



**LIBE Democracy, Fundamental Rights and Monitoring Group (DFRMG)**  
**January 2024**

<b>Questions to the Spanish government</b>
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1. What is the motivation behind the Amnesty Law? (EPP)
2. Why has the Amnesty Law proposal been treated as a bill of the parliamentary groups of the Congress of Deputies and not as a Government bill, taking into account that it is the Government which is carrying out the negotiations through the Ministry of Presidency and Justice? (EPP)
3. Why has the urgent procedure been adopted in a norm of the importance and relevance of the Amnesty Law? (EPP)
4. Has the Government identified precedents of amnesty or general pardons that include crimes of corruption, terrorism or against the Rule of Law? (EPP)
5. In the Government's opinion, what are the crimes of terrorism that do not violate fundamental rights? (EPP)
6. Why does the bill prevent the suspensive effect of the question of unconstitutionality that can be applied by judges and courts applying the Amnesty Law? (EPP)
7. Why are judges and courts prevented from deciding on precautionary measures and arrest warrants while deciding on the application of the Amnesty Law? (EPP)
8. Can the Government provide any clear, concrete and direct testimony from the leaders benefiting from the amnesty stating that they will never again carry out a unilateral secession process in violation of the Constitution and the rest of the legal system? (EPP)
9. Can the Government confirm that the criterion for applying the amnesty is the pro-independence motivation of the crimes committed and therefore the result of ideological discrimination? (EPP)
10. Can the Government specify the number of persons who will benefit from the amnesty law? (EPP)
11. The European Parliament has been pushing for the protection of whistle-blowers in recent years, who play an essential role in our democracies. What are the measures do the Spanish authorities put in place to improve whistle-blower protection? (S&D)
12. Regarding Gender Equality, what are the measures being promoted by the Spanish authorities to strengthen the equal presence of women and men in decision-making processes, in particular in the political and economic context? (S&D)
13. What measures do the Spanish authorities take to improve citizens' access to justice, in particular in regard to persons with low income or with disabilities? (S&D)



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14. Recently, the Spanish Lower House of Parliament approved the reform of Article 49 of the Spanish Constitution. What are the implications of this reform for the Rule of Law in Spain and the principle of equality and non-discrimination? (S&D)
15. The renewal of the Council of the Judiciary continues to be blocked. Commendably, PSOE and PP agreed to invite the EU Commission as a mediator. What is the current state of the process; what measures does the Government consider to improve the situation? (S&D)
16. The so-called 'Operation Catalonia', conducted by the Spanish police in the years 2012-2017, raises serious concerns about the following of legal procedure. How does the Spanish government investigate the case? (S&D)
17. What has been the complete interaction with the Commission so far on the proposal for an Amnesty Law? What specific follow up has been given to the questions of the Commission? (Renew)
18. As the Venice Commission is requested to draft an Opinion on this proposed law, will the government await this Opinion before any further legislative proposal is introduced in Parliament? (Renew)
19. The European Commission is reportedly acting as a facilitator of talks between the two major political parties in Spain regarding the long-standing blocking situation of the Council of the Judiciary. What is the foreseen roadmap for this process, at what level is it conducted, and is there agreement on the aim of the exercise, in particular the full implementation of the recommendation on this in the Commission Rule of Law report? (Renew)
20. In December 2023, POSE and PP agreed to request to the European Commission to act as a mediator on the negotiations to renew the Council for the Judiciary. What is the state of play of such request? (Greens/EFA)
21. Which other measures do the Spanish authorities envisage to take in order to renew the Council for the Judiciary as a matter of priority? (Greens/EFA)
22. How do the Spanish authorities plan to initiate, immediately after the renewal, a process in view of adapting the appointment of its judges-members, taking into account European standards on Councils for the Judiciary? (Greens/EFA)
23. What are the measures taken by the Spanish authorities 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? (Greens/EFA)
24. When will the Spanish authorities plan to adopt legislation on lobbying, including the establishment of a mandatory public register of lobbyists? (Greens/EFA)
25. When will the Spanish authorities reinforce the sanctioning power of the Office for Conflicts of Interest in order to strengthen the rules on conflicts of interest and asset declarations of persons with top executive functions? (Greens/EFA)



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26. How will the Spanish authorities reduce the length of investigations and court proceedings, especially in high-level corruption cases? (Greens/EFA)
27. When will the Spanish authorities strengthen access to information, in particular via revision of the Law on Official Secrets taking into account European standards on access to official documents? (Greens/EFA)
28. How will the Spanish authorities ensure that the right to asylum is fully respected, in particular at Ceuta and Melilla borders? In this regard, which measures will the Spanish authorities put in place to ensure that the rights of the child, in particular of unaccompanied minors, are guaranteed? (Greens/EFA)
29. How will the Spanish authorities address the issues regarding the right to housing, in particular the problem of forced evictions? (Greens/EFA)
30. How do the Spanish authorities plan to strengthen universal access to quality public healthcare for all throughout Spain? (Greens/EFA)
31. 10. How will the Spanish authorities ensure that any case of alleged disproportionate use of force and violence by the law enforcement is fully and effectively investigated by an independent and impartial authority? When and how will the applicable rules and procedures be revised in order to eliminate the disproportionate use of force and violence by the law enforcement? (Greens/EFA)
32. Given the evidence of the abusive and undemocratic practices that the use of spyware represents, including the lack of effective redress, which undermines the rule of law and fundamental rights in societies, which mechanisms have the Spanish authorities put in place or plan to put in place to prevent future similar cases? Which are the recommendations from the PEGA report adopted by the European Parliament addressed to the Spanish authorities that have already been implemented? What is the timetable to implement the remaining ones? (Greens/EFA)
33. Given the recent confirmations by the scientific police of the Mossos d'Esquadra that the mobile phones of Catalan independence leaders, including that of Members of the European Parliament, had been infected with Pegasus, will the Spanish Government acknowledge that has illegally spied on its citizens for political motivated purposes? (Greens/EFA)
34. What are the measures that the Spanish authorities will put in place to fully and effectively investigate the allegations of fake evidence, reports and (illegal) surveillance by Spanish police forces, including members of Catalan pro-independence parties and other figures such as the General Prosecutor, recently published in the media? Which actions will the Spanish authorities put in place to prevent future cases? (Greens/EFA)
35. What is the current state of play and timeline foreseen to reform the Citizens Security Law? When it is expected that the Spanish authorities conduct an independent in-depth fundamental rights assessment on the Citizens Security Law, in particular concerning the impact and chilling effect on the exercise of the freedoms of expression and



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assembly in Spain that it causes? Which other measures do the Spanish authorities envisage to ensure that the reform complies with European standards, in particular with the case-law of the ECtHR and the OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly? (Greens/EFA)

36. Which measures have the Spanish authorities put in place or are intended to put in place to address SLAPP cases? Which additional measures do the Spanish authorities envisage to implement in order to ensure the protection of journalists and media workers, in particular with regards to guaranteeing a safe working environment and adequate working conditions? (Greens/EFA)
37. Can the Spanish Government confirm that the amnesty law, currently in the process of being adopted, will include terrorism cases? (ECR)
38. The Spanish Government explained that the intention is to include in the amnesty law terrorism cases, but only when fundamental rights were not severely impacted. Can the Spanish Government further explain the difference that intends to make between terrorism cases? According with the Spanish Government explanations, is it possible to commit an act of terrorism without impacting fundamental rights? Are the death of a French citizen in El Prat airport, and the injuries of law enforcement officers included in this 'good' terrorism concept? (ECR)
39. The Spanish Government accepted to propose the European Commission as mediator to end the blockade on the General Council for the Judiciary. Is the Government going to finally accept the calls for election of its judges-members by their peers and propose a reform accordingly? (ECR)
40. What is the Spanish Government opinion on the fact that the General Council for the Judiciary issued an institutional declaration warning that if the amnesty law is approved, it will imply the immediate 'abolition' of the Rule of Law in Spain? (ECR)
41. The recent reform of the Spanish Constitution, which counted with the agreement of both the Socialist Party and the Peoples Party, changes Article 49 on people with disabilities, now stating that special attention should be paid to women and girls with disabilities. Does the Spanish Government think that these changes comply with the principle of equality before the law? (ECR)