

## SPAIN/ESPAGNE

- 1) What mechanisms have been put in place at national level to ensure the compatibility of legislation (whether draft legislation, laws in force or administrative practice) with the Convention? How do these work (whether or not they are systematic, the competent authorities and any consultations – whether optional or mandatory)? What are the advantages of the mechanism chosen?**

If the legislative initiative comes from the Government, before reaching the Parliament a compulsory consultative opinion from the Council of State is needed. If the Draft Law will affect procedural laws, then a compulsory request of a consultative opinion from the General Council of the Judiciary is needed.

It is not unusual in administrative practice that compatibility of Draft legislation with the Convention is assessed by the Office of the State Attorney, especially through consultation with the agent before the Court.

The Spanish Ombudsman has in its statute the power to suggest either to the legislative or to the executive modifications of the States that might be necessary to prevent violations of human rights.

If the legislative initiative comes from within the Parliament the Legal services of the Parliament provide advice as to the compatibility with national and international law.

- 2) What obstacles have been encountered in establishing or applying these mechanisms? How have these been overcome?**

There have been no obstacles to this functioning.

Once the legislation is in force, there're checks through the procedures that can be brought before the Constitutional Tribunal, that can be triggered even by the Spanish Ombudsman in subjects referring to the protection of fundamental rights.

- 3) Is there any assessment (or planned assessment) of the appropriateness and effectiveness of the mechanisms in question? If so, how does this work? What obstacles have been encountered in setting up or carrying out such an assessment?**

No assessment is envisaged.