



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the eighth periodic report of Spain*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,¹ the Committee requested the State Party to provide information on the follow-up given to its recommendations on the use of excessive force by law enforcement officials with regard to the Melilla border fence tragedy, solitary confinement and respect for the principle of non-refoulement. The Committee regrets that it has received no information from the State Party on the implementation of these recommendations, despite a reminder sent by the Committee’s Rapporteur for follow-up to concluding observations on 29 April 2025. These issues are addressed in paragraphs 5 and 19 of the present document.

Articles 1 and 4

2. In connection with the Committee’s previous concluding observations,² please provide updated information on the measures taken to harmonize article 174 of the Criminal Code with the definition of torture set out in article 1 of the Convention, specifically to include among the purposes of torture that of intimidating or coercing the victim or a third person and to take account of the fact that the crime may be committed by or “at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”. Please indicate whether the State Party has adopted measures to ensure that acts of torture are not subject to statutes of limitations, even in cases where such acts are not considered crimes against humanity, and whether they are punished with appropriate penalties that take into account their gravity. If so, please provide specific examples of and statistical data on cases in which the provisions of the Convention have been invoked before the courts.

3. In the light of the Committee’s previous concluding observations,³ please provide information regarding legislative or other measures taken to ensure that no exceptional circumstances whatsoever, such as a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. In this regard, please also provide information on initiatives undertaken to repeal the Amnesty Act of 1977.

* Adopted by the Committee at its eighty-fourth session (13 April–1 May 2026).

¹ CAT/C/ESP/CO/7, para. 47.

² Ibid., paras. 7 and 8.

³ Ibid., paras. 35 and 36. See also CCPR/C/ESP/CO/7, paras. 8 and 9.



Article 2⁴

4. In the light of the Committee's previous concluding observations,⁵ please provide updated information on the measures taken by the State Party and the procedures in place to ensure that all detained persons are afforded, in law and in practice, all the fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the right to legal aid in all the stages of criminal proceedings and the right to notify a relative, or any other person of their choice, of their detention. In this regard, please indicate any initiatives undertaken to amend the Criminal Procedure Act, in particular article 527 in relation to article 509, in order to abolish incommunicado detention, including the prohibition of its application to persons between 16 and 18 years of age. Please also provide information on the enjoyment of other fundamental legal safeguards in the State Party, including the rights of persons deprived of their liberty to request and obtain an examination by an independent physician free of charge or by a physician of their choice; to be informed of their rights and the charges against them in a manner and language they understand; to have their detention recorded in a registry; and to be brought promptly before a judge, regardless of the reasons for their arrest. Please provide information on the results of the Master Plan for the Improvement of Police Infrastructure (2013–2023) with regard to the installation of permanent video surveillance and recording systems in police stations, and indicate whether persons deprived of their liberty and their legal representatives can access the recordings and use them as evidence in court.

5. With reference to the Committee's previous concluding observations,⁶ please provide detailed information on the measures taken, including existing legislative and administrative provisions, to prevent and put an end to the disproportionate use of force by law enforcement officers and indicate whether they are fully in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In this regard, please inform the Committee of the initiatives undertaken to review national legislation on the use of force and firearms, in particular Organic Act No. 4/2015 of 30 March 2015, in accordance with international norms and standards. Furthermore, in the light of the previous concluding observations,⁷ the State Party is requested to provide information on the investigations initiated into the possible responsibility of members of the security forces in the incidents that occurred on 24 June 2022 at the border fence between Melilla and Morocco.

6. In view of reports that there has been a gradual reduction in visits to places of detention by the Ombudsman during the period under review, please provide information on the financial and human resources allocated to this institution in its capacity as a national preventive mechanism, including information on the extent to which these resources are specifically identified within the resources allocated to the institution.

7. Taking into account the Committee's previous recommendations,⁸ please update the Committee on the legislative, administrative and other measures taken to eliminate all forms of violence against women, including domestic and sexual violence. In this regard, please provide information on the results to date of the Third Strategic Plan for the Effective Equality of Women and Men (2022–2025), the State Strategy to Combat Gender-based Violence (2022–2025) and the State Pact against Gender-based Violence. Please also provide statistical data on the number of complaints of gender-based violence and the investigations, prosecutions, convictions and sanctions resulting from those complaints during the reporting

⁴ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁵ CAT/C/ESP/CO/7, paras. 9 and 10; and CAT/C/ESP/CO/6, para. 10.

⁶ CAT/C/ESP/CO/7, paras. 15 and 16.

⁷ Ibid., paras. 17 and 18.

⁸ Ibid., para. 42.

period. Please also indicate the measures in place to support migrant women, who, according to the information available to the Committee, face high levels of gender-based violence.⁹

8. With reference to the Committee's previous concluding observations,¹⁰ please provide updated information on the legislation and procedures in place to prevent trafficking in persons for labour or sexual exploitation, particularly women and children, as well as information on the results of the National Strategic Plan against Trafficking and Exploitation of Human Beings (2021–2023) and the Operational Plan for the Protection of the Human Rights of Women and Girls Who Are Victims of Trafficking and Sexual Exploitation and of Women in Contexts of Prostitution (2022–2026). Please also provide information on any other legislative or other initiatives in this area adopted during the period under review. Please provide statistical data relating to the period since the adoption of the previous concluding observations, disaggregated by the age, sex and ethnic origin or nationality of the victims, on the number of complaints filed, investigations and prosecutions carried out and sentences handed down in cases of human trafficking, as well as updated data on any judicial decisions relating to cases of trafficking or related crimes. Please indicate the measures taken to effectively identify victims of trafficking in persons, and the support and rehabilitation measures offered to them during the period under review.

Article 3

9. With reference to the Committee's previous concluding observations,¹¹ please describe the steps taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. In addition, please indicate the procedure followed when a person invokes that right and whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If they do, please indicate whether such an appeal has a suspensive effect. Please include information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled by the State Party during the period under review. Please describe the grounds on which these persons were returned and provide a list of the countries to which they were sent. Please indicate the number of asylum applications received during the period under review and the number of applications granted on the grounds that the applicant had been tortured or could be tortured if he or she were sent back to his or her country of origin. Please provide updated information on the types of appeal mechanism that exist, any appeals that have been made and the outcomes of those appeals. Has the State Party introduced a mechanism for monitoring the situation of vulnerable individuals and groups in receiving countries after their deportation? Please also provide information on the measures taken to identify vulnerable persons seeking asylum in Spain, including victims of torture or trauma, and to ensure that their specific needs are considered and addressed in a timely manner.

10. Please indicate the number of returns, extraditions and expulsions carried out by the State Party during the period under review on the basis of diplomatic assurances or their equivalent. Please also provide information on any cases in which the State Party has offered diplomatic assurances or guarantees and any measures that have been taken in such cases for their subsequent monitoring.

⁹ Ibid., para. 41. See also CEDAW/C/ESP/CO/9, paras. 24 and 25; Office of the United Nations High Commissioner for Human Rights, "Spain: UN expert calls for stronger protection for victims of sexual violence", press release, 6 June 2023, available at <https://www.ohchr.org/es/press-releases/2023/06/spain-un-expert-calls-stronger-protection-victims-sexual-violence>.

¹⁰ CAT/C/ESP/CO/7, paras. 43 and 44.

¹¹ Ibid., paras. 31 and 32.

11. In the light of the Committee's previous concluding observations,¹² please provide information on the legislative, administrative and other measures taken to eliminate border "pushbacks" of immigrants and asylum-seekers, on land and at sea, including measures taken to comply with the ruling of the High Court of Justice of Andalusia of 24 March 2025 in this regard.¹³ Please indicate whether the State Party has conducted a review aimed at repealing the amendment of Organic Act No. 4/2000 of March 2015, which provided these pushbacks with legal cover.

Articles 5 to 9

12. Please provide information on any new legislative or other measures that have been adopted to implement article 5 of the Convention. In particular, and taking into account the Committee's previous concluding observations,¹⁴ please provide information on any initiatives undertaken to review or repeal the amendments made to Organic Act No. 6/1985 by Organic Act No. 1/2014, which restrict the scope and application of the principle of universal jurisdiction in Spain. Please inform the Committee of any extradition treaties concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are deemed in those treaties to be extraditable offences. Please describe the measures taken by the State Party to comply with the obligation to extradite or prosecute (*aut dedere aut judicare*) and any cases where this principle has been applied. Please clarify what judicial assistance treaties or agreements have been signed by the State Party with other entities, be they countries, international courts or international institutions, and whether these instruments have been put into practice through the handing over of evidence in connection with any proceedings initiated on the grounds of torture or ill-treatment. Please provide examples.

Article 10

13. Please provide up-to-date information on the training and educational programmes developed by the State Party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement officials, prison staff, border guards and members of the military, are fully aware of the provisions of the Convention and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please indicate whether the State Party has developed a methodology to assess the impact of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on the methodology. Please provide detailed information on the training given to judges, prosecutors, forensic doctors and medical personnel dealing with persons deprived of their liberty on detecting and documenting the physical and psychological sequelae of torture, and indicate whether the training programmes in question contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised.

14. Please indicate any measures taken to give effect to the provisions of article 10 (2) of the Convention during the reporting period. Please explain whether the relevant regulations, particularly those intended for officials who are in contact with persons deprived of their liberty, include clear instructions on the prohibition of torture and ill-treatment. Please also indicate whether the training of public officials involved in the custody, interrogation, or treatment of persons deprived of their liberty includes specific information on non-coercive investigative techniques and, if so, whether the State Party has considered incorporating the Principles on Effective Interviewing for Investigation and Information-Gathering (the Méndez Principles) into such training.

Article 11

15. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods or

¹² Ibid., paras. 31 and 32. See also [CCPR/C/ESP/CO/7](#), paras. 34 and 35.

¹³ Judgment No. 290/2025.

¹⁴ [CAT/C/ESP/CO/7](#), paras. 39 and 40.

practices and any arrangements for custody that may have been introduced or reviewed since the consideration of the previous periodic report, and indicate how often they are reviewed.

16. With reference to the Committee's previous concluding observations,¹⁵ please provide statistical data, disaggregated by sex, age group (child/adult) and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention. Please also provide updated information on the average length of pretrial detention in the State Party, as well as information on the alternatives to imprisonment that exist in the State Party and data on their application.

17. With reference to the Committee's previous concluding observations,¹⁶ please inform the Committee of the steps taken to ensure that places of deprivation of liberty and the various existing prison regimes are adapted to meet the specific needs of certain groups, such as women and children and adolescents in conflict with the law. Please provide information on the initiatives undertaken during the period under review to ensure compliance with article 60 of Organic Act No. 5/2000 of 12 January 2000 and article 65 of Royal Decree No. 1774/2004 of 30 July 2004 with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular rule 67.

18. Please provide information regarding access to healthcare, including psychological and psychiatric assistance and dental care, in detention. Please provide updated information on the number of medical staff available and the training given to them. Please provide information on the measures taken to implement the recommendations of the Committee¹⁷ and of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment with regard to the State Party's regulations on the use of mechanical restraints for disciplinary reasons and forced medication. With reference to the previous recommendations of the Committee,¹⁸ please provide updated information regarding deaths in custody, including data disaggregated by age, sex and cause of death. Please provide information on the manner in which those deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether the relatives of any deceased persons received compensation.

19. Please provide updated information on the disciplinary system in places of detention and indicate whether there is a procedure that guarantees due process and an independent body that reviews the disciplinary measures taken. Please clarify the current policy regarding the use of solitary confinement. In particular, please provide information on the steps taken to revise article 76 (2) (d) of the General Prisons Act and ensure, both in law and in practice, that the regime of solitary confinement as a disciplinary measure complies with international standards. Please also provide information on the measures in place to ensure that solitary confinement is not applied to persons with intellectual and psychosocial disabilities.

20. With reference to the Committee's previous concluding observations,¹⁹ please provide relevant, updated information on treatment in psychiatric facilities in the State Party. In this regard, please provide information regarding any procedures in place that may result in an individual's involuntary hospitalization, along with procedures for the review and appeal of decisions in this regard. Please inform the Committee about any legislation relating to the use of physical and chemical restraints in psychiatric settings.

21. With reference to the Committee's previous concluding observations,²⁰ please indicate the measures taken by the State Party since the consideration of its previous periodic report to ensure that the detention of asylum-seekers and undocumented migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice. Please provide up-to-date information on the number of asylum-seekers and undocumented migrants apprehended and detained during the reporting period, along with information on the average period of detention and the reasons

¹⁵ Ibid., paras. 19 and 20.

¹⁶ Ibid., paras. 21, 22, 29 and 30.

¹⁷ Ibid., para. 20.

¹⁸ Ibid., paras. 25 and 26.

¹⁹ Ibid., paras. 45 and 46.

²⁰ Ibid., paras. 33 and 34.

for their apprehension. Please provide information on the measures taken to ensure that unaccompanied minors and families with minor children are not detained solely on the grounds of their irregular immigration status and to guarantee adequate living conditions in all migrant holding centres and in the temporary migrant holding centres in Ceuta and Melilla.

22. Please provide updated information regarding the existence of detention-monitoring mechanisms in the State Party, along with specific information regarding their independence, the regularity and methodology of their visits, and their mandates, with specific reference to their powers to make recommendations, publicly report and gain access to places of deprivation of liberty.

Articles 12 and 13

23. Please provide updated, disaggregated information on the number of complaints, investigations, prosecutions and convictions relating to acts of torture or ill-treatment registered during the period under review, along with information on the sentences handed down in cases where alleged perpetrators were found to be guilty. In the light of the Committee's previous concluding observations,²¹ please also provide updated information on the measures taken to investigate the acts of torture and ill-treatment allegedly committed between 1960 and 2014, as referred to in the numerous documented testimonies submitted to the authorities of the Basque Country and Navarre.

24. Please provide information regarding the measures taken to ensure that all individuals who allege that they have been subjected to torture or ill-treatment have the right to file a complaint and to have their case promptly and impartially investigated. With regard to the Committee's previous recommendations,²² please provide information on the steps taken to establish an independent mechanism to investigate allegations of torture and ill-treatment committed by law enforcement officials. In this regard, please provide updated information on specific complaints mechanisms available to individuals alleging torture and ill-treatment in the State Party, including in psychiatric or social assistance settings, the body or bodies responsible for the investigation and prosecution of such allegations, and the measures taken to ensure the independence of such bodies. Finally, please provide information on the mandate of the National Human Rights Safeguarding Office and on the financial and human resources available to that institution.

Article 14

25. Please provide information on the redress and compensation, including rehabilitative measures, awarded by courts or other State institutions and actually applied in favour of victims of torture and their families since the consideration of the State Party's previous periodic report. Please include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually paid in each case. Please provide information on the resources and budget allocated during the period under review for the implementation of Act No. 4/2015 of 27 April 2015 on the status of victims of crime, and the number of victims of torture or ill-treatment who have obtained reparation under this Act. Please also provide information on any ongoing reparation programmes, including for the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment and on the material, human and budgetary resources allocated for their effective functioning.

Article 15

26. Please provide information on the measures that have been adopted to ensure that the principle of the inadmissibility of evidence obtained through torture or ill-treatment is observed in practice. Please provide examples of cases that have been dismissed by courts owing to the presentation of evidence or testimony obtained as a result of torture or ill-treatment.

²¹ Ibid., paras. 13 and 14. See also [CCPR/C/ESP/CO/7](#), paras. 24 and 25.

²² [CAT/C/ESP/CO/7](#), paras. 13 and 14.

Article 16

27. Please provide updated information on the measures taken by the State Party to develop and carry out programmes aimed at promoting positive forms of learning and eradicating physical or psychological punishment in the family, in accordance with article 26 of Organic Act No. 8/2021 of 4 June 2021 on the comprehensive protection of children and adolescents against violence.

28. Please provide information on the measures taken to prevent and combat crimes motivated by hatred or intolerance against certain groups, in particular members of the Gitano community, people of African descent, migrants, and lesbian, gay, bisexual, transgender and intersex persons.²³ Please also provide statistical data on hate crimes recorded during the reporting period, broken down by category of crime, specifying whether they were committed by State officials. Please also provide data on the cases opened for this type of crime and their outcome, indicating the number of cases dismissed, pending or resulting in conviction or acquittal. Please provide information on the establishment and resourcing of the Independent Authority for Equal Treatment and Non-Discrimination, as well as on other measures taken to implement the recommendations of the European Commission against Racism and Intolerance, in particular the introduction of an effective system for recording identity checks carried out by law enforcement officials, in order to detect and combat practices of racial discrimination that may particularly affect people of African descent, immigrants and members of the Gitano community.

Other issues

29. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying counter-terrorism measures and, if so, what the outcome was of those complaints.

General information on other measures and developments relating to the implementation of the Convention in the State Party

30. Please provide detailed information about any further legislative, administrative, judicial or other measures taken since the consideration of the previous periodic report with a view to applying the provisions of the Convention or the Committee's recommendations, including institutional exchanges, plans and programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.

²³ [CCPR/C/ESP/CO/7](#), paras. 12–18.