzones-anonimos-no-lo-son/> [in Spanish]

In December 2025, the High Court of Justice of Madrid ruled that six gynaecologists at Quirónsalud Madrid University Hospital were falsely classified as self-employed when in fact they were employees.³¹ The ruling holds Quirón jointly liable for unpaid Social Security contributions. The UPTA trade union estimates that there are 60,000 falsely self-employed workers in the healthcare sector nationwide.³² The Labour Inspection (the Labour Inspectorate) has stepped up its investigations in the private healthcare sector during 2025. The court found that the doctors had fixed working hours, worked exclusively for the hospital, used its facilities and equipment, and did not have the autonomy to set their own fees – all indicators of an employment relationship.

Implications and Recommendations for 2026

Without specific and operational recommendations on public procurement, an environment is consolidated where competition may be apparent, small and medium-sized enterprises (SMEs) are at a disadvantage, and the risks of clientelism and arrests are normalised. In healthcare and other essential services, the lack of comparable controls and audits encourages conflicts of interest and a lack of transparency in the management of public resources, which in some regions has begun to cost lives.

Suggested recommendation: Strengthen the effective enforcement of pro-competition rules: default lots with reinforced justification for exceptions and compliance audits (progress has already been made in some autonomous regions; national uniformity is lacking).

Suggested recommendation: Establish mandatory and complete publication of contracts in open and reusable formats, with traceability of modifications and subcontracting.

Suggested recommendation: Establish regular external audits and effective sanctions for undue fragmentation, unjustified direct awards, and unmotivated modifications.

Suggested recommendation: Reinforce limits, transparency, evaluation of results, and control of conflicts of interest; repeal Law 15/97 on ‘new forms of management’ of the National Health System and Article 90 of the General Health Law. (With regard to healthcare.)

31 *High Court of Justice of Madrid (Tribunal Superior de Justicia de Madrid), Social Chamber, Judgment No. 868/2025 (ROJ: STSJ M 12220/2025), ECLI:ES:TSJM:2025:12220, https://simpliciter.ai/app/search/public/giurisprudenza/7da5e8ac-3174-5d93-97ab-f2baf98fae87/jurisprudencia_menor/ [in Spanish]*

32 *UPTA estimates that there are more than 60,000 bogus self-employed workers in healthcare activities (“UPTA cifra en más de 60.000 los falsos autónomos en actividades sanitarias”), Unión de Profesionales y Trabajadores Autónomos (UPTA), Press release 29 May 2024, <https://upta.es/https-upta-es-wp-content-uploads-2024-05-nota-de-prensa-240529-docx/> [in Spanish]*

In response to the new developments in 2025, the Commission is advised to issue the following recommendation:

Suggested recommendation: Establish an independent truth commission with investigative powers, create a state-funded compensation scheme that does not depend on the cooperation of the Church. Extend or eliminate the statute of limitations for child sexual abuse offences.

Suggested recommendation: Audit existing reporting channels to verify compliance with the requirements of the Directive, particularly in relation to anonymity guarantees. Establish comprehensive support services for whistleblowers, including legal assistance, psychological support and temporary financial assistance. Ensure effective enforcement mechanisms against retaliation with dissuasive sanctions.

Suggested recommendation: Intensify the Labour Inspectorate's action in the private health-care sector. Consider excluding companies with systematic false self-employment practices from public procurement, including healthcare concessions. Establish personal liability for company managers who authorise fraudulent employment schemes.

MEDIA ENVIRONMENT AND MEDIA FREEDOM -

General assessment

Spain was sued before the CJEU for DSA non-compliance while simultaneously chairing the European Board for Media Services – a paradox that encapsulates the gap between commitments and implementation. Media ownership transparency, editorial independence safeguards, and institutional advertising regulation remain unaddressed despite legislative announcements stalled in Parliament.

Implementation of 2025 Commission recommendations

There were no recommendations issued in this area in the Commission's 2025 report.

Gaps in the Commission's Report

Media capture

There remains a significant risk of economic capture of media by large creditors and financial groups (debt dependency) and lack of specific safeguards to protect editorial independence from funding pressures, as well as deficits in transparency and in the use of institutional advertising as a lever of influence.

Legislative initiatives aimed at improving transparency (e.g., registers/disclosure requirements) were launched, but no specific measures were adopted to address the structural influence of creditors and debt dependency on the editorial independence of large media groups.

New Issues that Emerged in 2025

IP blocking

Disproportionate IP blocking measures authorised by the courts to combat unauthorised football broadcasting became an issue last year, causing massive collateral damage to legitimate internet services and raising fundamental questions about internet freedom and the proportionality of intellectual property enforcement.

Court ruling 310/2024 (Commercial Court No. 6 of Barcelona) authorised LaLiga to request IP address blocks from internet service providers.³³ Thousands of legitimate websites have been affected as collateral damage, including hospital websites, medical diagnostic tools, LinkedIn, Vimeo, and business applications.³⁴ Healthcare professionals have reported that they are unable to access critical medical resources during matches. A parliamentary initiative to address the issue was rejected, with the PP and Vox, a national conservative party, voting against and the PSOE abstaining.³⁵ The UN recognises internet access as a human right that enables the exercise of other fundamental rights.³⁶

'Chat Control' Regulation

Spain's position in the European negotiations on the CSA Regulation ('Chat Control') stands out as one of the most hostile to end-to-end encryption among all Member States. While other countries seek a balance between security and privacy, Spain has taken an ideologically opposed stance to encrypted communications.

33 *Commercial Court No. 6 of Barcelona (Juzgado de lo Mercantil nº 6 de Barcelona), Judgment No. 310/2024 (Roj: SJM B 309/2024; ECLI:ES:JMB:2024:309), 18 December 2024, https://www.newtral.es/wp-content/uploads/2025/06/SJM_B_309_2024.pdf [in Spanish]*

34 *Madrid Salud's website has been the latest victim of LaLiga's blockades. Not even the health sector is spared ("La web de Madrid Salud ha sido la última víctima de los bloqueos de LaLiga. Ni el ámbito sanitario se libra")*, Genbeta, 15 December 2025, <https://www.genbeta.com/web/web-madrid-salud-ha-sido-ultima-victima-bloqueos-laliga-ambito-sanitario-se-libra> [in Spanish]

35 *Congress of Deputies (Congreso de los Diputados), Non-Legislative Proposal before the Committee on Economy, Trade and Digital Transformation regarding the indiscriminate blocking of websites by La Liga and Movistar (Proposición no de Ley relativa a los bloqueos indiscriminados de páginas web por La Liga y Movistar), File No. 161/002294 (13 June 2025), https://www.congreso.es/es/busqueda-de-iniciativas?p_p_id=iniciativas&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&iniciativas_mode=mostrarDetalle&iniciativas_legislatura=XV&iniciativas_id=161/002294 [in Spanish]*

36 *The promotion, protection and enjoyment of human rights on the Internet : resolution / adopted by the Human Rights Council on 1 July 2016 , UN. Human Rights Council (32nd sess. : 2016 : Geneva , <https://digitallibrary.un.org/record/845727?ln=en&v=pdf>*

Leaked documents from the Law Enforcement Working Party (LEWP) reveal that Spain maintains one of the most extreme positions against encryption in the EU.^{37,38} While Germany, the Netherlands, and Finland have expressed reservations, Spain has advocated that providers should be able to ‘deactivate’ encryption in response to court orders. This position represents an ideological opposition to the very existence of communications that the state cannot intercept. Organisations, such as Xnet, have denounced that this stance aligns Spain with authoritarian regimes in internet governance forums. The European Data Protection Supervisor (EDPS) has warned that weakening encryption puts journalists, activists, victims of gender-based violence, and the security of the digital ecosystem at risk.

Political advertising

The Transparency and Targeting of Political Advertising Regulation (TTPA) represents insufficient progress: its definition of ‘political advertising’ is abstruse, large platforms fail to comply with their obligations, and the regulatory approach seeks to correct content rather than tackle the business model of disinformation based on mass profiling.

The TTPA Regulation came into force on 10 October 2025.³⁹ The underlying problem remains: the TTPA prohibits segmentation based on sensitive data, but does not prevent advertising based on the processing of personal data in general. Meta and Google have already announced that they will restrict ‘political’ content, which, paradoxically, will only benefit large players capable of taking on litigation.

On the positive side, the TTPA establishes mandatory transparency notices in advertisements, restrictions on foreign actors in the three months prior to elections, the creation of a centralised European repository with application programming interfaces (APIs) for researchers, and a ban on targeted advertising aimed at minors.

37 *Pegasus for Everyone – Stop #ChatControl* (“Pegasus para todos – Stop #ChatControl”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), 14 September 2025, <https://xnet-x.net/es/pegasus-para-todos-chatcontrol/> [in Spanish]

38 *#ChatControl – Campaign Against the Automated Monitoring of European Citizens’ Private Conversations* (“#ChatControl – Campaña contra la ley de monitorización automatizada de las conversaciones íntimas de la ciudadanía europea avanza”), INSTITUTO PARA LA DIGITALIZACIÓN DEMOCRÁTICA (Xnet), 14 September 2025, <https://xnet-x.net/es/chatcontrol-monitorizacion-automatizada-conversaciones-ia/> [in Spanish]

39 *European Parliament and Council of the European Union, Regulation (EU) 2024/900 of 13 March 2024 on the transparency and targeting of political advertising (Text with EEA relevance)*, OJ L 20.3.2024, <http://data.europa.eu/eli/reg/2024/900/oj>

Implications and Recommendations for 2026

If financial capture of the media sector is not addressed as a specific problem, plurality may be eroded even if property records exist: the editorial independence may be compromised by debt dependencies, restructurings, and agreements with creditors. Furthermore, without enforceable and verifiable rules on institutional advertising, there remains a risk of perverse incentives (like financial dependence on institutional advertising, opaque allocation of advertising, and propaganda and dependence on revenue models) and competitive inequality in the media ecosystem.

Suggested recommendation: Enhance transparency regarding funding, significant creditors, and conditions that may influence corporate governance and editorial policy.

Suggested recommendation: Design safeguards for editorial independence of media outlets (e.g., minimum governance standards, editorial committees with guarantees of independence, firewalls between funding and content).

Suggested recommendation: Establish clear and auditable rules for institutional advertising: objective criteria, full disclosure, impact assessment, and penalties for arbitrariness.

Suggested recommendation: Strengthen response to ownership concentration by applying anti-trust/competition law in the context of public interest and conflicts of interest in the media sector (including indirect influence of corporations via bank debt).

In response to new developments over the previous year, the Commission should issue several new recommendations.

Suggested recommendation: Require proportionality assessments before IP blocking measures, including analysis of the impact on legitimate services, establish independent oversight of blocking decisions with rapid review mechanisms, and ensure that intellectual property enforcement measures comply with the requirements of the European Media Freedom Regulation on internet access.

Furthermore, the Commission should urge the government to consider whether delegating blocking decisions to private entities is compatible with the protection of fundamental rights.

Suggested recommendation: Reconsider opposition to encryption, recognising that it is an essential tool for security, not an obstacle. Any detection measures must comply with the CJEU case law (Digital Rights Ireland, La Quadrature du Net) and cannot be based on removing cryptographic guarantees.

Suggested recommendation: Establish effective coordination between the Electoral Board, the Spanish Data Protection Agency (AEPD) and the National Commission on Markets and Competition (CNMC); review the delivery of the census to political parties; and move towards regulation that tackles the business model of mass profiling rather than restricting freedom of expression.

CHECKS AND BALANCES –

General assessment

In 2025, the ‘Gag Law’ (the Organic Law 4/2015 on Citizen Security) marked its 10th anniversary without repeal – despite repeated government commitments to do so – and it continues to function as a tool to restrict civic space. The Classified Information Bill (2025) would replace the 1968 Official Secrets Act, but with longer declassification periods than those in comparable European countries, while more than 1,000 Transparency and Good Governance Council (CTBG) resolutions have remained ignored since 2016.

Implementation of 2025 Commission recommendations

Recommendation: Advance with strengthening access to information, in particular via revision of the Law on Official Secrets, taking into account European standards on access to official document (first made in 2022)

The Classified Information Bill (July 2025) (CTBG) has been submitted, which would replace the Official Secrets Act of 1968. However, the proposed declassification periods are significantly longer than in other European countries: 45 years for ‘top secret’ information and 35 years for ‘secret’ information, compared to 30 years in Germany or the United Kingdom. The bill is currently undergoing parliamentary procedure.

In parallel, more than 1,000 resolutions of the CTBG have been ignored since 2016. The Ministry of the Interior leads with 135 pending resolutions. The CTBG lacks sanctioning power, which incentivises non-compliance. Positive development: the Bono Social Comunitario (BOSCO) (social electricity voucher) ruling by the Supreme Court (11 September 2025) ordered the delivery of public software source code, establishing a European precedent for algorithmic transparency.

The Commission could enhance this recommendation with the following in 2026:

Align classified information reform with European access standards: periods comparable to other Member States, external oversight and maximum publicity with strictly necessary exceptions. Strengthen guarantees for the right of access to public information: simplify procedures, ensure effective compliance through independent oversight and consequences for non-compliance. Provide the CTBG with real sanctioning power.

Commission’s 2025 assessment: No progress

Xnet’s current assessment: In progress

Gaps in the Commission's Report

Access to information

Although progress has been made, deficits remain in (1) access to public information and a culture of effective transparency, and (2) the lack of systematic and public ex post evaluation of legislation (evidence-based regulatory quality), with regulatory accumulation and low accountability for actual results.

In 2025, progress is being made in replacing the Official Secrets Framework with a Classified Information Act submitted to Parliament (currently being processed). However, this alone does not equate to a robust 'right to know' system: real improvement depends on deadlines, guarantees, independent oversight and administrative practice.

Public institutions selling personal data

The Commission failed to cover the systematic violation of the General Data Protection Regulation (GDPR) by public institutions selling personal data of self-employed workers to private companies without consent. Following a seven-year investigation initiated by Xnet in 2018, the Spanish Data Protection Agency (AEPD) ruled in December 2025 that the Spanish Chamber of Commerce violated multiple GDPR principles by ceding personal data of millions of self-employed workers to Camerdata, a company that specialises in providing large-scale business databases and commercial information. The data, including sensitive information such as home addresses, was being sold online without the consent of workers. Total fines amount to nearly €1,000,000 (€500,000 for the Chamber of Commerce, €260,000+ for Camerdata). The AEPD ordered the Chamber to cease data transfers within one month.⁴⁰

New Issues that Emerged in 2025

'Gag Law' continues to restrict fundamental freedoms

The Organic Law 4/2015 on Citizen Security ('Gag Law') continues to restrict the fundamental freedoms of expression, assembly, and information, with serious deterrent effects on civic space, despite repeated commitments by the government and the parliamentary majority to repeal it. Indeed, the

⁴⁰ *Xnet wins the battle in protecting the data of millions of self-employed workers* ("Xnet gana la batalla en la protección de datos de millones de autónomos"), Xnet, 30 December 2025, <https://xnet-x.net/es/xnet-gana-proteccion-datos-autonomos/> [in Spanish]

law marked its 10th anniversary on 30 March 2025 without being repealed.⁴¹ The law has generated more than €1 billion in fines and more than €400,000 in administrative penalties since it entered into force.^{42,43} A coalition of organisations issued a joint statement in March 2025 condemning its continued application and demanding its immediate repeal.⁴⁴ Reform remains stalled in Parliament. The law continues to be used to sanction journalists documenting police activity, peaceful protesters, and human rights defenders.

Accountability for the former King

It has now been five years of self-imposed exile by the former Head of State⁴⁵ following serious allegations of corruption, with no legal resolution, raising questions about equality before the law and the accountability of public institutions. King Emeritus Juan Carlos I has been residing in Abu Dhabi since August 2020, following allegations of corruption involving undeclared Swiss bank accounts, irregular payments from Saudi Arabia, and other financial irregularities. Criminal investigations were closed in March 2022 following voluntary tax regularisations exceeding €5 million.⁴⁶ In May 2025, the Supreme Court rejected a new complaint filed by a group of former judges and prosecutors.

41 *Organic Law 4/2015 of 30 March on the protection of public safety (Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana)*, BOE núm. 77, 31 March 2015, <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442> [in Spanish]

42 *Amnesty International Spain: Gag Law: Ten Years of Human Rights Violations and Unfulfilled Promises (Ley Mordaza: Diez años de vulneraciones de derechos humanos y promesas incumplidas)*, 28 March 2025, <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/ley-mordaza-diez-anos-de-vulneraciones-de-derechos-humanos-y-promesas-incumplidas/>

43 *Rights International Spain: Gag Law: 10 Years of Human Rights Violations and Unfulfilled Promises (Ley Mordaza: 10 años de vulneraciones de Derechos Humanos y promesas incumplidas)*, March 2025, <https://rightsinternationalspain.org/ley-mordaza-10-anos-de-vulneraciones-de-derechos-humanos-y-promesas-incumplidas/> [in Spanish]

44 *Gag Law: 10 years of human rights violations and broken promises (“Ley Mordaza: 10 años de vulneraciones de derechos humanos y promesas incumplidas”)*, Redacción Colectiva (RedaCoGe), 28 March 2025, <https://redacoge.org/10anosleymordaza/> [in Spanish]

45 *Royal Household (Casa Real): Statement, 3 August 2020*, https://www.casareal.es/GL/AreaPrensa/Paginas/area_prensa_comunicados_interior.aspx?data=113 [in Spanish]

46 *Pozas, A.: A true story of impunity: how Juan Carlos I avoided the dock after years of excesses behind the back of an entire country (“Una historia de impunidad real: cómo evitó el banquillo Juan Carlos I tras años de excesos a espaldas de todo un país”)*, *elDiario.es*, 25 December 2025, https://www.eldiario.es/politica/historia-impunidad-real-evito-banquillo-juan-carlos-i-anos-excesos-espaldas-pais_1_12849723.html [in Spanish]

Constitutional immunity provisions (LO 4/2014)⁴⁷ continue to protect emeritus royalty from criminal prosecution. The King emeritus has made brief visits to Spain for private events but has not resumed residence. This prolonged situation undermines public trust in institutions.

Clarity of asylum law

For most asylum seekers trapped in third countries, Article 38 of the Asylum Law – which allows legal entry to be arranged through Spanish embassies – is the only regulated route that prevents them from risking their lives crossing the sea in small boats or jumping the fence. However, this gateway, approved in 2009, has still not been developed in terms of regulations.⁴⁸⁴⁹

Although the Supreme Court has confirmed that Article 38 must be applied, it lacks clear rules, personnel and, above all, political will. Inefficient embassies, administrative silence and invisible quotas turn this route into a bottleneck that forces highly vulnerable people to waste time they do not have.

Racist violence

2025 saw the worst outbreak of organised racist violence in Spain since 2000, revealing inadequate response mechanisms and the role of far-right networks in inciting and organising hate-motivated attacks based on fake news. In July 2025, the municipality Torre Pacheco (Murcia) was the scene of the worst xenophobic violence in Spain since El Ejido (2000).⁵⁰ Following an attack on a 68-year-old Spanish resident allegedly by a migrant, coordinated organised groups launched ‘immigrant hunts’ targeting North African residents. Ultras groups from other cities travelled to participate in the violence.

47 *Ley Orgánica 4/2014, de 11 de julio, complementaria de la Ley de racionalización del sector público y otras medidas de reforma administrativa por la que se modifica la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial* (“Organic Law 4/2014 of 11 July, complementary to the Law on Rationalisation of the Public Sector and Other Administrative Reform Measures amending Organic Law 6/1985 on the Judiciary”), *Boletín Oficial del Estado (BOE) núm. 169, de 12 julio 2014, págs. 54647-54652, BOE-A-2014-7368, <https://www.boe.es/eli/es/lo/2014/07/11/4> [in Spanish].*

48 *Law 12/2009 of 30 October regulating the right to asylum and subsidiary protection (Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria), BOE-A-2009-17242, <https://www.boe.es/buscar/act.php?id=BOE-A-2009-17242> [in Spanish]*

49 *Pintado Morera, J.: The story of Rosine, the Congolese woman who died waiting for asylum in Spain* (“La historia de Rosine, la congoleña que murió esperando asilo en España”), *El Periódico*, 19 September 2025, <https://www.elperiodico.com/es/internacional/20250919/historia-rosine-congolena-murio-esperando-asilo-espana-121738416> [in Spanish]

50 *Rosas, P.: “4 claves sobre lo que está pasando en Torre Pacheco, la ciudad española en la que grupos de ultraderecha persiguieron a migrantes norteafricanos”, BBC News Mundo, 14 July 2025, <https://www.bbc.com/mundo/articles/ckglpjpzzwno> [in Spanish].*

The Spanish Commission for Refugees (CEAR) and SOS Racismo documented the involvement of far-right networks in organising and inciting the attacks.⁵¹ Several arrests were made, but civil society organisations report that most of the participants have not been prosecuted.

Authorities should ‘follow the money’: investigate the funding and coordination behind the viral spread of the 138,000 hate messages detected by OBERAXE,⁵² identifying who paid for the travel of ultras groups from other cities and what organisational structures facilitated it. Apply the duty of transparency to the major spreaders of xenophobic disinformation – whether media outlets, political parties, influencers, or coordinated accounts – by forcing them to disclose payments and receipts linked to the dissemination of content.

Public health crisis

A public health crisis that reveals systemic failures in regional health administration, quality control mechanisms, and transparency obligations, resulting in preventable deaths and delayed cancer diagnoses, occurred in 2025. It has come to light that 2,317 women in Andalusia received ‘inconclusive’ mammogram results that were never properly communicated or followed up. The Association of Women Affected by Breast Cancer in Andalusia (AMAMA) confirmed that three women died due to diagnostic delays attributable to this failure.⁵³ The Health Minister Rocío Hernández (from the PP) resigned in October 2025 following the scandal.⁵⁴ The investigation revealed that the women affected were not notified of the need for follow-up examinations, preventing timely detection and

51 NGOs that support migrants blame the “far right” and hate speech for the disturbances in Torre Pacheco (“ONG de apoyo a migrantes culpan a la “extrema derecha” y los discursos de odio de los altercados en Torre Pacheco”), *epsocial*, 14 July 2025, <https://www.europapress.es/epsocial/cooperacion-desarrollo/noticia-ong-apoyo-migrantes-culpan-extrema-derecha-discursos-odio-altercados-torre-pacheco-20250714183836.html> [in Spanish]

52 Castellano, N.: “Moor, beating, shit, criminal, machete...”: 138,000 hate messages, hoaxes and disinformation spawned the racist “hunt” in Torre-Pacheco (“Moro, paliza, mierda, delincuente, machete...”: 138.000 mensajes de odio, bulos y desinformación engendraron la “cacería” racista de Torre-Pacheco”), *Cadena SER*, 24 July 2025, <https://cadenaser.com/nacional/2025/07/23/moro-paliza-mierda-delincuente-machete-138000-mensajes-de-odio-bulos-y-desinformacion-engendraron-la-caceria-racista-de-torre-pacheco-cadena-ser/> [in Spanish]

53 AMAMA (Association of Women Affected by Breast Cancer in Andalusia) (*Asociación de Mujeres Afectadas por Cáncer de Mama en Andalucía*): Statement The Amama association links three deaths to failures in cancer screenings (“La asociación Amama vincula tres muertes con los fallos en los cribados del cáncer”), 21 November 2025, <https://www.abc.es/salud/asociacion-amama-vincula-tres-muertes-fallos-cribados-20251121163041-vi.html> [in Spanish]

54 Regional Government of Andalusia (*Junta de Andalucía*): Announcement of Resignation of Councillor for Health and Consumer Affairs Rocío Hernández Soto, 8 October 2025, <https://www.juntadeandalucia.es/boja/2025/510/1> [in Spanish]

treatment. The case exposes inadequate quality control in public health services and failures in institutional transparency.

Harassment at reproductive health centres

Despite legislative reform establishing harassment at reproductive health centres as a crime, judicial interpretation is rendering the existing provision ineffective, leaving women seeking legal health services unprotected from intimidation. The Constitutional Court confirmed the constitutionality of the crime of harassment in reproductive health contexts (STC 75/2024).⁵⁵ However, the first rulings handed down under the provision in 2025 (courts in Vitoria and Donosti) acquitted more than 20 anti-abortion activists,^{56,57} with courts characterising prayers and vigils outside clinics as ‘exquisitely peaceful’ conduct that does not reach the threshold of criminal harassment. The Association of Accredited Clinics for the Termination of Pregnancy (ACAI) reports that harassment continues one year after the legislative reform.⁵⁸ The gap between the protective intent of the law and its judicial interpretation effectively denies protection to women accessing reproductive healthcare. Debate continues on the need for spatial exclusion zones around clinics.

Implications and Recommendations for 2026

Without standardised ex-post evaluation, legislation is enacted without knowing what works, rules and obligations multiply without evidence, and legal uncertainty increases. And if transparency remains weak in practice, accountability remains limited even with partial reforms of secrecy.

55 Constitutional Court (Tribunal Constitucional): Judgment STC 75/2024, 8 May 2024, <https://hj.tribunalconstitucional.es/HJ/es/Resolucion/Show/30173> [in Spanish]

56 The 21 anti-abortion activists who were praying in front of a clinic in Vitoria have been acquitted (“Absueltos los 21 anti-abortistas que rezaban frente a una clínica de Vitoria”), *infoLibre*, 9 December 2025 https://www.infolibre.es/igualdad/absueltos-21-antiabortistas-rezaban-frente-clinica-vitoria_1_2111336.html [in Spanish]

57 García, A.: The courts have ruled that it is not a crime to pressure women seeking abortions through prayer: “Clinics must be cordoned off.” (“La Justicia avala que no sea delito presionar entre rezos a las mujeres que abortan: “Hay que perimetrar las clínicas”), *elDiario.es*, December 2025, https://www.eldiario.es/sociedad/justicia-avala-abortar-presiones-rezos-ult-racatolicos-no-sea-delito-hay-perimetrar-clinicas_1_12855320.html [in Spanish]

58 ACAI (Association of Accredited Clinics for the Termination of Pregnancy) (Asociación de Clínicas Acreditadas para la Interrupción del Embarazo): Statements, 2025, <https://www.acaive.com/pdf/Estudio-acoso%20anti-derechos-ACAI.pdf> [in Spanish]

Suggested recommendation: Institutionalise ex-post evaluation: obligation, methodology, timetable and publication (3–5 years after entry into force), with a responsible body and parliamentary oversight.

Suggested recommendation: Strengthen guarantees, simplify procedures and ensure compliance (including independent oversight and consequences for non-compliance).

Suggested recommendation: Align classified information reform with access standards: clear deadlines, external oversight, maximum publicity and strictly necessary exceptions.

Suggested recommendation: Audit public institutions handling sensitive personal data to ensure GDPR compliance. Establish proactive oversight mechanisms rather than relying solely on citizen complaints. Ensure that mandatory data provided to public bodies is not repurposed for commercial exploitation.

To address long-standing threats presented by the ‘Gag Law’, the Commission should urge the government to take immediate action, and issue additional recommendations to address other developments during 2025.

Suggested recommendation: Prioritise the repeal or substantial reform of the ‘Gag Law’. Remove provisions that restrict peaceful protest and the reporting of police activity. Align national legislation with international human rights standards on freedom of expression and assembly, including the recommendations of the UN Special Rapporteurs and the Council of Europe bodies.

Suggested recommendation: Review constitutional and legal provisions on royal immunity to ensure compatibility with the principles of the rule of law and equality before the law. Consider accountability mechanisms that do not rely on voluntary tax regularisations. Ensure transparency regarding public funds spent on security and other services for former heads of state residing abroad.

Suggested recommendation: Develop Article 38 into regulations with clear rules, resources and personnel. Assess the consistency between the non-application of this legal route and the financing of externalisation policies that prevent access to European territory.

Suggested recommendation: Ensure effective accountability mechanisms for public health failures, including appropriate sanctions for those responsible.

Suggested recommendation: Provide guidance to prosecutors and judges to ensure an interpretation aligned with the protective purpose of the legislation and women’s right to access health-care free from intimidation.

CONTACTS

Xnet-Institute for Democratic Digitalisation

Xnet is a Barcelona-based collective of activists and specialists dedicated to advancing digital rights and modernising democracy for the digital age. Since its inception in 2008, Xnet has championed internet freedom, transparency, and anti-corruption through a combination of technopolitical tools and advocacy.

Barcelona

Spain

contact@xnet-x.net

www.xnet-x.net

The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

c/o Publix, Hermannstraße 90

12051 Berlin

Germany

info@liberties.eu

www.liberties.eu

Photo by Aiony Haust and Markus Spiske on Unsplash



**Co-funded by
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the granting authority - the European Education and Culture Executive Agency (EACEA). Neither the European Union nor the granting authority can be held responsible for them.