



International Covenant on Civil and Political Rights

Distr.: General
26 August 2025
English
Original: Spanish

Human Rights Committee

Concluding observations on the seventh periodic report of Spain*

1. The Committee considered the seventh periodic report of Spain¹ at its 4238th and 4239th meetings,² held on 2 and 3 July 2025. At its 4255th meeting, held on 15 July 2025, the Committee adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State Party for having accepted the simplified reporting procedure and for submitting its seventh periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State Party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State Party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State Party:

(a) The adoption of Royal Decree No. 709/2024 of 23 July establishing and regulating the bodies responsible for coordination, monitoring and participation in respect of the second National Human Rights Plan (2023–2027), in 2024;

(b) The adoption of Organic Act No. 1/2024 of 10 June on amnesty for the institutional, political and social normalization of Catalonia, in 2024;

(c) The adoption of Act No. 4/2023 of 28 February for the full and effective equality of trans persons and the promotion of the rights of lesbian, gay, bisexual, transgender and intersex persons, in 2023;

(d) The adoption of Organic Act No. 1/2023 of 28 February amending Organic Act No. 2/2010 of 3 March on sexual and reproductive health and the voluntary interruption of pregnancy, in 2023;

(e) The adoption of Organic Act No. 10/2022 of 6 September on the comprehensive guarantee of sexual freedom, in 2022;

* Adopted by the Committee at its 144th session (23 June–17 July 2025).

¹ CCPR/C/ESP/7.

² See CCPR/C/SR.4238 and CCPR/C/SR.4239.

³ CCPR/C/ESP/QPR/7.



- (f) The adoption of Comprehensive Act No. 15/2022 of 12 July on equal treatment and non-discrimination and the establishment of the Independent Authority for Equality and Non-Discrimination, in 2022;
- (g) The adoption of Organic Act No. 8/2021 of 4 June on the comprehensive protection of children and adolescents against violence, in 2021;
- (h) The adoption of Organic Act No. 2/2020 of 16 December on the amendment of the Criminal Code to end the forced or non-consensual sterilization of persons with disabilities who do not have legal capacity, in 2020;
- (i) The adoption of the second National Human Rights Plan (2023–2027), in 2023;
- (j) The adoption of the Strategic Framework for Citizenship and Inclusion and against Xenophobia and Racism (2023–2027), in 2023;
- (k) The adoption of the Strategy for the Equality, Inclusion and Participation of the Gitano People (2021–2030), in 2021.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

4. The Committee welcomes the adoption of the second National Human Rights Plan (2023–2027) and the establishment of a subcommittee responsible for preparing reports in follow-up to the Views and recommendations, including those of this Committee, issued under the United Nations human rights treaties to which Spain is a Party. Furthermore, while welcoming the fact that any individual whom the Committee finds in its Views to have suffered a violation of a right recognized in the Covenant is entitled to turn to the public authorities and, subsequently, where appropriate, to the courts to request compensation, the Committee remains concerned about the lack of specific information on the implementation of the Views adopted by the Committee under the Optional Protocol in a number of cases concerning the State Party, including *Garzón v. Spain*,⁴ *Junqueras i vies et al. v. Spain*,⁵ *Puigdemont i Casamajó v. Spain*⁶ and *Mangouras v. Spain*⁷ (art. 2).

5. **The State Party should take all necessary steps to implement all concluding observations and Views adopted by the Committee. The State Party should ensure that the subcommittee responsible for preparing reports in follow-up to the Views and recommendations issued by the United Nations human rights treaty bodies is able to work effectively by providing it with sufficient human and financial resources to operate. The Committee also encourages the State Party to establish an appropriate and effective mechanism for awarding financial compensation to victims, with a view to guaranteeing their right to an effective remedy when a violation of the Covenant has occurred, in accordance with article 2 (3) of the Covenant.**

National human rights institution

6. The Committee welcomes the fact that the Ombudsman continues to enjoy category A status as accredited by the Global Alliance of National Human Rights Institutions. However, the Committee is concerned that the selection process currently provided for in law is neither sufficiently broad nor transparent and, while noting the information on the three types of guidance issued by the Ombudsman, is also concerned that the legal framework does not explicitly establish a process requiring the parliament to discuss and examine the Ombudsman's reports. In this regard, it notes with concern the information regarding the limited dissemination and implementation of the Ombudsman's decisions by the Government and, for example, by the prison authorities when the Ombudsman discharges his mandate to visit places of deprivation of liberty (art. 2).

⁴ CCPR/C/132/D/2844/2016.

⁵ CCPR/C/135/D/3297/2019.

⁶ CCPR/C/137/D/3165/2018.

⁷ CCPR/C/138/D/3305/2019.

7. The State Party should take all necessary measures to ensure that the Ombudsman fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, the Committee encourages the State Party to formalize and explicitly introduce a clear, transparent, participatory and merit-based selection and appointment process and to amend the law in order to establish a process requiring that the Ombudsman's reports be widely disseminated, discussed and submitted to the legislature for consideration. The State Party should also redouble its efforts to ensure the effective implementation of all the guidance issued by the Ombudsman, including recommendations and suggestions.

Fight against impunity and past human rights violations

8. The Committee welcomes the positive developments in the area of memory, truth and reparation, in particular the adoption of the Democratic Memory Act (No. 20/2022) and the establishment of the post of Prosecutor for Human Rights and Democratic Memory and the Council for Democratic Memory. However, it regrets that the Amnesty Act of 1977 has not yet been repealed and that, as at the date of adoption of the present concluding observations, the proceedings initiated in 2010 against alleged perpetrators of serious human rights violations committed during the Civil War and the Franco dictatorship have not resulted in any effective criminal action. The Committee also regrets that regulations adopted during the dictatorship, such as Act No. 5/1964 of 29 April on police decorations and Act No. 9/1968 of 5 April on official secrets, remain in force. While the Committee notes that the so-called "concord laws" adopted in the Autonomous Communities of Aragón, Valencia and Castilla y León have been challenged by the Government and that the case is currently pending a decision by the Constitutional Court, it expresses its deep concern about the adoption of these laws, which fail to address the serious human rights violations committed during the dictatorship and contribute to the denial of the right to truth, justice and reparation. The Committee takes note of the efforts made to recognize abducted children as victims, including the creation of a database of victims' DNA. However, it regrets the slow progress towards the adoption of the "stolen babies" bill, which addresses the enforced disappearance of minors (arts. 2, 6 and 7).

9. Bearing in mind the Committee's previous recommendations,⁸ the State Party should:

- (a) Continue and step up its efforts to adopt all legislative and other measures necessary to ensure that neither amnesty nor a statute of limitations is applied to the serious human rights violations committed during the Civil War and the Franco dictatorship and that this prohibition is scrupulously enforced in practice;
- (b) Consider the possibility of repealing the Amnesty Act of 1977 and the laws passed during the dictatorship, in particular Act No. 5/1964 of 29 April on police decorations and Act No. 9/1968 of 5 April on official secrets;
- (c) Continue its efforts to promote the acknowledgement of responsibility, the ascertainment of the truth, the search for disappeared persons and the preservation of memory, including by adopting all measures necessary to ensure that the work of the Prosecutor for Human Rights and Democratic Memory, the Council for Democratic Memory and the commission referred to in article 57 (5) of Act No. 20/2022 of 19 October is carried out in an independent, impartial, inclusive, transparent and balanced manner;
- (d) Ensure the prompt adoption of the "stolen babies" bill and the implementation of all measures necessary to guarantee the creation and effective functioning of the national DNA database of victims of enforced disappearance during the Civil War and the dictatorship.

⁸ CCPR/C/ESP/CO/6, para. 21; and CCPR/C/ESP/CO/5, para. 9.

Anti-corruption measures

10. The Committee welcomes the information provided on the State Party's efforts to prevent and combat corruption, in particular the adoption of Act No. 2/2023 of 20 February on the protection of persons who report regulatory violations and the fight against corruption and the establishment of the Independent Authority for Whistle-blower Protection. However, the Committee expresses its concern about reports pointing to an absence of significant progress in preventing corruption among senior central government officials, members of the security forces, parliamentarians, judges and prosecutors. In particular, it is concerned about the lack of progress in efforts to ensure that government advisers act with transparency and integrity, the incomplete implementation of Act No. 19/2013 of 9 December on transparency, access to public information and good governance and the lack of progress in the review of the disciplinary regime for the security forces (arts. 2 and 25).

11. **The State Party should intensify its efforts to prevent and eradicate corruption at all levels, including in the judiciary, and to promote transparency and strengthen accountability mechanisms. In particular, it should take all measures necessary to:**

- (a) **Promptly, independently and impartially investigate and prosecute all cases of corruption, particularly high-level corruption, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;**
- (b) **Ensure the independence, effectiveness, transparency and accountability of all anti-corruption bodies;**
- (c) **Implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it.**

Non-discrimination

12. The Committee acknowledges the numerous legislative and policy measures taken by the State Party to combat discrimination, including the establishment of the Independent Authority for Equality and Non-Discrimination and the recent appointment of its chair. However, the Committee regrets the slow progress made towards the adoption of the bill against racism, racial discrimination and related forms of intolerance. Furthermore, the Committee expresses its concern about the persistent discrimination faced by racial and ethnic minorities, in particular the Gitano community, people of African descent and migrants, and the reports of systematic and widespread racial and ethnic profiling by the security forces. The Committee is also concerned that internal accountability mechanisms lack transparency and that data on disciplinary proceedings, including on the types of offences and the penalties imposed, are not publicly available (arts. 2, 20 and 26).

13. **The State Party should step up its efforts to combat all acts of racism, xenophobia and racial and ethnic profiling. To this end, the State Party should continue to strengthen legislative, institutional and public policy measures to prevent, punish and eradicate all forms of racial and ethnic discrimination, by, inter alia:**

- (a) **Expediting the adoption of the law against racism, racial discrimination and related forms of intolerance;**
- (b) **Taking all necessary steps to ensure that the Independent Authority for Equality and Non-Discrimination has the resources, independence and mandate it needs to work effectively;**
- (c) **Adopting concrete measures to eliminate racial and ethnic profiling, including by clearly defining and explicitly prohibiting the practice in its legislation, in accordance with international standards;**
- (d) **Ensuring that internal accountability mechanisms are transparent and that data on disciplinary proceedings and any sanctions imposed are publicly available;**
- (e) **Intensifying its efforts to train law enforcement officers to prevent conscious and unconscious racial and ethnic profiling and monitoring the effectiveness**

of such activities through the establishment of a mechanism for the collection of data on the security forces' exercise of stop-and-search powers.

Hate speech and hate crimes

14. The Committee welcomes the steps taken by the State Party to strengthen judicial and support mechanisms for victims of hate crimes, in addition to the amendments made to articles 22 and 510 of the Criminal Code and the efforts to combat hate speech on social media, including through the publication of a specific protocol to combat online hate speech. However, the Committee is concerned about reports, including from the Ombudsman, that point to an increase in complaints and the prevalence of hate speech, in particular neo-fascist hatred, and hate crimes against the Gitano community, Jews, Muslims, lesbian, gay, bisexual and transgender individuals, Catalan communities and people of African descent (arts. 2, 19, 20 and 26).

15. **The State Party should redouble its efforts to combat hate crimes, hate speech and incitement to discrimination or violence on the grounds of, inter alia, race, ethnicity, religion, or sexual orientation and gender identity, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. The State Party should, inter alia:**

- (a) **Strengthen awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, revisiting and eradicating stereotypical prejudices;**
- (b) **Encourage reporting of hate crimes and ensure that all hate crimes are thoroughly investigated, that perpetrators are prosecuted and punished and that victims are provided with effective remedies;**
- (c) **Compile disaggregated statistics that allow for a clear distinction to be made between hate crimes, hate speech and other discriminatory acts, record ideologically motivated hate crimes as a specific category of crime and differentiate between hate crimes based on the religious group at which they are directed, with a view to improving the analysis and prevention of, and the institutional response to, these phenomena;**
- (d) **Reinforce cooperation among relevant stakeholders, including civil society, and provide adequate training to central and local authorities, the security forces, judges and prosecutors on addressing hate speech and hate crimes and to media workers on promoting acceptance of diversity.**

Discrimination on the grounds of sexual orientation and gender identity

16. The Committee welcomes the adoption of Act No. 4/2023 of 28 February on the full and effective equality of trans persons and the promotion of the rights of lesbian, gay, bisexual, transgender and intersex persons, which provides for the legal recognition of the principle of gender self-determination and prohibits so-called "conversion therapies" and medically unnecessary surgical interventions on intersex persons younger than 12 years old. While the Committee takes note of the information provided by the State Party's delegation on the study on the needs of non-binary persons, it notes with concern that the only gender identities legally recognized under Act No. 4/2023 are "male" and "female", which means, in practice, that non-binary identities are not reflected in official identity documents or other administrative records held by the Government. In this regard, the Committee expresses its concern that this lack of recognition exposes non-binary persons to discrimination in various areas, including public and recreational spaces, the education system, health services and employment (arts. 2, 7, 17, 24 and 26).

17. **The State Party should redouble its efforts to combat all forms of stigmatization and discrimination against lesbian, gay, bisexual, transgender and intersex persons. In particular, the State Party should consider adopting the legislative and other measures necessary to ensure that all persons, regardless of their actual or perceived sexual orientation or gender identity, can fully enjoy, in law and in practice, all the rights enshrined in the Covenant.**

Persons with disabilities

18. The Committee welcomes the State Party's efforts to eliminate the forced sterilization of persons with disabilities, in particular through the adoption of Organic Act No. 2/2020 of 16 December on the amendment of the Criminal Code to end the forced or non-consensual sterilization of persons with disabilities who do not have legal capacity and Act No. 8/2021 of 2 June on the amendment of civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity. However, the Committee notes with concern the limited information available on the number of persons with disabilities who have been subjected to forced sterilization, which makes it difficult to identify the victims and guarantee their right to comprehensive redress (arts. 2, 7 and 26).

19. **The State Party should take all measures necessary to identify all persons with disabilities who have been subjected to forced sterilization and ensure that they are able to obtain redress and, where possible, have the sterilization reversed.**

Violence against women, including domestic violence

20. The Committee appreciates the significant legislative and institutional progress made by the State Party, including the adoption of Organic Act No. 10/2022 of 6 September on the comprehensive guarantee of sexual freedom, the State Pact against Gender-based Violence of February 2025 and other regulatory frameworks designed to prevent and punish gender-based violence. However, the Committee remains concerned about the high femicide rate, the persistence of gender stereotypes in key sectors such as the judicial system, the barriers women face in filing complaints and the fact that the response to all forms of violence against women remains insufficient. Moreover, the Committee notes with concern the need to strengthen the protection of victims in especially vulnerable situations, including migrant women, women with disabilities, Gitana women and women deprived of their liberty (arts. 2, 3, 6, 7, 14 and 26).

21. **The State Party should step up its work to prevent, combat and eradicate all forms of violence against women. In particular, the State Party should:**

(a) **Ensure the effective implementation of Organic Act No. 1/2004 of 28 December on comprehensive protection measures against gender-based violence in order to guarantee the comprehensive protection of all victims, with a particular focus on women in especially vulnerable situations;**

(b) **Encourage the reporting of violence against women by ensuring that all women have access to a variety of reporting mechanisms and to information on their rights and the legal assistance and other services through which they can receive protection and compensation;**

(c) **Ensure that cases of violence against women, including domestic violence, are promptly and thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences;**

(d) **Provide the necessary resources and adequate training to judges, prosecutors, lawyers and law enforcement officers who handle cases of violence against women, including domestic violence, with a view to eliminating gender stereotypes and preventing revictimization.**

Voluntary termination of pregnancy

22. The Committee welcomes the measures taken to prevent and eradicate obstetric violence and the legislative progress made by the State Party in the area of abortion access, in particular the adoption of Organic Act No. 1/2023 of 28 February. However, it expresses its concern about the shortcomings in the implementation of this law, which have given rise to disparities in access to safe and legal abortion across the various autonomous communities and population groups. In this regard, it is worrying that vulnerable individuals, especially migrant women, women deprived of their liberty, adolescents without family support and women in precarious economic situations, face significant obstacles that limit their effective access to abortion services and, in some cases, mean that they are forced to resort to clandestine practices. Furthermore, while the Committee takes note of the information that

each autonomous community is obliged to guarantee the availability of health personnel to provide abortion services, it expresses concern about reports that conscientious objection by such personnel continues to represent a significant obstacle to the effective exercise of the right to abortion (arts. 2, 6, 7, 17 and 26).

23. **Taking into account paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State Party should intensify its efforts to ensure safe, legal and effective access to abortion for women and girls in all autonomous communities. In particular, it should redouble its efforts to identify and eliminate all obstacles hindering access to these services, especially for vulnerable women and girls, with a view to preventing them from resorting to clandestine abortions that put their lives and health at risk. The State Party should also strengthen the guarantees aimed at ensuring that conscientious objection does not, in practice, constitute a barrier to timely and effective access to abortion.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

24. The Committee welcomes the steps taken by the State Party to prevent torture and other cruel, inhuman or degrading treatment or punishment, in addition to the implementation of a zero-tolerance policy for the public authorities. It also takes note of the explanations provided by the State Party's delegation regarding the existing legal framework for the criminalization of torture. However, it expresses concern that the definition of the offence of torture under national law has not yet been fully aligned with international standards, since it does not explicitly include the purpose of "intimidating or coercing the victim or a third party", and that interrogations are still not recorded as a matter of routine. The Committee is also concerned that the statute of limitations for this offence is 15 years except in cases in which the acts of torture constitute crimes against humanity, which could lead to situations of impunity and mean that certain acts of torture are not duly investigated or punished. In this regard, the Committee regrets that, to date, no investigation has been initiated in response to the more than 5,000 documented testimonies of persons who were allegedly subjected to acts of torture and ill-treatment between 1960 and 2014 in the Basque Country and Navarre, and that the State Party does not yet have an independent mechanism to investigate allegations of torture and ill-treatment by the security forces (arts. 6, 7, 19 and 21).

25. **Recalling its previous concluding observations,⁹ the Committee urges the State Party to continue its efforts to:**

- (a) **Amend its legislation to incorporate a definition of torture that is fully compliant with article 7 of the Covenant and other international standards and to abolish the statute of limitations for all offences of torture;**
- (b) **Introduce the mandatory video recording of all police interrogations as part of its efforts to prevent torture and ill-treatment;**
- (c) **Adopt the necessary measures to ensure the effective investigation of the alleged acts of torture and ill-treatment referred to in the numerous documented testimonies submitted to the authorities of the Basque Country and Navarre;**
- (d) **Provide judges, prosecutors, lawyers and law enforcement personnel with effective training covering international norms on the prevention of torture, including the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);**
- (e) **Establish an independent mechanism with the power to investigate all allegations of torture and ill-treatment by the security forces and provide it with sufficient resources to collect and publish coherent and disaggregated data on such allegations.**

⁹ CCPR/C/ESP/CO/6, para. 14.

Excessive use of force

26. The Committee is disturbed at reports of excessive use of force by members of the security forces and notes with concern information indicating a failure to effectively hold perpetrators to account. Furthermore, the Committee notes with concern the allegations of excessive use of force during the protests in Catalonia in October 2017 and regrets the limited progress in the corresponding investigations and the failure to effectively hold perpetrators to account (arts. 6, 7 and 21).

27. **The State Party should:**

(a) **Ensure that the principles of necessity and proportionality in the use of force are complied with in practice, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Ensure that members of the security forces regularly receive adequate training on the right of peaceful assembly, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(c) **Ensure that allegations of excessive use of force, including during peaceful assemblies, are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished, and that the victims obtain redress.**

Treatment of persons deprived of their liberty

28. The Committee appreciates the State Party's efforts to improve conditions in places of detention, which have contributed to the reduction of the prison population in recent years, in addition to the reported decrease in the use of mechanical restraints, including on persons with disabilities. However, it expresses concern about reports of material deficiencies in older prisons, the shortage of health and psychiatric personnel and the lack of specialized resources for women prisoners being held in women's wings within multipurpose facilities. Furthermore, while noting that children younger than 16 years old cannot be held incommunicado, the Committee regrets that the State Party does not intend to abolish the use of that measure as a disciplinary sanction. It notes with concern that both mechanical restraints and incommunicado detention continue to be used on detainees with intellectual or psychosocial disabilities. The Committee is also concerned that, although the main objective of the closed prison regime is to help persons deprived of their liberty adapt to prison life and facilitate their eventual progression to the ordinary regime, there are no rules explicitly establishing maximum time limits for its application (arts. 7, 9 and 10).

29. **The State Party should continue its work to ensure that conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, it should:**

(a) **Improve conditions in older detention centres and guarantee access to adequate healthcare and the presence of a sufficient number of health personnel in all places of detention;**

(b) **Ensure that all women who have been deprived of their liberty have access to adequate care and services so that their specific needs are met;**

(c) **Review the regulations on mechanical restraint and the use of solitary confinement as a disciplinary measure, with the aim of moving towards the abolition of these practices or the substantial reduction of their duration;**

(d) **Review the laws on the closed prison regime applicable to prisoners convicted of very serious crimes, with a view to ensuring their full compliance with the provisions of the Covenant and other international standards.**

Elimination of slavery, servitude and trafficking in persons

30. The Committee welcomes the State Party's efforts to prevent and combat trafficking in persons. However, it notes with concern that trafficking in persons and sexual exploitation persist in the State Party. While the Committee welcomes the adoption of the State Pact against Gender-based Violence, which provides for the development of a comprehensive law that is currently in preparation and the establishment of a national mechanism for the referral of victims to specialized services, it is concerned that this legislative process has been on hold for several years. The Committee also expresses its concern about reports indicating a lack of effective harmonization, in practice, of victim identification procedures across the various autonomous communities (art. 8).

31. **The State Party should step up its efforts to effectively prevent and combat trafficking in persons by:**

- (a) **Promptly adopting the comprehensive law against trafficking and fully operationalizing the national referral mechanism for victims;**
- (b) **Continuing and strengthening prevention and awareness-raising campaigns on the negative effects of trafficking in persons, as well as training, specialization and awareness-raising measures aimed at public servants and other persons responsible for investigating and trying these offences, identifying victims and providing them with protection and assistance, especially at border posts;**
- (c) **Redoubling its efforts to identify victims of trafficking in persons and provide them with adequate protection and assistance while also ensuring the effective harmonization of identification procedures across the national territory.**

Treatment of foreign nationals, including refugees and asylum-seekers

32. The Committee notes the State Party's efforts to meet the needs of refugees and migrants, in particular in response to the increase in applications for international protection that has been observed since 2019. However, the Committee expresses its concern at reports of inadequate conditions and a lack of space at migrant reception points, including at Adolfo Suárez Madrid-Barajas Airport, where approximately 400 people were said to have been detained for weeks in overcrowded spaces with no natural light. It is also concerned about the lack of capacity in the reception centres in Ceuta, Melilla and the Canary Islands and about the continued absence of a single regulatory framework governing the temporary stay centres for foreign nationals. The Committee further notes with concern the reports of poor conditions in detention centres for foreign nationals, in particular those regarding inadequate healthcare and cases of self-harm. While welcoming the signing in March 2025 of the new Instruction of the State Secretariat for Security and the Office of the Undersecretary of the Interior on the international protection procedure,¹⁰ in addition to the efforts to increase capacity to process applications for international protection, the Committee regrets that significant delays persist in the registration of such applications (arts. 7, 9, 12–14 and 24).

33. **The State Party should step up its efforts to:**

- (a) **Increase capacity to process applications for international protection as a matter of priority and ensure that all applications filed in any part of the national territory are duly received, registered and forwarded without delay to the competent authorities;**
- (b) **Adopt a single regulatory framework to govern temporary stay centres for foreign nationals and ensure that living conditions and treatment in reception centres for asylum-seekers are in line with international standards;**
- (c) **Promote the use of alternatives to administrative detention and, in the meantime, improve living conditions in detention centres for foreign nationals in order**

¹⁰ See <https://espanaabogados.com/wp-content/uploads/2025/03/Nueva-Instruccion-Proteccion-Internacional-14.03.35.pdf>.

to ensure an adequate standard of living and effective access to basic social services for asylum-seekers.

Deportations and non-refoulement

34. While noting the information submitted by the State Party, the Committee expresses its deep concern at persistent reports indicating that effective access to the national territory, in particular at the borders of the autonomous cities of Ceuta and Melilla, is being impeded by practical obstacles and deterrent measures. In particular, the Committee notes with concern the practice of summary returns and pushbacks at the border, especially the immediate return of persons intercepted at sea or on the beaches of Ceuta, which has recently been declared unlawful in a ruling, issued by the High Court of Justice of Andalusia in March 2025, emphasizing the State Party's obligation to apply regular return procedures that fully respect due process and its international obligations, including the principle of non-refoulement. The Committee is also concerned about reports that the 2022 bilateral agreement with Morocco allows migrants to be returned without administrative processing or a court order and contains no guarantees to ensure that migrants are treated with dignity and respect for their rights upon arrival in Morocco. The Committee is disturbed at reports of excessive use of force by border officers, which is said to have resulted in serious injuries and deaths in certain cases, such as the tragic incidents in Ceuta in 2014 and in Melilla in June 2022. It is also concerned about the lack of accountability in relation to these events, including the fact that the authorities definitively closed the investigations without holding anyone responsible (arts. 7, 9, 12–14 and 24).

35. **The State Party should take all necessary measures to ensure effective access to its territory and the asylum procedure, in full compliance with its obligations under the Covenant. In particular, the State Party should:**

- (a) **Refrain from carrying out summary returns and pushbacks, including immediate returns of persons who are intercepted at sea or on beaches, and ensure that all returns are conducted in accordance with the guarantees established by international human rights law, including the principle of non-refoulement;**
- (b) **Ensure that border security forces act with full respect for human rights by providing them with adequate training and establishing clear protocols and independent oversight mechanisms;**
- (c) **Ensure that all allegations of excessive use of force, deaths or ill-treatment in the context of border control measures are subject to prompt, thorough, independent and transparent investigations and that those responsible are held to account. In particular, the State Party should ensure that there is an effective review of the incidents that occurred in Ceuta in 2014 and in Melilla in June 2022;**
- (d) **Review bilateral agreements containing provisions on migration, including the 2022 cooperation agreement with Morocco, with a view to ensuring that all individuals being returned have access to fair proceedings and receive dignified treatment, in accordance with international standards.**

Unaccompanied children

36. While the Committee welcomes the adoption of Royal Decree-Law No. 2/2025 of 18 March, which introduces urgent measures to guarantee the best interests of children and adolescents in extraordinary migration situations, and takes note of the information provided by the State Party's delegation, in particular with regard to the existence of a bill that would protect and guarantee the rights of unaccompanied children in age determination procedures, it expresses concern at the absence of a standard protocol for these procedures throughout the territory. It is also concerned that competence to initiate age determination procedures continues to lie with the Public Prosecution Service. In addition, the Committee is distressed at reports that unaccompanied children in shelters have been subjected to abuse and discriminatory treatment, and notes that some of these cases are currently under judicial investigation. It also notes with concern the information provided by the Ombudsman, who identified a significant number of persons who had declared themselves to be minors but were housed alongside adults (arts. 2, 7, 9 and 24).

37. **Reiterating its previous recommendations (para. 23), the Committee urges the State Party to ensure the uniform application of the protocol for determining the age of unaccompanied children and ensure that age determination procedures are based on safe and scientific methods, follow child-sensitive approaches, avoid all risks of violating children's physical integrity and take their needs into account based on their physical and psychological development. Moreover, the State Party should ensure that appropriate care arrangements and community-based programmes are in place to ensure the adequate reception of children seeking international protection, in particular unaccompanied children, who should be provided with a qualified guardian, proper legal representation without delay and accommodation separated from adults. It should ensure that the best interests of the child are a primary consideration in all decisions involving migrant and asylum-seeking children.**

Independence of the judiciary

38. While noting the agreement reached in 2024, after a five-year political deadlock, concerning the appointment of the members of the General Council of the Judiciary, the Committee expresses its concern about the impact this delay has had on the independence and impartiality of the judiciary and on compliance with the principle of separation of powers. The Committee also takes note of the amendment of the Judiciary Act and notes with concern the criticism raised by judges and prosecutors in response to this amendment, which they perceive to pose a risk to the independence of the judiciary, and the protests they initiated against it on 1 July 2025 (art. 14).

39. **The State Party should take all measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including by ensuring that the procedures for the selection and appointment of judges comply with the Covenant and with relevant international standards, such as the Basic Principles on the Independence of the Judiciary. The Committee also urges the State Party to review the draft amendment to the Judiciary Act, in consultation with judicial actors and other relevant stakeholders, in order to ensure its full compliance with article 14 of the Covenant.**

Freedom of expression, peaceful assembly and association, and protection of human rights defenders

40. The Committee expresses its concern at reports regarding the surveillance of human rights defenders and other civil society actors by the police and intelligence services, which could have a chilling effect on the rights to freedom of expression and peaceful assembly. In particular, the Committee is concerned about reports on the use of surveillance technologies, according to which, between 2017 and 2020, at least 65 Catalan politicians, activists and public figures were tracked using Pegasus and Candiru spyware allegedly linked to the National Intelligence Centre. The Committee further regrets the absence of an official investigation in this regard and the inaction of the Attorney General in the corresponding judicial proceedings. In addition, while the Committee takes note of the information provided by the State Party's delegation concerning the legal regulations establishing that the collection of information is a standard task for all police forces, the Committee is concerned about the information received on the use, outside the context of criminal proceedings, of "undercover intelligence officers" to infiltrate social movements, which is a practice that has been recognized by the Public Prosecution Service and is covered by the Official Secrets Act of 1968 and carried out without legal guarantees or judicial oversight (arts. 17, 19, 20 and 22).

41. **The State Party should take all measures necessary to ensure the full enjoyment by all individuals of their rights to freedom of expression and peaceful assembly, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, the State Party should:**

(a) **Take all steps necessary to ensure that all members of civil society, including politicians, journalists, media workers and human rights defenders, are free to carry out their work effectively and without fear of reprisals;**

(b) **Review the relevant regulatory framework, including the Official Secrets Act of 1968, and ensure that all forms of surveillance and interference with privacy are in full conformity with article 17 of the Covenant;**

(c) **Ensure that any intelligence and surveillance measures, including digital surveillance and the use of “undercover intelligence officers”, strictly respect the principles of legality, necessity and proportionality and are accompanied by adequate legal safeguards and effective accountability mechanisms;**

(d) **Ensure that all allegations of unlawful surveillance are thoroughly, impartially and effectively investigated and that victims of these practices have access to effective remedies.**

42. The Committee takes note of the information provided by the State Party regarding the existence of laws and bills on transparency and access to public information. However, it notes with concern a number of structural and practical challenges reported by multiple sources, including the partial exclusion of the judiciary and the legislature from the scope of the law, the lack of sanctions for public authorities that fail to comply with their legal obligations in this area and the small number of applications filed. The Committee also expresses its concern at the absence of measures to decriminalize libel and slander. It is further concerned that the offence established under article 578 of the Criminal Code, which punishes the “glorification” of terrorism, in addition to certain provisions of the Public Safety Act (Organic Act No. 4/2015 of 30 March) and the imposition of administrative sanctions, may have an undue deterrent impact on the legitimate exercise of the rights to freedom of expression, association and peaceful assembly and result in the prosecution or punishment of individuals for exercising those rights (arts. 19–22).

43. **The State Party should adopt concrete measures to guarantee full respect for the rights of all individuals to freedom of expression, association and peaceful assembly and ensure that any restrictions on the exercise of such rights comply with the strict requirements set out in the Covenant, as interpreted in the Committee’s general comment No. 34 (2011) and in article 21 and article 22 (2) of the Covenant. In particular, it should:**

(a) **Consider decriminalizing libel and slander and, in any event, restrict the application of criminal law to the most serious cases;**

(b) **Strengthen the regulatory and operational framework on access to public information, including Act No. 19/2013 of 9 December on transparency, access to public information and good governance, ensuring that it is effectively applied to all branches of government and that mechanisms are established to punish non-compliance;**

(c) **Adopt specific measures to promote the more active and equitable application of the law on transparency;**

(d) **Ensure that legislation such as article 578 of the Criminal Code and Organic Act No. 4/2015 is not used to unduly restrict the fundamental rights enshrined in the Covenant;**

(e) **Review Organic Act No. 4/2015 and any future amendments to the relevant regulatory framework in consultation with all stakeholders, so as to ensure that they are fully in line with the Covenant;**

(f) **Ensure that any restrictions on the rights to freedom of expression and of peaceful assembly, including through the application of administrative sanctions against individuals exercising these rights, comply with the strict requirements of articles 19 and 21 of the Covenant.**

D. Dissemination and follow-up

44. **The State Party should widely disseminate the Covenant, its two Optional Protocols, its seventh periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial,**

legislative and administrative authorities, civil society, non-governmental organizations operating in the country, and the general public. The State Party should ensure that the periodic report and the present concluding observations are translated into all the official languages of the State Party.

45. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State Party is requested to provide, by 18 July 2028, information on the implementation of the recommendations made by the Committee in paragraphs 13 (non-discrimination), 15 (hate speech and hate crimes) and 33 (treatment of foreign nationals, including refugees and asylum-seekers).

46. In line with the Committee's predictable review cycle, the State Party will receive the Committee's list of issues prior to reporting in 2031 and will be expected to submit its replies, which will constitute its eighth periodic report, within one year. The Committee also requests the State Party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State Party will take place in Geneva in 2033.
