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Summary record of the 4238th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 2 July 2025, at 3 p.m.

Chair: Mr. Soh

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States Parties under article 40 of the Covenant
(continued)

Seventh periodic report of Spain (CCPR/C/ESP/7; CCPR/C/ESP/QPR/7)

1. *At the invitation of the Chair, the delegation of Spain joined the meeting.*
2. **A representative of Spain**, introducing his country's seventh periodic report (CCPR/C/ESP/7), said that, during the reporting period, Spain had adopted its second National Human Rights Plan (2023-2027), which expanded protection of civil and political rights and focused specifically on gender equality and the elimination of discrimination. Moreover, the plan underlined the independence of the national human rights institution embodied by the Ombudsman and its importance in upholding human rights and ensuring the country's fulfilment of its human rights obligations, including follow-up to the Views and recommendations of human rights treaty bodies.
3. Significant progress had been made in eliminating discrimination: Act No. 4/2023 on the full and effective equality of trans persons and the promotion of the rights of lesbian, gay, bisexual, transgender and intersex persons, adopted in 2023, had made it possible to change one's legally registered gender, even as a minor, without having to submit to medical procedures. So-called "conversion therapies" and surgical interventions that were medically unnecessary had been prohibited for intersex persons younger than 12 years old. The Comprehensive Act on Equal Treatment and Non-Discrimination, adopted in 2022, had reinforced the institutional care framework inter alia by establishing the Independent Authority for Equal Treatment and Non-Discrimination. The legal framework for punishing hate crimes had been strengthened through the recognition of new bases for discrimination, such as "apophobia" (aversion to the poor), age and social exclusion, as well as anti-Gitano discrimination. The Attorney General's Office had established a network of specialists in hate crimes and discrimination, and special police units had been created to prevent and investigate hate crimes and cases of alleged discrimination.
4. To better protect the rights of minorities, the Strategy for the Equality, Inclusion and Participation of the Gitano People (2021–2030) now focused on education, employment, health, housing and other essential services; poverty and the digital gap; gender equality; and the fight against discrimination and violence against women. Research and awareness-raising campaigns on racism and xenophobia had been carried out, and the Spanish Observatory on Racism and Xenophobia and the Council for the Elimination of Racial and Ethnic Discrimination had been strengthened. Judicial mechanisms and the support provided to victims of hate crimes had been enhanced, as had the identification and reporting of hate speech in social media. In 2024, article 49 of the Constitution had been amended to allow all persons with disabilities to exercise their rights freely and on an equal footing with others, in line with the human rights-based approach of the International Convention on the Rights of Persons with Disabilities.
5. Organic Act No. 1/2023 provided for free and accessible abortion services that respected women's right to choose, including for minors and women with disabilities. In addition to the adoption of Organic Act No. 8/2021, on the comprehensive protection of children and adolescents against violence, an action plan had been adopted to better protect children and adolescents against sexual exploitation.
6. The Government had adopted a number of measures to prevent torture and inhuman or degrading treatment: in 2023, for instance, a new protocol for the forensic medical examination of detainees had been adopted in line with international standards, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). In 2022, the Ministry of the Interior had established the National Human Rights Safeguarding Office to monitor the compliance of the State security forces with national and international standards on torture. In recent years, the prison population had decreased and detention conditions had improved, including in respect of access to health services, support for persons with disabilities and a decrease in the use of physical restraints. Solitary confinement was to be used only on an exceptional basis and could not be applied to children younger than 16 years

old. Material conditions and support to vulnerable persons had improved in all types of migrant holding centres. In 2022, Spain had adopted a contingency plan to ensure that the child protection services of the various territories of Spain were able to take in unaccompanied migrant children. In 2025, Royal Decree-Law No. 2/2025 had been adopted, introducing urgent measures that guaranteed the best interests of children and adolescents in extraordinary migration situations and provided for the reception of unaccompanied migrant children throughout the territory. In parallel, reception arrangements in territories of first arrival had been funded and professionals were being trained in the protection of unaccompanied migrant children and adolescents. A draft bill was being developed on trafficking in persons.

7. Spain guaranteed the rights to freedom of expression, assembly and association, in line with international standards. The Public Safety Act had been the subject of wide debate and legal analysis by the Constitutional Court, which had ultimately established the constitutionality of the Act and its compliance with the international treaties to which Spain was a party.

8. Act No. 2/2023, which sought to address corruption, also provided for the protection of whistle-blowers who reported regulatory violations. The Government had presented an action plan for democracy in September 2024, focusing on three objectives: expanding and improving government information; strengthening the transparency, plurality and accountability of the media; and reinforcing the transparency of the legislature and the electoral system. The Criminal Code had been amended in respect of the definition of corruption-related crimes, and a public database had been set up on corruption cases.

9. The Democratic Memory Act, adopted in 2022, had established the right to truth, justice and reparation for the victims of the Civil War and the dictatorship. A national census of victims, a map of mass graves and a government plan for exhumations had been developed with the participation of the autonomous communities and civil society.

10. **Mr. Quezada Cabrera** said that he would like to know whether there was a mechanism in place specifically tasked with reviewing and ensuring follow-up to the recommendations of human rights treaty bodies. If there was not, he would like to know how the State party ensured that action was taken in respect of those recommendations. It would be useful to learn the current legal status of the Committee's Views as applied by the courts in the State party. Specifically, he would like to know whether the Supreme Court's decision of 17 July 2018, in which the Court had ruled that the decisions of the Committee for the Elimination of Discrimination against Women were legally binding, also applied to the Views of the Human Rights Committee. Examples of cases in which the provisions of the Covenant had been referred to by national courts would be appreciated.

11. Although the Comprehensive Act on Equal Treatment and Non-Discrimination established the right of any person to enjoy equal treatment and non-discrimination, independently of nationality and residence status, it also included a provision stating that it was to be applied without prejudice to the laws on the rights of foreigners in Spain. As a result, foreigners' access to certain rights and services was limited, resulting in discrimination. He would welcome the delegation's comments on the situation and would be interested in hearing whether consideration had been given to amending the law. As for the Independent Authority for Equal Treatment and Non-Discrimination that had been established in 2022 pursuant to the aforementioned Act, he failed to understand why the Council of Ministers had only just recently proposed a candidate to chair the Independent Authority; it would be useful to learn when the Independent Authority was expected to effectively begin operating and whether it had been allocated sufficient human and financial resources.

12. He would appreciate an update on the status on the draft organic law to combat racism, racial discrimination and related intolerance. He would also like to know how the State party prosecuted hate crimes that were based on certain distinctions listed in article 2.1 of the Covenant, such as language or political opinion, but that did not appear in article 510 (1) of the Criminal Code. He would furthermore welcome updated statistics on investigations and convictions relating to hate crimes, as well as information on the steps taken by the State party to prevent hate crimes and hate speech.

13. The Committee would be grateful for information on measures taken to facilitate effective access to justice and redress, including rehabilitation, for those who had been subjected to medically unnecessary surgical procedures or other medical treatment without their consent. Details of the reparations provided to those persons would also be welcome. He would like to know if the State party intended to examine the issue of non-binary persons, who were not mentioned in Act No. 4/2023 and therefore vulnerable to various types of discrimination, and would consider amending the Act to acknowledge the situation of non-binary persons. Was the State party planning to introduce multiple gender markers in identity documents?

14. **Ms. Tigroudja** said that the Committee would appreciate more detailed information about the State party's second National Human Rights Plan, including what exactly the main areas of action covered. It would also be useful to learn how the advisory commission tasked with monitoring the implementation of the Plan coordinated its work with that of the Office of the Ombudsman. She would like to know what steps had been taken in response to the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in respect of the Office of the Ombudsman to strengthen its status and ensure its compliance with the Paris Principles. She would also like to know whether complaints of excessive use of force fell under the Ombudsman's mandate and, if not, whether an independent mechanism was in place to investigate reports of abuse and torture by the security forces.

15. Welcoming the positive developments in the State party regarding sexual and reproductive health, including the adoption of Organic Act No. 1/2023, she said she would like to know how medical institutions ensured the free and informed consent of women without legal capacity. In view of worrying reports regarding the inadequate application of the law, it would be useful to learn how the State party guaranteed women's sexual and reproductive autonomy. It would also be useful to learn what steps were being taken to address obstetrical violence against women during pregnancy and childbirth.

16. She would like to know whether the Democratic Memory Act repealed and replaced the Amnesty Act of 1977 and, if not, when the State party intended to repeal the Amnesty Act. It would be interesting to learn the status of the laws adopted under the Franco dictatorship that were still in force, such as the law on decorations awarded to police officers and the 1968 law on official secrets. Was it true that the repeal of the latter was being debated in the parliament? She would welcome statistics on the number of high-level officials who had been tried and convicted for crimes committed during the dictatorship and the democratic transition. The delegation might also comment on the "concord" or "harmony" laws adopted by certain autonomous communities that reportedly ran counter to the Democratic Memory Act and excluded serious violations committed during the Franco dictatorship. Regarding the issue of "'stolen babies'" during the dictatorship, she would like to know why the proposal to set up a DNA database and a related bill had ultimately failed to pass adoption, and whether steps were being taken to relaunch such efforts. According to information received by the Committee, a royal decree had recently been adopted by the Council of Ministers with a view to establishing a truth commission on the human rights violations committed during the Civil War and Franco dictatorship. She would welcome more detailed information on the mandate of that commission.

17. **Mr. Helfer** welcomed the positive developments in the State party to address discrimination, including the Strategy for the Equality, Inclusion and Participation of the Gitano People, the Council for the Elimination of Racial and Ethnic Discrimination and the Spanish Observatory on Racism and Xenophobia. He commended recent improvements in access to education in Gitano communities, but would like to know what concrete steps were being taken under the Strategy for the Equality, Inclusion and Participation of the Gitano People to improve the quality of education provided to Gitano students. It would also be interesting to learn how Gitano unemployment was monitored under the Strategy and what specific steps were being taken to reduce the unemployment rate of Gitanos. He understood that the State party planned to conduct a new study on Gitano health nationally and would like to learn of any developments in that regard.

18. The Committee would welcome specific information on the implementation of the recommendations made by the Council for the Elimination of Racial and Ethnic

Discrimination in its 2025 report and wished to know whether the Government would consider making the Council's recommendations legally binding and enforceable in Spanish courts. It would be interested to hear whether there were any plans to adopt a national strategy to eradicate discrimination against people of African descent, similar to the one adopted for the Gitano community, and would welcome an update on the work of the monitoring and assessment committee that had been tasked by the Ministry for Inclusion, Social Security and Migration with implementing the recommendations set forth in the Strategic Framework for Citizenship and Inclusion and against Xenophobia and Racism (2021–2027) published by the Spanish Observatory on Racism and Xenophobia.

19. In view of the many credible reports that law enforcement officials continued to systematically engage in discriminatory identity checks, the Committee wished to know whether the State Party intended to adopt a law explicitly prohibiting ethnic and racial profiling and what constituted an objective justification under existing laws for a valid police request to produce identity documents. It would also like to hear who was responsible for investigating complaints made by individuals in respect of discriminatory encounters with the police, how such complaints were investigated, what actions were taken if a complaint was found to be substantiated, how many officers had been disciplined for arbitrary and discriminatory profiling under the disciplinary systems of the State security forces, how the State Party intended to improve the transparency of internal police accountability mechanisms, and whether it planned to collect data disaggregated by race and ethnicity to enable the authorities to objectively assess the scope and impact of racial and ethnic profiling.

20. The Committee would appreciate an update on the status of the proposed organic law against racism, racial discrimination and intolerance, plans to establish the independent equality and non-discrimination authority as provided for in the Equality Act of 2022, and any plans to adopt and fund additional policies to combat hate speech at sporting events, neo-fascist rallies and among young people on social media. Given that existing initiatives to combat hate crimes were not having the desired effects, the Committee would be interested to know what other practical steps the State Party would consider to combat the increasing prevalence of hate crimes targeting Roma, Jewish, Muslim and Catalan communities, as well as lesbian, gay, bisexual and transgender persons, and people of African descent.

21. **Mr. Carazo** said that, despite the significant legislative and institutional progress made by the State Party to prevent, combat and punish violence against women, rates of violence against women, including femicides, continued to grow. The Committee therefore wished to know what measures had been taken to ensure the implementation of Organic Act No. 10/22 and the renewed State Pact against Gender-based Violence. It would also appreciate up-to-date information on the human and financial resources allocated to specialized services for victims of gender-based violence, especially in small rural communities, the steps taken to guarantee that gender-based violence programmes and services were based on an intersectional approach that properly responded to victims' needs, and any monitoring and accountability mechanisms to evaluate the treatment of victims by the courts. The Committee would also be interested to hear what progress had been made in the area of prevention, particularly in relation to gang rape, denial of gender-based violence and emerging challenges such as digital violence and the reproduction of gender bias in artificial intelligence tools.

22. **Mr. Teraya** said that the Committee would welcome clarification of the 2020 amendment to article 156 of the Criminal Code, which had justified the sterilization of persons who were unable to express their consent on a permanent basis if it was considered to be in their best interest, and would like to know whether the amendment had been sufficient to improve the situation in practice. The Committee would be interested to know whether the majority of cases of forced or non-consensual sterilization had been exempt from criminal liability based on that specific provision or whether other legal grounds had been invoked to justify such practices. It would be grateful for statistical data on prosecutions or convictions under article 156 since its amendment and information on measures taken to ensure specialized training for healthcare personnel in that regard.

23. The Committee would be interested to hear whether the State Party intended to amend its criminal legislation to bring the definition of torture into line with international standards and eliminate the applicability of a statute of limitations for acts of torture and, if not, what

obstacles were preventing such reforms. It also wished to know what remedies, if any, were available to victims in cases where the statute of limitations had impeded access to justice, and how the State Party had addressed the situation in the Basque Country, where more than 5,000 persons were reported to have been subjected to torture in the context of political violence between 1960 and 2014. The Committee would be interested to learn what concrete steps had been taken to identify, investigate and prosecute alleged perpetrators of torture and excessive use of force and what measures were in place to ensure that accountability mechanisms were truly effective and accessible to victims. Lastly, with regard to the use of video recordings during interrogations, which was widely recognized as an effective safeguard against torture and ill-treatment, the Committee would welcome clarification of whether the State Party considered video recording to be unnecessary or ineffective in its national context or incompatible with or disruptive to current investigation practices.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

24. **A representative of Spain** said that, in the framework of the first Optional Protocol to the Covenant, Spain implemented the recommendations set forth in the Committee's Views in line with the principle of good faith. Implementation was evident in all areas of Spanish political and administrative life. At the legislative level, the preambles to laws often included references to the jurisprudence of particular treaty bodies that had influenced amendments to the legislation. The public authorities and the judiciary also implemented treaty body recommendations. For example, in 2018 the Supreme Court had recognized the value of the Views of all the human rights bodies as potential elements in the recognition of the material liability of the State in such cases. It was common practice for the Constitutional Court, the Supreme Court and the lower courts to apply the opinions and recommendations of the Committee when interpreting and applying Spanish legislation. A list of recent judgments of the Constitutional Court that had been based on the interpretation and application of the Views issued by the Committee would be submitted in writing. A committee established pursuant to a royal decree of 2024 and tasked with monitoring follow-up to the recommendations contained in the Views of the Committee and the other treaty bodies had already begun its work.

25. With regard to the possible extension of new human rights in the context of issues such as climate change, the Constitutional Court was currently debating whether or not to apply its doctrine on the existence of a right to the protection of health or physical integrity to climate change mitigation measures taken by the State.

26. The Ombudsman issued either recommendations, suggestions or reminders of legal duties. Suggestions involved issues of a general nature, while recommendations had to do with specific issues. The Ombudsman included a summary of all the issues in its annual report to the Congress of Deputies; the ombudsman institutions in the autonomous communities did the same in their respective territorial areas.

27. **A representative of Spain** said that there were no formal or legal restrictions of any kind on the filing of complaints by foreigners in an irregular situation. They need not fear filing a complaint with the police, as the Aliens Act provided for exemption from liability and the suspension of expulsion and return procedures for victims of gender-based violence and sexual violence and victims of trafficking and illegal immigration networks.

28. **A representative of Spain** said that the draft organic law to combat racism, racial discrimination and related intolerance had been proposed for public consultation in 2022 and since then had been on the annual legislative programme of the Ministry of Equality every year. Despite the delay, the draft legislation remained a priority for the Government in the current legislative period. The Independent Authority for Equal Treatment and Non-Discrimination should have been established six months after the entry into force of the Comprehensive Act for Equal Treatment and Non-Discrimination. The delay had been caused by political cycles and the need for consensus on the Independent Authority. A chairperson had been appointed in May 2025 and the Independent Authority was now operational. Work on the Independent Authority's statutes and the list of posts was ongoing. It was hoped that the Independent Authority would be allocated its own budget by 2026; currently, the Ministry of Equality was providing human and financial resources to support its work.

29. **A representative of Spain** said that there was a dedicated law on support for victims before, during and after criminal proceedings. All victims were equal before the law and were entitled to equal protection, regardless of whether they were Spanish citizens or foreign nationals and regardless of their migration status. The new regulations on foreigners had come into force on 20 May 2025, providing a broader legal framework for the full protection of foreign victims who were in an irregular situation. Such victims had the right to stay, reside and work in the country during the proceedings in which they were participating. Specific provisions allowed for victims who collaborated with the authorities in the public interest to be granted residence on humanitarian grounds. The intention behind the legislation was to give victims peace of mind with regard to their participation in the legal proceedings.

30. **A representative of Spain** said that recent regulatory advances included the adoption of Royal Decree No. 1026/2024 of 8 October, which set out the obligations of companies with more than 50 employees to guarantee the equal treatment of lesbian, gay, bisexual, transgender and intersex persons in application of article 15 (1) of Act No. 4/2023 for the full and effective equality of trans persons and the promotion of the rights of lesbian, gay, bisexual, transgender and intersex persons. There were plans to adopt the State strategy for equal treatment and non-discrimination of lesbian, gay, bisexual, transgender and intersex persons and the State strategy for the social inclusion of trans persons later in 2025. In July 2023, a free 24-hour hotline, run by qualified professionals, had been launched to provide information and comprehensive services in relation to the rights of lesbian, gay, bisexual, transgender and intersex persons. Spanish law did not provide for specific measures of redress for intersex persons in connection with body modification but did include protective measures for that group, including the prohibition of conversion therapies and the guarantee of access to healthcare according to person's self-perceived gender identity. Although Spanish identity documents currently only provided the option of identifying as male or female, in 2022 the Ministry of Equality had commissioned the first study on the needs of non-binary persons, the findings of which were intended to serve as the basis for future legislative and administrative measures. There were plans to conduct another study on the inclusion of non-binary persons in the future.

31. **A representative of Spain** said that there had been significant developments in the protection of sexual and reproductive rights in recent years, culminating in the adoption of Organic Act No. 1/2023, which reinforced a human rights-based approach and gender perspective. Healthcare providers were required by law to obtain the free and informed consent of women directly for the voluntary termination of pregnancy. Protocols had been developed for the provision of information in accessible formats and specialized support for women with disabilities, always prioritizing respect for the individual's wishes. It was true that access to voluntary termination of pregnancy varied from one autonomous community to another, especially for migrant women without health cards, women who were deprived of their liberty and women in situations of particular vulnerability. However, access to voluntary termination of pregnancy in another region or to medical abortion in their own region was always guaranteed. The Ministry of Equality was coordinating a study in four autonomous communities on the real barriers to access, the results of which would be available shortly. There was a mandatory confidential registry of healthcare professionals who were conscientious objectors, and each autonomous community was obliged to guarantee that there were sufficient non-objecting personnel available to make abortion services available without restriction in all accredited centres. The protocol adopted in December 2024 established clear criteria for identifying objectors and reorganizing resources with the aim of guaranteeing effective access on equal terms to all women who wished to avail themselves of such services.

32. Organic Act No. 1/2023 introduced concrete measures to eliminate harmful practices in gynaecology and obstetrics, including ensuring informed consent, promoting respectful childbirth, avoiding unnecessary separation of newborns from mothers and collecting data to identify practices that violated rights. The State was currently revising its Sexual and Reproductive Health Strategy, which would include a specific section on preventing obstetric violence. In addition, the Interterritorial Council of the National Health System was currently drafting a common protocol to safeguard sexual and reproductive rights in gynaecological and obstetric care. The autonomous communities were required to adopt specific protocols to prevent harmful practices, inform women of their rights and provide mechanisms for

complaints. Regarding forced sterilization, article 156 (2) of the Criminal Code had been repealed pursuant to Organic Act No. 2/2020, thereby eliminating any legal exception that allowed for the sterilization of persons with disabilities without their consent. Furthermore, Act No. 8/2021 had reinforced the legal capacity of persons with disabilities, guaranteeing their right to free, informed and autonomous consent in all medical decisions. Specialized training for healthcare personnel, with a focus on human rights and disability, was being developed by the Interterritorial Council. Protocols were being developed to guide the autonomous communities in implementing the aforementioned measures.

33. **A representative of Spain** said that healthcare was a cross-cutting issue that affected the activities of all ministries. The highly decentralized structure of the Spanish State meant that the central Government could not always directly address specific situations within each autonomous community. Instead, such matters were typically addressed through bilateral dialogues or multilateral coordination mechanisms.

34. **A representative of Spain** said that the Amnesty Act of 1977 and the Democratic Memory Act of 2022 pursued different objectives. The Democratic Memory Act aimed to uphold victims' and society's right to truth and to promote the clarification of the facts of what had occurred during the Civil War and the dictatorship. It also supported the right to investigate human rights violations committed during that period. The newly appointed Prosecutor for Human Rights and Democratic Memory had already carried out essential activities, including the initiation of investigations. Article 2 (3) of the Democratic Memory Act provided that all Spanish laws, including the Amnesty Act, must be interpreted and applied in accordance with international treaty law, customary international law and international humanitarian law. Legal proceedings initiated since 2010 against individuals alleged to be responsible for crimes committed during the war and the dictatorship had so far failed, mainly owing to statutory limitations and legal arguments based on the non-retroactivity of international criminal instruments that had not been in force at the time the acts were committed. The Public Prosecution Service continued to work on implementing the law, particularly by supporting the creation of a national DNA database for victims of the war and the dictatorship. A royal decree regulating the database project had been adopted and the project would be launched in due course.

35. **A representative of Spain** said that the practical implementation of many matters relating to the Democratic Memory Act fell under the jurisdiction of regional administrations rather than the central Government. The situation regarding the "harmony laws" passed by several autonomous communities was pending a decision by the Constitutional Court, as those laws had been challenged by the central Government and their application had been suspended until the Court ruled on whether their content was aligned with the Constitution and the Democratic Memory Act. The bill on official secrets was currently in the amendment phase in the Congress of Deputies. Spain had ratified the Council of Europe Convention on Access to Official Documents (Tromsø Convention) and had also adopted a national law on transparency. The proposed bill on the issue of "stolen babies" was currently under consideration by the Congress of Deputies. The status of the bill was a matter for the parliament and progress in that regard depended on how lawmakers managed and prioritized legislative initiatives. However, that did not mean no action had been taken. For example, the Democratic Memory Act recognized as victims children who had been abducted during the period concerned, as well as their families, granting them the rights established under the law where applicable.

36. **A representative of Spain** said that the Strategy for the Equality, Inclusion and Participation of the Gitano People reflected the Government's commitment to social cohesion and progress. It aimed to adequately address the needs of all citizens, with special attention to vulnerable groups living in poverty or social exclusion, conditions which affected a significant portion of the Gitano population in Spain. It was structured around three main pillars: social inclusion; equal opportunities and non-discrimination; and participation and empowerment. Those were further broken down into nine strategic lines, aligned with the objectives of the European framework in the same area. Each line corresponded to a specific area of action and was based on relevant research and the evaluation results of the previous strategy for the period 2012–2020. One of the key strategic lines encompassed education,

employment, housing, essential services, health, poverty, social exclusion and the digital divide.

37. **A representative of Spain** said that full competence for education provided to the Gitano population fell to the autonomous communities, which were responsible for ensuring quality education in accordance with the central Government's general standards.

38. **A representative of Spain** said that the Spanish Observatory on Racism and Xenophobia conducted research and analysis related to the prevention of and fight against racism and xenophobia, promoted equal treatment and non-discrimination and collaborated with public and private actors in the development and evaluation of plans and strategies to support migrant inclusion. It had achieved tangible results, particularly in hate crime analysis, and played a leading role in combating online hate speech, including through its role in the development of a national protocol in that area. It monitored hate speech, including racism, xenophobia, Islamophobia, antisemitism and anti-Gitano hatred, on social media, in sport and on television.

39. The Observatory ran a joint training programme with the National Public Administration Institute for public sector workers and university staff. It was working on strategic planning under the Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia (2023–2027) and was designing a governance model. Funding for civil society organizations working on hate speech prevention had not decreased; on the contrary, financial support had increased through annual grants from the Ministry of Social Affairs and the Ministry of Inclusion. It also played a role as coordinator of European Union-funded projects under the Citizens, Equality, Rights and Values Programme and in hate speech detection through inter-institutional cooperation. Its "communities of practice" methodology fostered trust and had successfully addressed underreporting of hate crimes in four provinces. There were plans to expand that methodology nationally, and interest had been expressed by the European Commission in adopting it as a model.

40. **A representative of Spain** said that the Ministry of the Interior applied a zero-tolerance policy in relation to racism, intolerance, torture and discrimination. During the reporting period, there had been an increase in reported incidents; owing to improved reporting mechanisms and greater police awareness, not an actual increase in incidents.

41. The National Office to Combat Hate Crimes had been established within the Ministry of the Interior, and there were specialized units within the National Police and Civil Guard. Training programmes had been developed for police officers, including university-level courses on human rights and hate crimes. The Ministry had three national plans to combat hate crimes, the third of which had been published in 2025. Drawing on experience from the previous two, the new plan included commitments such as developing a police intervention guide for interactions with Gitanos, conducting studies on online hate speech and dedicating police resources to address hate speech in sport, particularly football.

42. On the topic of torture and racial profiling, the Organic Act on Public Security mandated strict adherence to the principles of proportionality, equal treatment and non-discrimination during arrests. The relevant provisions were influenced by three key international instruments: the Code of Conduct for Law Enforcement Officials, the Council of Europe Declaration on the Police and the European Code of Police Ethics.

43. **A representative of Spain** said that there was a solid legal framework in Spain prohibiting police interventions based on discriminatory profiling. Such practices were also explicitly prohibited in the disciplinary regulations of police forces, as well as in their respective codes of ethics and conduct. Persons interacting with the police could sometimes believe that they were being targeted because of personal characteristics, but that was not the case. Police actions were based on analysis and crime prevention, which were the core missions of the security forces. The National Office for Safeguarding Human Rights, within the Ministry of the Interior, monitored all incidents that occurred during police interventions. It also paid close attention to minor complaints, such as those in which individuals reported receiving unsatisfactory or insufficient service, to assess whether such perceptions might stem from feelings of discrimination. According to current data, such cases were not statistically significant.

44. **A representative of Spain** said that the State Pact against Gender-based Violence had been renewed by near-unanimous consensus in the Spanish parliament. The Pact would remain in force for five years, with a minimum allocation of €1.5 billion euros, and committed all public administrations, civil society and other stakeholders to implementing policies for prevention, care and reparation. Measure 461 of the Pact outlined the distribution of responsibilities for implementing and executing all planned measures among local authorities, autonomous communities and ministries of the central Government.

45. The objective of Organic Act No. 10/2022 was to ensure the comprehensive protection of the right to sexual freedom for all persons and to eradicate all forms of sexual violence. The law contributed to fulfilling the Pact and addressed gaps in protection by placing consent at the centre of all action. The penalties for sexual assault were severe and covered all acts committed without the victim's express or implied consent.

46. The elimination of the offence of sexual abuse had led to reduced minimum penalties in some cases, allowing for the review of final sentences in line with the principle, under article 2 (2) of the Criminal Code, that the provision most favourable to the offender should be applied. In response, Organic Act No. 4/2023 had been passed to adjust some of the penalties introduced by the previous law and prevent further sentence reductions. The Constitutional Court had recently reminded victims of their right to appeal such reductions.

47. Other measures taken included the establishment of 24-hour comprehensive care centres for victims of sexual violence, the launch of a victim accreditation system and the provision of financial assistance to victims. An additional €20 million in grants had been awarded at various levels, including for rural areas. An intersectional approach had been taken in the State Strategy for Combating Gender-based Violence and the State Pact against Gender-based Violence, with numerous measures addressing the needs of vulnerable groups, including those in rural areas.

48. Regarding monitoring and accountability, the State relied on a comprehensive system that included legislation, such as Act No. 4/2015 on the Statute of Victims of Crime; protocols developed by the Government and autonomous communities; and specialized victim support offices. Public institutions were responsible for evaluating the effectiveness of their actions and the proper use of resources.

49. To counter denialist discourse and digital violence, it was important to defend the legal framework and conduct awareness-raising campaigns. Under measure 418 of the new Pact, a campaign on digital violence was planned for the summer of 2025, along with an institutional campaign on vicarious violence, in which children were used by men as a means to hurt their mothers, to coincide with the International Day for the Elimination of Violence against Women on 25 November 2025.

50. **A representative of Spain** said that the Ministry of the Interior had two systems for assisting and protecting victims of gender-based violence. The first, the VioGén system, had been in place since 2007 and, in 2024, the Council of Europe had shown interest in the VioGén system as a good practice. The system had also attracted the attention of the United Nations Entity for Gender Equality and the Empowerment of Women, and Spain had been invited to participate in a conference in July 2026 to explain the methods of monitoring, evaluation and protection being implemented through the system. There was also the Onvios system, which focused on offences involving sexual violence. VioGén and Onvios were managed by two offices within the State Secretariat for Security, in close collaboration with the Public Prosecution Service, the judiciary, universities and various other public and private institutions across the country.

51. **A representative of Spain** said that while there were certain points where the Criminal Code did not fully align with the Convention against Torture, articles 173 and 174 addressed the crime of torture, along with related criminal offences such as threats, coercion and bodily harm, covering all relevant scenarios. The Criminal Code did not explicitly include the purpose of intimidating or coercing the victim as part of the definition of torture, but such acts were adequately covered under article 173 and related articles.

52. In cases involving minors, the statute of limitations began when the victim reached the age of majority, in accordance with the second paragraph of article 132 (1) of the Criminal

Code. The Criminal Code recognized the non-applicability of statutory limitations for only a very limited number of crimes, such as terrorist murders, crimes against humanity and torture when committed in that specific context. Outside of that context, the statute of limitations was 15 years, which was more than sufficient for criminal proceedings to be carried out effectively.

53. **A representative of Spain** said that the National Human Rights Safeguarding Office helped to ensure that law enforcement and State security agencies followed the relevant national and international standards, in particular for the prevention of torture. In addition a comprehensive procedure for police custody had recently been formulated.

54. **Ms. Tigroudja** said that she would like to know how young people learned about their sexual and reproductive rights. She also wished to know whether the Democratic Memory Act had put an end to the amnesties declared pursuant to the Amnesty Act. As she had noted previously, she also wished to know how the State Party intended to reconcile its obligation to guarantee access to justice, in particular for victims of the dictatorship, and the adoption by the autonomous communities of “harmony laws”.

55. **Mr. Carazo** said that he would like to know what specific measures had been taken to repeal or amend the Amnesty Act and other related laws with a view to ensuring that enforced disappearance constituted an offence under the State Party’s criminal law and securing the right of victims to know the truth regarding the circumstances of the enforced disappearance. He would like to know, too, whether the public had legally guaranteed access to archives containing information on past human rights violations.

56. **Mr. Helfer** said that he wondered whether efforts to combat hate speech similar to the commendable ones made in relation to sporting events were made in other areas of public life. He would appreciate clarification of whether ethnic or racial profiling was in fact prohibited by law in the State Party and, if not, whether it might consider adopting such a prohibition.

57. **Mr. Quezada Cabrera** said that he would welcome clarification of the steps taken by the State Party in response to the Committee’s Views. In particular, he wondered whether it automatically accepted only the Committee’s requests to compensate victims financially or whether it also considered, or was obliged to accede to, the other requests made by the Committee in its Views. He would also welcome more information on the committee that was responsible for monitoring matters relating to the Views adopted by the human rights treaty bodies.

58. **Mr. Teraya** said that he wished to know exactly what measures had been taken to eliminate the practice of forced sterilization of persons with disabilities and ensure that their free, prior and informed consent was obtained before any sterilization. He would welcome more detailed information about the role of the National Human Rights Safeguarding Office. The delegation might also elaborate, to the extent possible, on the ongoing proceedings instituted against police officers suspected of excessive use of force against the backdrop of the 2017 Catalan independence referendum.

59. **A representative of Spain** said that a person whose Covenant or other rights had been violated, as evidenced in the Views adopted by the Committee or another human rights treaty body, could turn to the public authorities, including, where appropriate, the courts, to make a claim for compensation.

60. **A representative of Spain** said that her Government had adopted a comprehensive sexual and reproductive rights education plan, in line with recommendations issued by the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. Provision was also made for student access, with family involvement, to sexual health services. The Ministry of Education, Vocational Training and Sport and the Ministry of Health worked together to promote relevant initiatives, including, for example, efforts to offer online courses for teachers and for the members of students’ families.

61. **A representative of Spain** said that the law made no provision for the mandatory filming of interrogations during the pretrial or trial stages of criminal proceedings. It was mandatory in civil proceedings, however; and in other contexts, such as when minors were heard or when the person being questioned had trouble making him- or herself understood,

filming interrogations, which was not at all likely to interfere with an investigation, was standard practice.

62. **A representative of Spain** said that, although the final figures had not yet been published, the number of hate crimes reported in 2024 were expected to be fewer than in 2023. The number of hate crimes involving anti-Gitano conduct had, for example, fallen from 37 in 2023 to 19 in 2024. It was worth noting, with respect to racial profiling, that members of the Civil Guard and the National Police could, in accordance with the laws governing their disciplinary regimes, incur severe disciplinary penalties for discriminatory policing.

63. **A representative of Spain** said that, in connection with the fate of disappeared persons, the right to know the truth was provided for in the Democratic Memory Act. The right of access to archives was set forth in a proposed royal decree. Plans had recently been made to exhume the remains of up to 120 possibly disappeared persons in a cemetery in Huelva Province. A four-year plan for the search for and identification of persons who disappeared during the Civil War or the subsequent political repression had been adopted not long previously. In all, €20 million had been set aside for the hundreds of activities that had been organized under the first such plan, for the period 2020–2024.

64. Since 2013, the Ministry of Justice had coordinated the steps taken to provide relevant information, including information from medical records, to persons possibly affected by the abduction of newborn children. The National Institute of Toxicology and Forensic Sciences, at which a relevant DNA database had been set up, participated in the process of identifying abducted newborns.

65. **A representative of Spain** said that the National Human Rights Safeguarding Office was responsible for monitoring policing operations. Its creation was an expression of the zero-tolerance approach taken by the Ministry of the Interior to acts of torture, discrimination or other breaches of the law. The Office, which had not been set up to take the place of the courts or of the internal affairs units of the respective law enforcement or security agencies, exercised oversight and ensured that the proper reports were made to the judicial authorities.

The meeting rose at 6 p.m.