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Mr. Pedro Sánchez, Prime Minister of Spain

Mr. Pere Aragonès, President of the Catalan Government

I am writing this letter in my capacity as Global Director of The Shift, the international movement to secure the right to housing. Prior to this appointment I was the United Nations Special Rapporteur on the Right to Housing for six years (2014 – 2020).

I have received very concerning information that on 28 June 2021, a trial in *La Ciudad de la Justicia de Barcelona* will try Jaime Palomera, a tenants union leader in *Sindicat de Llogateres Barcelona* and two tenants for peacefully protesting violations of the tenants' right to housing. All three individuals, who were acting as human rights defenders during the alleged crime, face three years' incarceration, should they be found guilty.

According to the facts received, for years Alpha and Fran faced harassment at the hands of their landlord, who has now been sanctioned as a result of these abusive practices, by the municipal government with an administrative fine of 180,000 EUR. When Alpha and Fran asked for an end to the harassment, the landlord decided against renewing their rental contract, leaving them on the brink of homelessness. While, according to Spanish law, landlords do not require any justification for non-renewal of a rental contract, this is still contrary to the right to housing and the tenants' security of tenure. Alpha and Fran continued to request their landlord renegotiate their rental contract and address some much needed repairs within the unit, but instead the landlord chose to file for eviction. The tenants, having been offered no alternative and suitable accommodation, stayed in their home and continued to pay rent. During this time, they were also supported by the tenants union, and its spokesperson Jaime Palomera to peacefully assemble to protest against the violations of their right to housing. As a result of these peaceful assemblies and public calls to protect their right to housing, be free from eviction, and resist the financialization of housing, Mr. Palomera, Alpha and Fran are facing criminal charges.

The criminal charges are astounding considering the Government of Spain as well as the Government of Catalunya, the *Audiencia Provincial de Barcelona*, and the public prosecutor, have recognized obligations under international human rights law. I remind Spanish public authorities that the right to housing was recognized by Spain during the ratification of the [International Covenant on Economic, Social and Cultural Rights](#) on 27 April 1977, defined Article 11. On the same day, Spain also ratified the [International Covenant on Civil and Political Rights](#) which enshrine the freedom of expression in Article 19 and the freedom of assembly in Article 21.

As public authorities know, evictions into homelessness are a prima facie violation of the right to housing and should never occur. According to Article 12 of the General Assembly [Resolution 53/144](#), everyone has the right to participate in peaceful activities against human rights violations. Moreover, in such cases, public authorities must take all necessary measures to ensure the protection of individuals or groups involved in such activities so that they may not be retaliated against by the competent authority.

Through the Optional Protocol, the Committee on Economic, Social and Cultural Rights has, in several of its Communications to the Government of Spain, called for public authorities to prevent all evictions into homelessness, as well as to address the housing crisis. In this context, Mr. Palomera, Alpha and France were assembling to protect their right to housing and promote the Government of Spain's adherence to the Committee's recommendations within their Communications. As such, according to the [San Jose Guidelines](#), which specify that public authorities must ensure that individuals and groups engaging with Treaty body mechanisms are free from reprisals, they should be protected from unjust prosecution and other attempts to limit their ability to direct Spain towards compliance with its human rights obligations.

I urge the Government of Spain and competent authorities to reconsider the criminal prosecution of Mr. Palomera, Alpha and Frances and I remind you that everyone has the right to promote and strive for the protection of fundamental human rights, including the right to housing, without retaliation or fear thereof. This is essential to building and maintaining strong, open, and democratic societies. Continuing this path will instill fear of reprisals for all of those committed to promoting and protecting social, economic, and cultural rights within the country. It will also undermine Spain's stature as a free and democratic society, upending the understanding that I have held of a country which values human rights and its standing within the international human rights community.

I will continue to monitor the proceedings and hope to receive a timely response from your Government. This letter and any response received, will be made public immediately.

I look forward to hearing from you in response to our concerns. Yours faithfully,



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