



Last update: 15/03/2021

## Spain

Membership to the Council of Europe	24 November 1977
Entry into force of the European Convention on Human Rights	4 October 1979
First case under supervision of execution	<b>Barberà, Messegué and Jabardo</b> (10590/83) Judgment final on 6 December 1988
Total number of cases transmitted for supervision since the entry into force of the Convention	133
Total number of cases closed by final resolution	98

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Migration matters – expulsion, effective remedy

**Lack of effective remedy with suspensive effect to challenge decisions of the administration dismissing requests for international protection lodged by thirty persons of Saharawi origins**, thus hindering their faculty to assert a risk of ill-treatment and/or death in case of return to Morocco.

**A.C. and Others** (6528/11)  
Judgment final on 22/07/2014

**Status of execution**  
Enhanced supervision

**Expulsion orders issued against the applicants following their criminal conviction** and automatism of such expulsion in case of prison sentences of one year or more

**Saber and Boughassal** (76550/13)  
Judgment final on 18/12/2018

**Status of execution**  
Standard supervision

#### > Freedom of expression

**Prison sentence imposed on the applicants** for publicly setting fire to a large photograph of the royal couple turned upside down.

**Stern Taulats and Roura Capellera** (51168/15)  
Judgment final on 13/03/2018

**Status of execution**  
Standard supervision

#### > Protection of family life – placement of children in public care

**Shortcomings in the decision-making process resulting in the breakdown of contact between child and biological parent**, due to the lack of a personalised assessment of the situation of the biological father.

**Haddad** (16572/17)  
Judgment final on 18/09/2019

**Status of execution**  
Standard supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Lawfulness of detention and related issues

**Abolition in 2007 of the house arrest for Civil Guards as a disciplinary sanction.**

*Dacosta Silva* (69966/01)  
Judgment final on 02/02/2007

Final Resolution  
CM/ResDH(2010)110

**Discontinuation of the new system of calculation of maximum terms of sentences, the so-called “Parot doctrine”, which increased the time to be spent in prison, including retroactively for persons convicted before its adoption.**

*Del Río Prada* (42750/09)  
Judgment final on 21/10/2013

Final Resolution  
CM/ResDH(2014)107

## &gt; Access to court

**Courts of appeal are no longer competent to decide a case on the merits and must refer it back to the first instance court** or order for a public hearing to be held when they consider that there was an error in the assessment of evidence by the latter - Law on Criminal Procedure in 2015.

*Iguall Coll and 11 other cases* (37496/04)  
Judgment final on 10/06/2009

Final Resolution  
CM/ResDH(2017)69

## &gt; Fairness of judicial proceedings – criminal charges

**Additional safeguards as regards the composition of military courts and the procedural rules applicable** to ensure impartiality were introduced in the amended Law on Competence and Organization of Military Courts 2003.

*Perote Pellon* (45238/99)  
Judgment final on 25/10/2002

Final Resolution  
CM/ResDH(2005)94

## &gt; Excessive length of judicial proceedings

**The efficiency of civil, labour, criminal, enforcement, administrative and bankruptcy proceedings has been improved, as well as the legal framework for legal aid.** The victim’s status has been strengthened, and communication and information technologies were introduced in the administration of justice thus improving the efficiency of case-management.

*Moreno Carmona* (26178/04)  
Judgment final on 09/09/2009

Final Resolution  
CM/ResDH(2018)35

## &gt; Protection of family life

**Reform of the Penal Code in 2002 providing for stricter sanctions for child abduction, which is now qualified as an offence other than disobedience,** thus enabling the issuing of an international arrest warrant.

*Iglesias Gil and A.U.I.* (56673/00)  
Judgment final on 29/07/2003

Final Resolution  
CM/ResDH (2006)76

**A list of criteria to guide national judges in matters of family reintegration in the superior interest of minors was established** by the Supreme Court in 2009. In addition, the legal system for the protection of childhood and adolescence has been improved in 2015, addressing in particular the situation of non-accompanied minors.

*Saleck Bardi* (66167/09)  
Judgment final on 24/08/2011

Final Resolution  
CM/ResDH (2018)150

\*\* This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV “Main achievements”. As regards the period 1959-1998, see the overview provided by the European Court in its special publication “[Survey : 40 years of activity](#)”, section IV “Effects of judgments and decisions” – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Discrimination

Recognition of the possibility for Evangelical Church Ministers of having their earlier years of pastoral service prior to their integration into the social-security scheme taken into account for the calculation of the minimum period necessary to be entitled to retirement pensions.

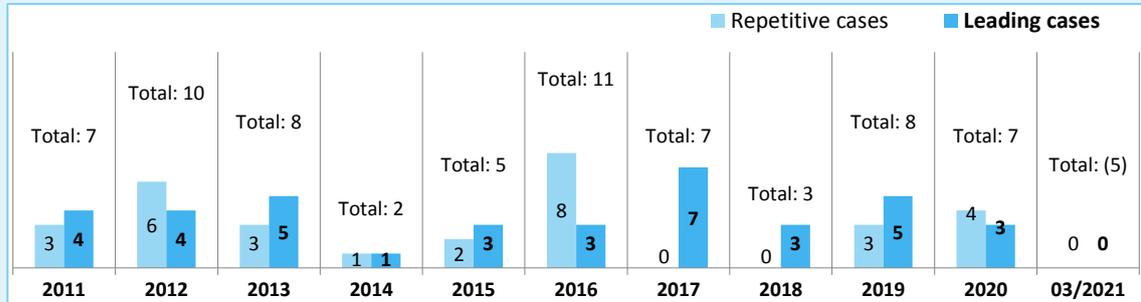
*Manzanas Martin* (17966/10)  
Judgment final on 03/07/2012

Final Resolution  
CM/ResDH(2016)205

## STATISTICS\*\*\*

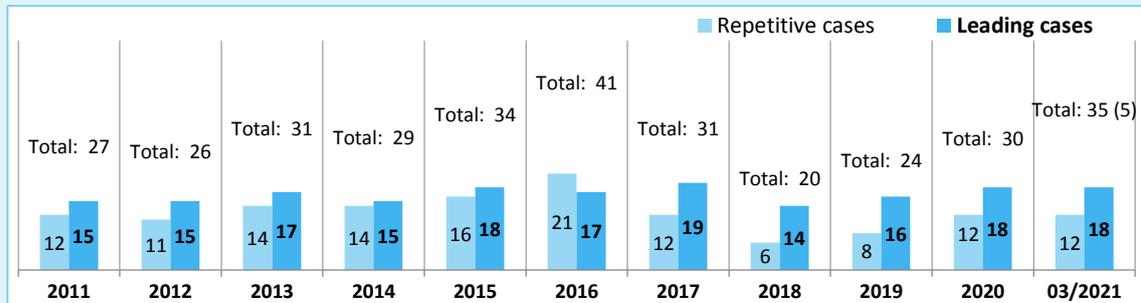
### New cases

(judgments transmitted for supervision of their execution during the year)



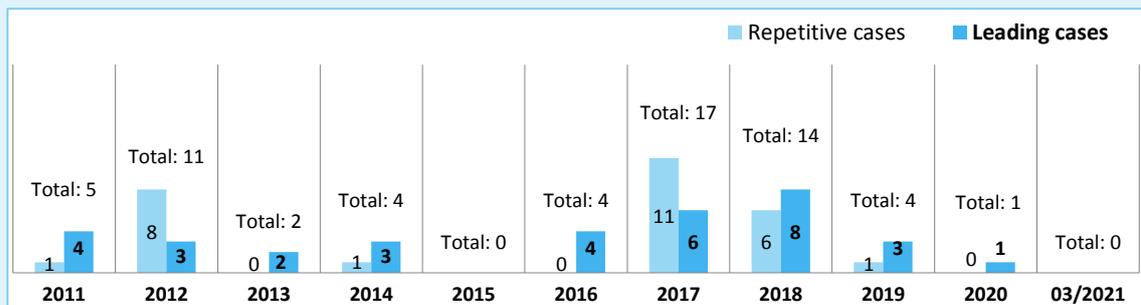
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

### Pending cases



Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

### Cases closed by final resolution



### Just satisfaction awarded by the European Court



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.