



Spain

Ratified the European Convention on Human Rights in 1979

National Judge: Luis López Guerra

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Eduardo García De Enterría (1978-1986), Juan Antonio Carrillo Salcedo (1986-1989), José María Morenilla (1990-1998), Antonio Pastor Ridruejo (1998-2003), Javier Borrego Borrego (2003-2008)

The Court dealt with 575 applications concerning Spain in 2016, of which 557 were declared inadmissible or struck out. It delivered 16 judgments (concerning 18 applications), 12 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	552	627	409
Communicated to the Government	25	16	42
Applications decided:	672	575	338
- Declared inadmissible or struck out (Single Judge)	655	542	292
- Declared inadmissible or struck out (Committee)	9	8	40
- Declared inadmissible or struck out (Chamber)	4	7	2
- Decided by judgment	4	18	4
Interim measures:	32	37	17
- Granted	4	4	1
- Refused (including out of scope)	28	33	16

* January to July 2017

For information about the Court's judicial formations and procedure, see [the ECHR internet site](#).

Applications pending before the court on 01/07/2017	
Total pending applications	388
Applications pending before a judicial formation:	208
Single Judge	115
Committee (3 Judges)	3
Chamber (7 Judges)	90
Grand Chamber (17 Judges)	0

*including applications for which completed application forms have not yet been received

Spain and ...

Its contribution to the Court's budget

For 2017 the Court's budget, borne by the Council of Europe, amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Spain to the Council of Europe's (EUR 328 million) budget is **EUR 18,427,572**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **8** are Spanish.

Noteworthy cases, judgments delivered

Grand Chamber

Fernández Martínez v. Spain

12.06.2014

The case concerned the non-renewal of the contract of a married priest and father of five who taught Catholic religion and ethics, after he had been granted dispensation from celibacy and following an event at which he had publicly displayed his active commitment to a movement opposing Church doctrine.

No violation of Article 8 (right to respect for private and family life)

Del Rio Prada v. Spain

21.10.2013

The case concerned the postponement of the final release of a person convicted of terrorist offences, on the basis of a new approach – known as the “Parot doctrine” – adopted by the Supreme Court after she had been sentenced.

Violation of Article 7 (no punishment without law)

Violation of Article 5 § 1 (right to liberty and security)

Furthermore, the Court decided that the respondent State was to ensure the applicant was released at the earliest possible date.

[Link to the press release in Spanish.](#)

Palomo Sánchez and Others v. Spain (nos. 28955/06, 28957/06, 28959/06 and 28964/06)

12.09.2011

The case concerned the dismissal of a group of trade unionists after the union’s newsletter had published a cartoon and articles considered to be insulting to two other employees and a manager.

No violation of Article 10 (freedom of expression) read in the light of Article 11 (freedom of assembly and association).

Mangouras v. Spain

28.09.2010

Pre-trial detention – with possibility of release on bail of three million euros – of captain of ship *Prestige* for causing damage to the environment and natural resources

(spilling 70,000 tons of fuel oil into the Atlantic Ocean).

No violation of Article 5 § 3 (right to liberty and security)

Noteworthy cases, judgments delivered

Chamber

Cases concerning inhuman or degrading treatment (Article 3)

Beortegui Martinez v. Spain

31.05.2016

The case concerned the alleged failure to investigate an allegation by Mr Beortegui Martinez that he was ill-treated by four *Guardia Civil* officers while detained incommunicado in police custody on suspicion of belonging to a terrorist organisation.

Violation of Article 3 (prohibition of torture and inhuman or degrading treatment) on account of the investigation conducted by the national authorities

No violation of Article 3 as regards the applicant’s allegation of ill-treatment during his arrest and in police custody

Etxebarria Caballero v. Spain and Ataun Rojo v. Spain

07.10.2014

These cases concerned the investigation by the Spanish authorities into ill-treatment allegedly sustained by the applicants while they were held incommunicado in police custody. They were arrested by the police and placed in secret police custody in the context of judicial investigations concerning, in particular, their alleged membership of the terrorist organisation ETA.

In both cases:

Violation of Article 3 (prohibition of inhuman or degrading treatment) on account the lack of an effective investigation into the applicants’ allegations of ill-treatment

No violation of Article 3 concerning the ill-treatment alleged by the applicant Etxebarria Caballero

Otamendi Eqiguren v. Spain

16.10.2012

The case concerned the investigation into allegations of police ill-treatment of a man suspected of links with the terrorist organisation ETA held incommunicado in police custody.

[Violation of Article 3 \(investigation\)](#)

B. S. v. Spain (no. 47159/08)

24.07.2012

The case concerned a woman of Nigerian origin who was stopped by the police while working as a prostitute on the outskirts of Palma de Mallorca.

[Violation of Article 3 \(lack of an effective investigation\) as regards the investigation](#)

[No violation of Article 3 as regards the allegations of ill-treatment](#)

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 3](#)

Olaechea Cahuas v. Spain

10.08.2006

Extradition to Peru in 2003 of Adolfo Hector Olaechea Cahuas (the subject of an international arrest warrant for his presumed membership of the "Shining Path").

[Violation of Article 34 \(right of individual application\)](#)

[No violation of Articles 3, 5 \(right to liberty and security\) and 6 \(right to a fair trial\)](#)

Cases concerning Article 6

Right to a fair trial

Hernandez Royo v. Spain

20.09.2016

The case concerned the fact that the applicants had been convicted at the appeal stage, without evidence having been heard from them in person, after they had been acquitted at first instance.

[No violation of Article 6](#)

Gómez Olmeda v. Spain

29.03.2016

The case concerned the complaint by a criminal convict that he had not been able to defend himself in open court in the appeal proceedings in his case.

[Violation of Article 6 § 1](#)

Sociedad Anónima del Ucieza v. Spain

04.11.2014

The case concerned a dispute over ownership of a medieval church between the applicant company, which had purchased and registered in the land register a plot of land in which the church had formed an enclave, and the Diocese of Palencia, which had registered the same church in its own name in the land register sixteen years later.

[Violation of Article 6 § 1](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

Varela Geis v. Spain

05.03.2013

A bookshop owner who sold publications about the Holocaust complained that he had been convicted of "justifying genocide", an offence not corresponding either to the charges against him or to his conviction at first instance.

[Violation of Article 6 §§ 1 and 3 \(a\) and \(b\) \(right to a fair trial and rights of the defence\): the applicant should have been notified of the amended charge against him in order to prepare his defence](#)

Serrano Contreras v. Spain

20.03.2012

In this case, the Court concluded that the lack of public hearing before the Supreme Court resulted in a [violation of the right to a fair trial \(Article 6 § 1\)](#).

Judgment available in [Spanish](#).

See also judgments in the cases of [Iguual Coll](#), [Garcia Hernandez](#) and [Almenaro Alvarez](#).

Vaquero Hernandez and Others v. Spain

02.11.2010

Spanish Civil Guard officers and Civil Governor accused of murdering two presumed ETA members complained that they had not had a fair trial.

[No violation of article 6 §§ 1, 2 and 3](#)

Castillo Algar v. Spain

28.10.1998

Issue of impartiality in the trial of a lieutenant-colonel in the infantry and attached to the Spanish Legion, accused of having set up an unregulated private fund.

[Violation of Article 6 § 1](#)

Right to a fair hearing within a reasonable time

García Mateos v. Spain

19.02.2013

The case concerned a supermarket employee who asked for a reduction in her working time because she had to look after her son who was then under six years old.

[Violation of Article 6 § 1 combined with Article 14 \(prohibition of discrimination\)](#)

Presumption of innocence

Lizaso Azconobieta v. Spain

28.06.2011

The applicant was arrested in the course of a police operation against the terrorist organisation ETA. At a press conference held three days after the arrest, the civil governor of Guipúzcoa named him as a member of an ETA commando unit responsible for three bomb attacks. Two days later, a judge ordered his release. No charges were subsequently brought against him.

[Violation of Article 6 § 2](#)

Judgment available in [Spanish](#)

Tendam v. Spain

13.07.2010 (principal judgment)¹

Refusal by the Spanish authorities to grant the applicant compensation for his pre-trial detention during the criminal proceedings against him for theft as well as for the loss of and damage to his property seized in connection with the charge of handling stolen goods.

[Violation of Article 6 § 2](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

Vera Fernández-Huidobro v. Spain

06.01.2010

Allegations of lack of impartiality for political reasons in the trial of a Minister of State for Security at the Ministry of the Interior convicted of misappropriation of public funds and false imprisonment.

[No violation of Article 6 §§ 1 \(right to a fair trial\) and 2](#)

Right of access to a court

¹ See also, with regard to the same case, the Chamber judgment of 28 June 2011 on the question of just satisfaction. In this judgment, the Court awarded Mr. Tendam EUR 200,000 for pecuniary damage.

Arribas Anton v. Spain

20.01.2015

The case mainly concerned the applicant's right of access to a court (*amparo* procedure).

[No violation of Article 6 § 1](#)

**Private and family life cases
(Article 8)**

Trabajo Rueda v. Spain

30.05.2017

The case concerned the seizure of Mr Trabajo Rueda's computer on the grounds that it contained child pornography material.

[Violation of Article 8](#)

Rubio Dosamantes v. Spain

21.02.2017

The case concerned a complaint by the pop singer Paulina Rubio that her honour and reputation had been harmed by remarks made on television about her private life.

[Violation of Article 8](#)

R.M.S v. Spain (no. 28775/12)

18.06.2013

The case concerned the applicant's daughter's placement with a foster family by social services against the wishes of the applicant. The applicant complained that she was deprived of all contact with her daughter and observed that the administrative authorities had decided to place her daughter in foster care with a view to adoption before the domestic courts had even ruled that her daughter had been abandoned.

[Violation of Article 8](#)

Martinez Martinez and María Pino Manzano v. Spain

03.07.2012

The case concerned a couple living in the vicinity of an active stone quarry. They complained about the noise and the dust pollution and claimed compensation from the authorities for the damage suffered.

[No violation of Article 8](#)

K.A.B. v. Spain (no. 59819/08)

10.04.2012

The case concerned the adoption – despite the father's opposition – of a child who was declared abandoned after his mother's deportation.

[Violation of Article 8](#)

Saleck Bardi v. Spain

24.05.2011

The case concerned judicial proceedings that ended with the granting of guardianship of a child from the Sahrawi refugee camps in Tindouf to a Spanish host family, after a long period of uncertainty and despite her biological mother's request for her return. Right to family life breached by authorities' lack of diligence in returning child to biological mother

[Violation of Article 8](#)

P.V. v. Spain (no. 35159/09)

30.11.2010

Restriction of contact arrangements between a transsexual and her six-year-old son.

[No violation of Article 8 taken in conjunction with Article 14 \(prohibition of discrimination\)](#): the overriding factor had been the child's best interests and not the applicant's transsexualism, the aim being that the child would gradually become accustomed to his father's gender reassignment.

Moreno Gómez v. Spain

16.11.2004

Night-time noise caused by night clubs opened near the applicant's home

[Violation of Article 8](#)

Prado Bugallo v. Spain

18.02.2003

The case concerned telephone tapping in the course of a drug-trafficking investigation.

[Violation of Article 8](#)

López Ostra v. Spain

09.12.1994

Nuisance caused by a waste-treatment plant situated near the applicant's home.

[Violation of Article 8 \(right to respect for private and family life\)](#)

[No violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

Cases concerning freedom of expression (Article 10)

Jiménez Losantos v. Spain

14.06.2016

The case concerned the criminal conviction of Mr Jiménez Losantos, a journalist, for making comments about the mayor of

Madrid which were considered to be insulting.

[Violation of Article 10](#)

Rodriguez Ravelo v. Spain

12.01.2016

The case concerned expressions used by a lawyer in a written application containing value judgments regarding a judge and attributing blameworthy conduct to her.

[Violation of Article 10](#)

Otegi v. Spain

15.03.2011

The case concerned the conviction of spokesperson of the Basque pro-independence left for insulting the King.

[Violation of Article 10](#)

Gutiérrez Suarez v. Spain

01.06.2010

Conviction for unlawful interference with King Hassan's fundamental right to respect for his reputation, following publication of an article in which a family company belonging to the king was alleged to be involved in drug trafficking.

[Violation of Article 10](#)

Castells v. Spain

23.04.1992

Mr Castells, a lawyer and senator elected on the list of the Basque coalition Herri Batasuna, sentenced to imprisonment in 1983 for insulting the Government after having published an article in which he held the latter responsible for the impunity enjoyed by armed groups.

[Violation of Article 10](#)

Cases concerning discrimination (Article 14)

Aldeguer Tomás v. Spain

14.06.2016

The case concerned the applicant's complaint of having been discriminated against on the ground of his sexual orientation in that he was denied a survivor's pension following the death of his partner, with whom he had lived in a *de facto* marital relationship. The applicant, Mr Aldeguer Tomás, had been unable to marry his partner under the law in force during the latter's lifetime. Three years after his partner's death, the law legalising same-sex marriage in Spain entered into force.

No violation of Article 14 read in conjunction with Article 8 (right to respect for private and family life) and Article 1 of Protocol No. 1 (protection of property)

Manzanas Martin v. Spain

03.04.2012

In this case the Court concluded that difference between retirement pensions of Catholic priests and Evangelical ministers amounted to discrimination.

Violation of Article 14 taken together with Article 1 of Protocol No.1 (protection of property)

Muñoz Díaz v. Spain

08.12.2009

Refusal to award a survivor's pension to a Spanish Roma citizen married according to the community's own rites and without any civil effects in Spanish law.

Violation of Article 14 in conjunction with Article 1 of Protocol No. 1 (protection of property)

Cases concerning the dissolution of political parties

Herri Batasuna and Batasuna v. Spain, Etxebarria and Others v. Spain and Herritarren Zerrenda v. Spain
Herri Batasuna and Batasuna v. Spain

30.06.2009

Suspension of the activities of the parties in question declared illegal and dissolved under Law no. 6/2002.

Etxebarria and Others v. Spain: electoral groupings having pursued the activities of political parties that had been declared illegal and dissolved debarred from standing in municipal, regional or autonomous community elections.

Herritarren Zerrenda v. Spain: Herritarren Zerrenda barred from standing in European parliamentary elections of June 2004 on grounds that his aim was to pursue the activities of three parties that had been declared illegal and dissolved.

No violations of Articles 10, 11 (freedom of assembly and association), 3 of Protocol No. 1 (right to free elections) and 13 (right to an effective remedy)

Eusko Abertzale Ekintza – Acción Nacionalista Vasca (EAE-ANV) v. Spain

07.12.2010

After Batasuna and Herri Batasuna (among others) were declared illegal in 2003, certain candidatures in municipal elections and elections to the provincial councils in the Basque country and to the Navarra parliament were revoked.

(Both applications) No violation of Article 3 of Protocol No. 1 (right to free elections)

(2nd application) No violation of Articles 10 and 11 (freedom of association)

(Both applications) No violation of Article 13 (right to an effective remedy)

Other noteworthy cases, judgments delivered

Junta Rectora Del Ertzainen Nazional Elkartasuna (ER.N.E.) v. Spain

21.04.2015

The case concerned the inability of the members of a police officers' trade union to exercise the right to strike.

No violation of Article 11 (freedom of association), taken alone and in conjunction with Article 14 (prohibition of discrimination)

A.C. and Others v. Spain (no. 6528/11)

22.04.2014

The case concerned the possible removal of international protection seekers from Spain to Morocco, where they alleged they would face a risk of inhuman and degrading treatment.

Violation of Article 13 (right to an effective remedy), taken together with Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment)

Ruspoli Morenes v. Spain

28.06.2011

Conditions of purchase by the Spanish Government of Goya's work "La Condesa de Chinchón" were compliant with the Convention. The State had exercised its right of pre-emption over an item of cultural interest. The painting is now on display in the Prado Museum, Madrid.

No violation of Article 1 of Protocol No. 1 (protection of property)

Gurguchiani v. Spain

15.12.2009

Retroactive application of a heavier penalty – deportation – to an illegal immigrant.

Violation of Article 7 (no punishment without law)

Noteworthy cases, decisions delivered

Barik Edidi v. Spain

19.05.2016

The case concerned a lawyer (the applicant) who was asked by the president of a court to return to the area reserved for members of the public, on the ground that barristers appearing before the court could cover their heads only with the official cap (biretta).

Application declared inadmissible:

Complaint under Article 6 § 1 (right to a fair hearing) rejected as manifestly ill-founded
Complains under Article 8 (right to respect for private and family life), 9 (right to freedom of thought, conscience and religion) and 1 of Protocol No. 12 (general prohibition of discrimination) rejected for failure to exhaust domestic remedies

Dorado Baúlde v. Spain

24.09.2015

The case concerned the cassation appeal procedure before the Supreme Court in the Spanish judicial system.

Application declared inadmissible as manifestly ill-founded.

A.M.B. and Others v. Spain **(no. 77842/12)**

20.02.2014

The case concerned the illegal occupation of a building belonging to the Madrid Housing Institute and a squatter's complaint about the decision to evict her from that building. An interim measure (under Rule 39 of the Rules of Court) had been applied by the Court on 12 December 2012 suspending the eviction measure ordered against Ms A.M.B. who was occupying the building with her two children.

Having regard to the observations submitted by the Spanish Government, the Court took the view that the maintaining of the interim measure was no longer justified and therefore lifted it.

Finding that the appeal before the Spanish Constitutional Court was still pending, the Court found that the application was premature and decided to reject it.

Noteworthy pending cases

Cases concerning expulsion

Saber v. Spain (no. 76550/13) and Boughassal v. Spain (no. 45938/14)

Communicated to the Spanish Government on 31.08.2015

Deportation of applicants, long-term residents in Spain, following their criminal convictions.

The applicants mainly rely on Article 8 (right to respect for private and family life) of the Convention.

N.D. and N.T. v. Spain (nos. 8675/15 and 8697/15)

Communicated to the Spanish Government on 07.07.2015

Decision on admissibility 07.07.2015

Immediate return (*devolución "en caliente"*) of applicants by Spanish authorities to Morocco.

The applicants mainly rely on Article 4 of Protocol No. 4 (prohibition of collective expulsion) to the Convention and Article 13 (right to an effective remedy) of the Convention, in conjunction with Article 4 of Protocol No. 4.

See also *Doumbe Nnabuchi v. Spain* (no. 19420/15), communicated on 14.12.2015.

Case concerning extradition

López Elorza v. Spain (no. 30614/15)

Notice given to Spanish Government on 12.11.2015

Case concerning the extradition of the applicant to the United States of America, where she would face life imprisonment without parole.

The applicant relies on Article 3 (prohibition of torture and inhuman or degrading treatment) of the Convention.

**Case concerning private/ family life
(Article 8)**

**[López Ribalda v. Spain and Gancedo
Giménez and Others v. Spain](#)**
(nos. 1874/13 and 8567/13)

Notice given to Spanish Government on
17.02.2015

These cases concern the installation of
CCTV cameras by a supermarket chain and

the use of recordings in ensuing domestic
proceedings.

The applicants rely mainly on Article 8
(right to respect for private life) of the
Convention.

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