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Los derechos humanos en la era digital: el reto europeo / Human rights in the digital age: the european challenge

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Introduction

Human rights in the digital age: the european challenge

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Abstract: The contemporary liberal democratic order is currently navigating a period of profound introspection and external pressure, characterized by a systemic challenge to the core values that define the European project. This special issue of the prestigious journal *Cuadernos Europeos de Deusto*, which is widely recognized as one of the best and most influential specialized publications for European studies and legal questions, brings together a collection of scholarly works that explore the precarious balance between internal institutional resilience and the growing threat of foreign interference and normative inconsistency.

The research presented here is the result of a significant academic partnership between the **Tomás Moro Observatory of International Relations** at the **Universidad CEU Fernando III** in Seville and the **Las Casas Institute, Blackfriars Hall, University of Oxford**. The insights contained in this volume were meticulously developed through two specialized online seminars held in May 2025 and November 2025 respectively, providing a rigorous forum for the multidisciplinary analysis of the new security situation facing the European Union and the broader global order.

These seminars served as a critical platform for technical review and debate prior to the submission of the final articles. The results underscore the vital need for an interdisciplinary approach to address the complex challenges that digitalization and current geopolitical crises pose to the European legal and political system, particularly regarding the protection of human rights.

This publication posits that the rule of law, democracy, and human rights form an inseparable triangle where the absence or erosion of any single element renders the entire constitutional framework ineffective. In the European context, these are not merely abstract principles but represent the very DNA of the Union. However, as the following contributions demonstrate, this interdependent triangle is under significant strain. We see a dual reality where the Union is pioneering sophisticated legal frameworks to protect its digital and judicial integrity while simultaneously struggling to maintain the credibility of its normative claims on the world stage.

Keywords: European Union, rule of law, human rights, democracy, disinformation, judicial independence.

The first contribution to this special issue is provided by **Susana Sanz Caballero**, who is Full Professor of Public International Law and Jean Monnet Chair at the Universidad Cardenal Herrera CEU. In her article titled “**The Fragility of Human Rights in Times of Rule of Law Erosion: The Case of Judicial Independence in America and Europe**”, she examines how the decline of the rule of law directly triggers a cascade of human rights violations. Sanz Caballero establishes that judicial independence is not a privilege for judges but a fundamental safeguard for citizens to ensure equality before the law, fair trials, and protection against the arbitrary use of executive power. The article documents a disturbing trend of rule of law backsliding across the Atlantic, citing examples such as the arbitrary use of presidential pardons in the United States to protect political allies and the 2024 Spanish Amnesty Law, which critics describe as a form of self-amnesty that challenges judicial authority. The author also details the increasing harassment of judges in Poland and Spain, where public campaigns of discreditation and accusations of lawfare are used to pressure magistrates investigating cases close to political inner circles. Ultimately, she warns that when the judiciary is captured or weakened, the broader constitutional system fails, leaving societies vulnerable to impunity and corruption.

The second article, titled “**Multilayered Democracy, Media Freedom and Online Platforms**”, is authored by **Claes Granmar**, who is LL.D., DIHR, and Associate Professor (Docent) of European Law at the Faculty of Law, Stockholm University. Granmar explores the proactive institutional response to these threats through the European Democracy Shield launched in late 2025. He argues that the European Union has become the main guarantor of democracy in Europe by utilizing its internal market competences to promote informed opinion-formation as the bedrock of democratic resilience. This represents a reconceptualization of democracy that is anchored in fundamental rights and the rule of law rather than mere parliamentary majorities. The author provides a detailed analysis of the Digital Services Act, the European Media Freedom Act, and the Transparency and Targeting of Political Advertising Act, illustrating how these instruments transpose freedom of expression into the regulation of media and platforms. This framework is essential for repressing foreign information manipulation and interference while protecting the integrity of media providers who act under editorial responsibility.

The geopolitical dimension of this struggle is further analyzed by **Carlos Espaliú Berdud**, who is Full Professor of Public International Law and International Relations at the Universidad CEU Fernando III and Research Fellow at the Las Casas Institute, Blackfriars Hall, University of Oxford. In his work, “**Saint George and the New Dragon: The Fight of the European Union Against Disinformation Sponsored by Foreign**

States”, he tracks the evolution of the European fight against state-sponsored disinformation campaigns, particularly from Russia and China. Espaliú Berdud describes a transition from a paper war characterized by soft law and voluntary codes to a real war defined by hard-law instruments and a robust sanctions regime. He highlights the significance of the 2024 sanctions framework, which allows for the freezing of funds and the prohibition of entry for individuals and entities responsible for destabilizing activities. Currently, this regime has sanctioned 47 individuals and 15 entities and suspended the licenses of 27 Kremlin-backed media outlets. The author also engages in a theoretical legal debate regarding the right to self-defense under Article 51 of the UN Charter, exploring whether catastrophic disinformation campaigns could ever be considered equivalent to an armed attack.

The final contribution offers a critical external evaluation of the European Union’s normative identity and is co-authored by **Sonia Boulos** and **Isaias Barrenada Bajo**. Sonia Boulos is Associate Professor of International Human Rights Law at the Faculty of Law and International Relations, Nebrija University. Isaias Barrenada Bajo is a Lecturer in International Relations at the Faculty of Political Sciences and Sociology, Universidad Complutense de Madrid. In their article, “**Preaching Norms, Perverting Law, and Trading Arms: Palestine as a Litmus Test for Normative Power Europe**”, the authors argue that the situation in Palestine and Gaza serves as a revealer of a profound moral and normative crisis. They introduce the concept of legal subalternity to describe how Palestinians are formally recognized as rights-holders but are structurally denied the protections of international law. The article critiques the collision between the Union’s proclaimed commitments to human rights and its external practices, such as the continued export of weapons to Israel by Member States like Germany despite the findings of the International Court of Justice regarding a plausible risk of genocide. This widening gap between rhetoric and action creates a legitimacy deficit that threatens to reframe the Union from a normative leader into a complicit actor in the eyes of the global majority.

Together, these four articles portray a European Union at a crossroads, striving to build a sophisticated regulatory fortress to protect its digital and judicial integrity while struggling to maintain the credibility of its normative claims on the world stage. The survival of democratic governance in the twenty-first century depends on the vigilant protection of the judiciary and the integrity of the information space, coupled with a steadfast and consistent commitment to the principles that define the Union’s soul.

This special issue highlights the vital importance of the collaboration between the Tomas Moro Observatory of International Relations and the

Las Casas Institute. We believe that the multidisciplinary perspectives provided by these distinguished scholars offer an essential roadmap for understanding the survival of democratic governance in the contemporary era. We are honored that this collective effort is hosted on this occasion by the journal *Cuadernos Europeos de Deusto*, whose prestige as a benchmark for European studies ensures that these critical analyses reach the wide and specialized audience they deserve.

Finally, I would like to thank the director of the journal, Beatriz Pérez de las Heras, for having the courtesy to propose me as editor of this special issue of *Cuadernos Europeos de Deusto*.

About the author

Carlos Espaliú was a research fellow at the Ministry of Education (1995-1998); professor at the University of Navarra (1998-2000); Legal Officer at the International Court of Justice (2000-2006); Ramón y Cajal researcher at the University of Córdoba (2007-2012); professor, vice dean of the Faculty of Law, and director of the Charlemagne Institute of European Studies at the International University of Catalonia (2012-2018); Full Professor of Public International Law and European Union Law, Secretary General, Principal Investigator of the Security, Risk and Conflict Management Group (SEGERICO), and Director of the Research Center for Security, Rule of Law, and High Technologies at Nebrija University in Madrid (2018-2024). Since 2024, he has been Full Professor of Public International Law, International Relations, and European Union Law at CEU Fernando III University in Seville. He is also a Research Fellow at the Las Casas Institute, Blackfriars Hall, University of Oxford, and a visiting professor at the United Nations University for Peace in Costa Rica. He has also been accredited with three six-year periods of research by the CNEAI. In the field of human rights, among other works, he has coordinated *Cuadernos Europeos de Deusto*, No. 02 (2019): Special issue “European Identity: Roots and Scope”.