



## Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

### Rule of law and human rights

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#):

*"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

### Office of the UN High Commissioner for Human Rights (OHCHR)

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

OHCHR is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its Member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

### OHCHR's contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner's office (see diagram on the next page).

In line with the scope of the European Commission's Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

# UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

## Treaty-based mechanism

### Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

## UN Charter-based mechanism

### UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

#### Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

#### Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

#### Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

# Human rights and rule of law (4 pillars of Rule of Law Report)

## Pillar 1: Justice System

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

## Pillar 3: Media Freedom

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

## Pillar 2: Anti-corruption

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

## Pillar 4: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)



## Spain: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
  - The Universal Periodic Review of Spain was held at its 49th session (28 April - 9 May 2025) and the outcome report was adopted ([A/HRC/60/8](#)) at the 60th session of the UN Human Rights Council (8 September – 3 October 2025). See [matrix of recommendations](#).
  - The UN Human Rights Committee adopted its concluding observations on Spain ([CCPR/C/ESP/CO/7](#)) on 15 July 2025 at its 144th session and the report was published on 26 August 2025.
  - The United Nations Deputy High Commissioner for Human Rights, Nada Al-Nashif, published a [message](#) for event marking the 10th anniversary of the 2030 Agenda, in which she expressed her appreciation to Spain for taking the lead.
  - The special procedures of the UN Human Rights Council issued a [press release](#) “Spain: UN experts urge Parliament to approve pending law on “stolen babies” on 20 November 2025.
- **Summary of information which could be of particular relevance to the Rule of Law report:**
  - Under pillar 1 on justice system, relevant findings and recommendations (independence, quality of justice) were issued by UN human rights mechanisms.
  - Under pillar 2 on anti-corruption, relevant findings and recommendations (prevention – specific measures to enhance transparency, integrity and accountability in sectors with high-risks of corruption ) were issued by UN human rights mechanisms.
  - Under pillar 4 on checks and balances, relevant findings and recommendations (enabling framework for civil society, independent authorities) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
  - The UN Committee on the Elimination of Racial Discrimination will consider the State Party report from Spain in a future session ([date to be confirmed](#)).
  - The UN Committee on the Rights of the Child will consider the State Party report from Spain during its [100th session](#) (to be confirmed, 2 - 30 Jan 2026).
- **Resources:**
  - Rule of Law in Europe | [OHCHR](#)
  - Country page on [Spain](#)
  - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

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Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

**For more info:**

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### Independence – Appointment and selection of judges

While noting the agreement reached in 2024, after a five-year political deadlock, concerning the appointment of the members of the General Council of the Judiciary, the UN Human Rights Committee expresses its concern about the impact this delay has had on the independence and impartiality of the judiciary and on compliance with the principle of separation of powers. The Committee also takes note of the amendment of the Judiciary Act and notes with concern the criticism raised by judges and prosecutors in response to this amendment, which they perceive to pose a risk to the independence of the judiciary, and the protests they initiated against it on 1 July 2025 (art. 14). ([CCPR/C/ESP/CO/7](#), para. 38)

The State Party should take all measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including by ensuring that the procedures for the selection and appointment of judges comply with the Covenant and with relevant international standards, such as the Basic Principles on the Independence of the Judiciary. The Committee also urges the State Party to review the draft amendment to the Judiciary Act, in consultation with judicial actors and other relevant stakeholders, in order to ensure its full compliance with article 14 of the Covenant. ([CCPR/C/ESP/CO/7](#), para. 39)

During its Fourth Universal Periodic Review ([A/HRC/60/8](#)), Spain noted a recommendation on appointment and selection of judges:

- 50.68 Guarantee judicial independence by strengthening independent monitoring of the appointment of judges and judicial processes

## **Quality of justice – Accessibility of courts**

In its press release regarding law on “stolen babies”, the special procedures of the UN Human Rights Council urged Spain to approve the draft bill on “stolen babies” under parliamentary review since 2020, thereby upholding the right to truth, justice, reparation and guarantees of non-repetition for the victims of the so-called theft of babies in Spain since 17 July 1936. [...] [The bill] also aims to provide free psychological and legal assistance for families, mandating public awareness campaigns, and strengthening cooperation between regional administrations and judicial bodies.

## **Quality of justice – Training of justice professionals**

During its Fourth Universal Periodic Review ([A/HRC/60/8](#)), Spain supported recommendations on training justice professionals:

- 50.224 Strengthen the legal and operational framework to combat all forms of gender-based violence and trafficking in women and girls by ensuring adequate resources, mandatory training for public and judicial personnel, the eradication of gender stereotypes, and effective protection, especially in contexts of vulnerability and at borders
- 50.228 Strengthen actions to eradicate gender-based violence, including mandatory training for judicial officials and security forces, and continue public awareness campaigns on all forms of violence against women
- 50.290 Continue to provide training for law enforcement officials and the judicial system on the nature and impact of hate crimes on different population groups

## Pillar II: Anti-corruption

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
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### **Prevention – Specific measures to enhance transparency, integrity and accountability in sectors with high-risks of corruption**

The UN Human Rights Committee welcomes the information provided on the State Party's efforts to prevent and combat corruption, in particular the adoption of Act No. 2/2023 of 20 February on the protection of persons who report regulatory violations and the fight against corruption and the establishment of the Independent Authority for Whistle-blower Protection. However, the Committee expresses its concern about reports pointing to an absence of significant progress in preventing corruption among senior central government officials, members of the security forces, parliamentarians, judges and prosecutors. In particular, it is concerned about the lack of progress in efforts to ensure that government advisers act with transparency and integrity, the incomplete implementation of Act No. 19/2013 of 9 December on transparency, access to public information and good governance and the lack of progress in the review of the disciplinary regime for the security forces (arts. 2 and 25). ([CCPR/C/ESP/CO/7](#), para. 10)

The State Party should intensify its efforts to prevent and eradicate corruption at all levels, including in the judiciary, and to promote transparency and strengthen accountability mechanisms. In particular, it should take all measures necessary to:

- (a) Promptly, independently and impartially investigate and prosecute all cases of corruption, particularly high-level corruption, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;
- (b) Ensure the independence, effectiveness, transparency and accountability of all anti-corruption bodies;
- (c) Implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it. ([CCPR/C/ESP/CO/7](#), para. 11)

## Pillar IV: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

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### Enabling framework for civil society – rules and practices having an impact on the effective operation and safety of civil society organisation and human rights defenders

The UN Human Rights Committee expresses its concern at reports regarding the surveillance of human rights defenders and other civil society actors by the police and intelligence services, which could have a chilling effect on the rights to freedom of expression and peaceful assembly. In particular, the Committee is concerned about reports on the use of surveillance technologies, according to which, between 2017 and 2020, at least 65 Catalan politicians, activists and public figures were tracked using Pegasus and Candiru spyware allegedly linked to the National Intelligence Centre. The Committee further regrets the absence of an official investigation in this regard and the inaction of the Attorney General in the corresponding judicial proceedings. In addition, while the Committee takes note of the information provided by the State Party's delegation concerning the legal regulations establishing that the collection of information is a standard task for all police forces, the Committee is concerned about the information received on the use, outside the context of criminal proceedings, of "undercover intelligence officers" to infiltrate social movements, which is a practice that has been recognized by the Public Prosecution Service and is covered by the Official Secrets Act of 1968 and carried out without legal guarantees or judicial oversight (arts. 17, 19, 20 and 22).  
[\(CCPR/C/ESP/CO/7, para. 40\)](#)

The State Party should take all measures necessary to ensure the full enjoyment by all individuals of their rights to freedom of expression and peaceful assembly, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, the State Party should: (a) Take all steps necessary to ensure that all members of civil society, including politicians, journalists, media workers and human rights defenders, are free to carry out their work effectively and without fear of reprisals. [\(CCPR/C/ESP/CO/7, para. 41\)](#)

During its Fourth Universal Periodic Review ([A/HRC/60/8](#)), Spain supported recommendations on enabling civil society:

- 50.15 Continue initiatives aimed at increasing public resilience to disinformation and information manipulation, in close cooperation with civil society, academia, the private sector and other stakeholders
- 50.21 Continue the effective implementation of the second National Human Rights Plan with the active participation of civil society
- 50.79 Amend the Organic Act of 30 March 2015 on Citizen Security to ensure that it aligns with European and international human rights standards

During its Fourth Universal Periodic Review ([A/HRC/60/8](#)), Spain noted a recommendation on enabling civil society:

- 50.82 Amend laws that may restrict freedom of opinion and expression, especially for civil society and journalists

#### **Independent authorities - national human rights institutions (NHRIs), ombudsman institutions if different from NHRIs**

The UN Human Rights Committee welcomes the fact that the Ombudsman continues to enjoy category A status as accredited by the Global Alliance of National Human Rights Institutions. However, the Committee is concerned that the selection process currently provided for in law is neither sufficiently broad nor transparent and, while noting the information on the three types of guidance issued by the Ombudsman, is also concerned that the legal framework does not explicitly establish a process requiring the parliament to discuss and examine the Ombudsman's reports. In this regard, it notes with concern the information regarding the limited dissemination and implementation of the Ombudsman's decisions by the Government and, for example, by the prison authorities when the Ombudsman discharges his mandate to visit places of deprivation of liberty (art. 2). ([CCPR/C/ESP/CO/7](#), para. 6)

The State Party should take all necessary measures to ensure that the Ombudsman fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, the Committee encourages the State Party to formalize and explicitly introduce a clear, transparent, participatory and merit-based selection and appointment process and to amend the law in order to establish a process requiring that the Ombudsman's reports be widely disseminated, discussed and submitted to the legislature for consideration. The State Party should also redouble its efforts to ensure the effective implementation of all the guidance issued by the Ombudsman, including recommendations and suggestions. ([CCPR/C/ESP/CO/7](#), para. 7)

During its Fourth Universal Periodic Review ([A/HRC/60/8](#)), Spain supported a recommendation on independent authorities:

- 50.10 Continue providing financial resources to the Ombudsman's Office