

Celebration of 30th Anniversary of MEDEL and Alert Day 2015

Athens on 23 May 2015:

Since 2012, the Spanish government has been introducing reforms that, taken collectively, would seriously weaken the rule of law.

A Court Fees Act and an initial reform to the Organic Law of the Judiciary were passed in 2012; a law to reform the Judicial Council (*Consejo General del Poder Judicial*) was passed in 2013; and reforms to the Criminal Code and the Citizen Security and Public Safety Act have been passed in March 2015.

Proposed reforms to the Legal Aid Act, the Criminal Procedure Act and additional reforms of the Organic Law of the Judiciary are still under discussion in parliament.

We are deeply concerned that these legislative reforms adversely affect the proper functioning of the institutions responsible for safeguarding the rule of law, and attack the following elements of the rule of law: access to justice and independent and effective judicial review; non-discrimination and equality before the law; separation of powers and judicial independence; legal certainty and respect for human rights; and a transparent, accountable, democratic and pluralistic process for enacting law.

The principles and values are threatened in Spain as a result of legislative reforms, some of which have been adopted and others which are in the course of being approved, and how domestic rule of law safeguards have not been capable of containing such threats.

Judges for Democracy, (JPD) and Progressive Union of Prosecutors, (UPF) express their grave concern in relation to serious threats to the rule of law in Spain.

The government should reopen the reforms to proper consultations with the aim of ensuring the reforms lead to an effective reorganization and modernization of the judicial system. Our judiciary should be organized and resourced in such a way as to secure independence and to ensure the judiciary can secure the rule of law, including an adequate number of judges and prosecutors, proper facilities and resources, etc. Remind the Spanish government that political and executive interference with the judiciary is inconsistent with the requirement for an independent judiciary.

The proposed laws infringe the principle of legal certainty and the freedoms of expression and assembly, fundamental rights in a democratic society governed by the rule of law and the new immigration law legalizes summary returns.

JPD UPF