

SPANISH CONSTITUTION

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(...)

PART I. Fundamental Rights and Duties

Section 10

1. The dignity of the person, the inviolable rights which are inherent, the free development of the personality, the respect for the law and for the rights of others are the foundation of political order and social peace.

2. Provisions relating to the fundamental rights and liberties recognized by the Constitution shall be construed in conformity with the Universal Declaration of Human Rights and international treaties and agreements thereon ratified by Spain.

(...)

CHAPTER 2. Rights and Freedoms

Section 14

Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

DIVISION 1. Fundamental Rights and Public Freedoms

(...)

Section 16

1. Freedom of ideology, religion and worship of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law.

2. No one may be compelled to make statements regarding his or her ideology, religion or beliefs.

3. No religion shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions.

(...)

Section 18

1. The right to honour, to personal and family privacy and to the own image is guaranteed.
2. The home is inviolable. No entry or search may be made without the consent of the householder or a legal warrant, except in cases of flagrante delicto.
3. Secrecy of communications is guaranteed, particularly regarding postal, telegraphic and telephonic communications, except in the event of a court order.
4. The law shall restrict the use of data processing in order to guarantee the honour and personal and family privacy of citizens and the full exercise of their rights.

(...)

Section 20

1. The following rights are recognized and protected:
 - a. the right to freely express and spread thoughts, ideas and opinions through words, in writing or by any other means of reproduction.
 - b. the right to literary, artistic, scientific and technical production and creation.
 - c. the right to academic freedom.
 - d. the right to freely communicate or receive truthful information by any means of dissemination whatsoever. The law shall regulate the right to the clause of conscience and professional secrecy in the exercise of these freedoms.
2. The exercise of these rights may not be restricted by any form of prior censorship.
3. The law shall regulate the organization and parliamentary control of the masscommunication means under the control of the State or any public agency and shall guarantee access to such means by the significant social and political groups, respecting the pluralism of society and of the various languages of Spain.
4. These freedoms are limited by respect for the rights recognized in this Part, by the legal provisions implementing it, and especially by the right to honour, to privacy, to the own image and to the protection of youth and childhood.
5. The seizure of publications, recordings and other means of information may only be carried out by means of a court order.

(...)

CHAPTER 4. Guarantee of Fundamental Rights and Freedoms

Section 53

1. The rights and freedoms recognized in Chapter 2 of the present Part are binding on all public authorities. Only by an act which in any case must respect their essential content, could the exercise of such rights and freedoms be regulated, which shall be protected in accordance with the provisions of section 161.1 a).

2. Any citizen may assert a claim to protect the freedoms and rights recognized in section 14 and in division 1 of Chapter 2, by means of a preferential and summary procedure before the ordinary courts and, when appropriate, by lodging an individual appeal for protection (recurso de amparo) to the Constitutional Court. This latter procedure shall be applicable to conscientious objection as recognized in section 30.

3. Recognition, respect and protection of the principles recognized in Chapter 3 shall guide legislation, judicial practice and actions by the public authorities. They may only be invoked before the ordinary courts in accordance with the legal provisions implementing them.

(...)

PART IV. Government and Administration

(...)

Section 105

The law shall make provision for:

- a. The hearing of citizens, directly, or through the organizations and associations recognized by the law, in the process of drawing up the administrative provisions which affect them.
- b. The access of citizens to administrative files and records, except to the extent that they may concern the security and defence of the State, the investigation of crimes and the privacy of persons.
- c. The procedures for the taking of administrative action, with due safeguards for the hearing of interested parties when appropriate.