

STATEMENT

Paris, November 13, 2020

**Concerns about the Proposed Reform to the General Council of the Spanish
Judicial Authority (CGPJ)**

UIA-IROL has been following with great concern the situation in Spain regarding the proposal of reform of the General Council of the Spanish Judicial Authority (CGPJ). The reform, which recently has been submitted to the Congress by the two parliamentary groups that currently form the government of Spain, aims to reduce the qualified majority required for the renewal of the CGPJ's members.

UIA-IROL believes that, if successful, this proposal would clearly lead to a politicization of the judiciary.

The independence of the judiciary -- a fundamental pillar of the rule of law and essential in any democracy -- must be respected in all circumstances. The United Nations General Assembly, in Resolution A/RES/73/177, adopted in December 2018, reaffirmed the independence and impartiality of the judiciary and the integrity of the judicial system "as essential prerequisites for the protection of human rights, the rule of law, good governance and democracy".

A real and clear separation of powers has to be respected in all circumstances to protect the independence of the judiciary from political interferences and to guarantee independent and impartial judges.

The Group of States Against Corruption of the Council of Europe (GRECO), has long been urging Spain to address the situation of its judiciary, and in the Evaluation and Compliance reports¹ expressly stressed that:

- political authorities shall not be involved, at any stage in the selection process of the judicial shift;
- it is crucial that the CGPJ is not only free, but also seen as independent from political influence.

The 2020 EU Justice Scoreboard revealed that the public perception of judicial independence in Spain is still very low. The main reason identified by the public for their scepticism about judicial independence is the interference or pressure from the government and politicians².

It is our understanding that the European Commission has recognized that the referenced proposal of reform could endanger judicial independence and exacerbate the public belief that the Spanish judiciary may be "vulnerable to politicization".

¹ Reports issued on the occasion of the fourth evaluation round on Corruption prevention in respect of members of parliament, judges and prosecutors: Evaluation report December 6, 2013, Compliance report July 1, 2016 and Second interim Compliance Report June 21, 2019.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0306>

According to reports, the reform has been suspended for the moment. However, given the very serious threats to the independence of the judiciary that would result from the adoption of the reform as drafted, UIA-IROL calls upon the Spanish Congress and Government to uphold Spain's national and international obligations with regard to the proper democratic rule of law by rejecting the referenced proposal, should it be made.

UIA-IROL further respectfully requests of all Spanish authorities involved that any reform of the justice system be undertaken in consultation with the parties concerned, ensuring that European and international standards for the independence of the judiciary are respected – including the standards provided by the European Commission for Democracy through Law (Venice Commission) – and that judicial appointments exclusively are based on merit (qualifications, experience, integrity, ability and efficiency).

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The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

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