

Spain

**National judicial bodies****National human rights institutions****Ombudsman****Specialised human rights bodies****Other****National judicial bodies****Constitutional Court (Tribunal Constitucional)**

Judges and courts are primarily responsible for guaranteeing fundamental human rights and freedoms; however, the Constitution provides for a specific and ultimate system to safeguard these rights: **appeals brought on grounds of violation of Constitutional rights and freedoms**, which can only be heard by the **Constitutional Court**. The Constitutional Court is the supreme interpreter of the Constitution. Thus it is a higher court which protects constitutional guarantees and is the ultimate guarantor of the fundamental rights and freedoms enshrined in the Constitution.

For any queries, there are four ways of contacting the Constitutional Court:

By post:

Tribunal Constitucional  
Calle Domenico Scarlatti 6  
28003 Madrid  
Spain.

By telephone: +34 915508000.

By fax: +34 915444088.

By e-mail: [buzon@tribunalconstitucional.es](mailto:buzon@tribunalconstitucional.es).

For more information please visit: <http://www.tribunalconstitucional.es/> and <http://www.poderjudicial.es/>

**National human rights institutions**

See section on the Ombudsman.

**Ombudsman (Defensor del Pueblo)**

The Office of the Ombudsman is the institution which protects and defends the fundamental rights and civil liberties of Spanish citizens. To this end, it may oversee the activity of the authorities and agencies that manage public services in Spain and of Spain's administrative offices abroad that deal with Spanish citizens.

The current ombudsman is **Francisco Fernandez Marugan**.

When the Ombudsman receives complaints relating to the irregular way in which justice has been administered, she sends them to the Public Prosecutor's Office (Ministerio Fiscal) so that it can investigate them and take the necessary measures in accordance with the law or pass them on to the General Council of the Judiciary (Consejo General del Poder Judicial). She can also make recommendations to the Government if legislative changes are needed.

The Ombudsman has the power to lodge appeals on grounds of unconstitutionality and violation of rights and liberties, and to initiate the habeas corpus procedure.

The Ombudsman may NOT intervene in the following situations:

Where there has been no intervention on the part of public authorities.

In the case of conflicts between individuals.

Where more than one year has passed since the individual became aware of the facts relating to the complaint.

In the case of anonymous complaints without specific claims, which are in bad faith or the processing of which may harm the legitimate rights of a third party.

Where there is disagreement about the content of a court decision.

Citizens wishing to contact the Ombudsman need not go through a lawyer or legal representative. **The whole process is free of charge.**

The procedure starts with a complaint. In the letter of complaint, which must be signed, it is necessary to provide your name, surname(s), contact address and an account of the facts relating to the complaint, specifying the authority or authorities concerned.

The letter of complaint should be accompanied by a copy of the most important documents relating to the problem in question. Once the letter has been examined, a document containing the file number assigned to the complaint will be sent to the complainant, should they wish to consult the case file.

A complaint can be filed in any of the following ways:

**Online:** by accessing the electronic register available on the website in the section '**Presenta tu queja**' ('lodge your complaint').

**In person:** at the Ombudsman's central office in Calle Zurbano No 42, Madrid. Opening hours are 9:00-14:00 on Mondays to Fridays and 16:00-18:00 on Mondays to Thursdays (the service is closed in the afternoons during August).

**By post:** send a signed letter to:

*Defensor del Pueblo*  
*Calle Zurbano, 42*  
*28010 Madrid*  
*Spain*

**Fax:** send the signed letter to +34 913081158.

If you need information about the Office of the Ombudsman or want to follow the progress of your complaint you can:

Go directly to the central office at No 42 Calle Zurbano, Madrid.

By e-mail: [registro@defensordelpueblo.es](mailto:registro@defensordelpueblo.es).

Telephone:

- 900101025 (only within Spain): free phone number for information regarding the Office of the Ombudsman, what it does, how it works and how you can file a complaint.

- +34 914327900: for information on the progress of a complaint.

The normal operating times of this telephone service are:

- 9:00-14:00 and 15:00-18:00, Mondays to Thursdays.

- 9:00-14:00 and 16:00-18:00 on Fridays (the service is closed in the afternoons during August).

For more information please visit: <http://www.defensordelpueblo.es/>.

### **Specialised human rights bodies**

#### **Ombudsman for the protection of children's rights**

The Ombudsman ensures the protection of the rights of all citizens regardless of age. Additionally, several of the Autonomous Communities of Spain have set up institutions for the protection of minors.

Spanish law recognises the right of minors to lodge their complaints with the Ombudsman or with an equivalent Autonomous Community institution.

#### **Equal treatment bodies**

#### **Council for the promotion of equal treatment and non-discrimination on racial or ethnic grounds (Consejo para la promoción de la igualdad de trato y no discriminación de las personas por el origen racial y étnico)**

The Council consists of various State, Autonomous Community and local authorities, business and trade union organisations, and non-profit-making bodies working to promote equal treatment and non-discrimination against people on racial or ethnic grounds.

Its purpose is to promote the principle of equal treatment and non-discrimination against people on racial or ethnic grounds in areas such as education, health, entitlement to social security benefits, social services, housing, jobs, training, etc. and in general entitlement to all goods and services.

It thus has **four main functions**:

**To provide independent advice to victims of discrimination** when dealing with their complaints.

**To publish autonomous, independent studies, investigations and reports.**

**To promote measures that contribute to equal treatment** and to the elimination of discrimination, making appropriate recommendations and proposals.

**To draft and approve the annual activities report of the Council and to submit it to the Ministry for Equality (Ministerio de Igualdad).**

Further information can be obtained on <http://www.igualdadynodiscriminacion.org/> and on <http://www.igualdadynodiscriminacion.org/contactar/home.htm>.

#### **Data protection body**

#### **Spanish Data Protection Agency (Agencia Española de Protección de Datos)**

The Spanish Data Protection Agency is the independent supervisory authority in charge of monitoring compliance with legislation on data protection, and guaranteeing and safeguarding fundamental rights in respect of personal data protection.

The Spanish Data Protection Agency deals with requests and complaints from citizens and provides information regarding the rights set out in the [Ley Orgánica de Protección de Datos](#) (Organic Law on Data Protection). It also provides assistance and information to bodies dealing with forms which contain personal data (such as businesses, institutions and authorities) to ensure that they comply with the requirements of the Law.

#### **In relation to those concerned**

It deals with their applications and complaints.

It provides information on the rights set out in the Law.

It promotes media campaigns.

#### **In relation to those processing data**

It issues the authorisations provided for by the Law.

It orders corrective measures.

In cases of infringement of the law, it demands that data be erased and data processing stopped.

It exercises sanctioning powers.

It seeks assistance and information where necessary.

It authorises international data transfers.

For any questions, clarifications, suggestions or complaints, there are three ways to contact the Spanish Data Protection Agency:

By post:

*Agencia Española de Protección de Datos*

*Calle Jorge Juan 6*

*28001 Madrid*

*Spain*

By telephone: +34 912663517.

By e-mail: [ciudadano@agpd.es](mailto:ciudadano@agpd.es).

For more information please visit: <https://www.agpd.es/>.

#### **Other specialised bodies**

#### **Spanish Committee of Representatives of People with Disabilities (Comité Español de Representantes de Personas con Discapacidad)**

The Spanish Committee of Representatives of People with Disabilities, better known by the acronym CERMI, is the platform for representation, defence and action on behalf of disabled Spanish citizens. Aware of their status as a disadvantaged social group, over three and a half million people, plus their families, decided to unite under umbrella organisations in order to foster the recognition of their rights and achieve full citizenship with equal rights and opportunities on a par with the rest of society.

For any questions, there are three ways to contact CERMI:

By post:

*Comité Español de Representantes de Personas con Discapacidad*

*Secretaría General*

*Calle Recoletos, 1 Bajo*

*28001 Madrid*

*Spain*

By telephone: +34 913601678.

By fax: +34 914290317.

By e-mail: [cermi@cermi.es](mailto:cermi@cermi.es).

For more information please visit: <http://www.cermi.es/>.

Or: The Disability State Observatory <http://www.observatoriodeladiscapacidad.es/>.

#### **Asylum and Refugee Office (Oficina de Asilo y Refugio)**

The Asylum and Refugee Office (OAR) is part of the Ministry of the Interior and is in charge of drawing up proposals to grant authorisation or permits to remain in Spain in accordance with legislation governing the right of asylum.

In addition, the OAR is responsible for:

Investigating and processing files to identify the States responsible for examining applications for asylum in accordance with the international conventions in force.

Examining and deciding on all applications for asylum submitted at border posts in Spain and in Spanish diplomatic missions abroad.

Further information can be obtained as follows:

By post:

*Oficina de Asilo y Refugio*

*Calle Pradillo, 40*

*28002 Madrid*

*Spain*

By telephone: +34 915372170.

For further information, contact [la sección correspondiente del Ministerio del Interior](#) ('the relevant department of the Ministry of the Interior').

#### **Secretariat-General for Prison Institutions (Secretaría General de Instituciones Penitenciarias)**

The penal system is a fundamental part of a country's security policy and social policy. The institution's constitutional purpose and main objective is the monitoring and steering of all activities aimed at the provision of public services which enforce criminal sentences and measures.

Further information can be obtained as follows:

By post:

*Secretaría General de Instituciones Penitenciarias*

*Calle Alcalá 38-40*

*28014 Madrid*

*Spain*

By telephone: +34 913354700.

By fax: +34 913354052.

For further information: <http://www.institucionpenitenciaria.es/>.

#### **Other**

##### **General Council of Spanish Lawyers (Consejo General de la Abogacía Española)**

The General Council of Spanish Lawyers (CGAE) is the representative, co-ordinating and executive body of the Spanish Bar Association and has, to all intents and purposes, the status of a public law entity with its own legal personality and full capacity to attain its objectives.

The CGAE is the body that regulates the professional practice of lawyers and protects the profession's reputation. There are 83 Bar Associations in Spain which currently have a total of 137 447 practising lawyers as members (data from December 2016), as well as 10 Autonomous Community Bar Association Councils (Consejos Autonómicos de Colegios de Abogados).

The right to free legal aid in Spain is very broad with the Bar Associations guaranteeing the right to effective legal protection for all citizens through the legal aid system, prisoner assistance and legal advice services, legal assistance and counsel for immigrants, prison counselling, legal assistance and counsel for women, assistance for victims of domestic violence, and legal assistance and counsel for the elderly.

For any questions, there are three ways to contact the CGAE:

By post:

*Consejo General de la Abogacía Española*

*Paseo Recoletos 13*

*28004 Madrid*

*Spain*

By telephone: +34 915232593.

By e-mail: [informacion@cgae.es](mailto:informacion@cgae.es).

For more information please visit: <http://www.cgae.es/> y <http://www.justiciagratis.es/>.

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