



# International Covenant on Civil and Political Rights

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## Human Rights Committee 144th session

### Summary record of the 4239th meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 July 2025, at 10 a.m.

*Chair:* Mr. Soh

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

*Seventh periodic report of Spain (continued)*

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*The meeting was called to order at 10 a.m.*

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

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

1. *At the invitation of the Chair, the delegation of Spain joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **A representative of Spain** said that Royal Decree No. 709/2024 provided for the establishment of a committee to oversee the second National Human Rights Plan and to follow up on the recommendations and decisions issued by the human rights treaty bodies and the special procedures of the Human Rights Council. The committee, which comprised representatives of national and regional authorities and civil society organizations, was supported by an interministerial commission that had been tasked with preparing and submitting the reports on the follow-up measures taken.
4. The question of the relationship between the Amnesty Act of 1977 and the Democratic Memory Act of 2022 had been addressed by the Constitutional Court, which had ruled that the two laws had separate scopes. The Amnesty Act had been adopted in order to allow for the release of political prisoners and the return to Spain of individuals who had gone into exile during the dictatorship. While the rights provided for under the Act had subsequently been extended to other groups who had not been covered in 1977, the scope of the Act itself remained narrow. The adoption of the Democratic Memory Act had thus been deemed necessary in order to address certain issues that it had not been possible to broach during the transition to democracy.
5. **A representative of Spain** said that the Democratic Memory Act had not been adopted in an attempt to bring about the abandonment of the Amnesty Act. The purpose of the former was, instead, to introduce certain provisions that would ensure fulfilment of the country's international obligations in the area. One such provision was article 28, which provided for the establishment of a special prosecutor's office to investigate human rights violations committed during the Civil War and the dictatorship. The office worked closely with the victims of such violations, who were entitled to receive material reparations. Other measures set out in the Act included the abolishment of aristocratic titles handed out by the Franco regime. As of March 2025, some 7,000 of the regime's victims had been exhumed; plans had been made to exhume a further 13,000 victims in the near future. Women migrants who were in an irregular situation and who had fallen victim to gender-based or sexual violence or trafficking had an automatic right to receive a residency permit once their victim status had been established.
6. **A representative of Spain** said that the Council for the Elimination of Racial and Ethnic Discrimination was attached to the Ministry of Equality and made up of representatives of national, regional and local government bodies, businesses, trade unions and civil society organizations. Its first mission was to promote equal treatment and non-discrimination by issuing recommendations and communications in response to racist incidents, conducting studies and preparing reports. The Council's recent report on the perception of racial or ethnic discrimination by potential victims had revealed that such individuals, in particular people of African descent and members of the Gitano community, felt that racism was at a high level.
7. The second mission of the Council was to provide independent assistance to victims of direct and indirect racial discrimination. In 2022, the significant rise in the budget earmarked for the Council had enabled it to take a number of measures to improve its victim support service, details of which were contained in paragraph 76 of the periodic report (CCPR/C/ESP/7). The steady increase in the number of cases being reported to the Council, which had reached almost 3,000 in 2024, reflected the work that had been done to make it easier for victims to come forward. The fact remained, however, that just 1 in 5 victims filed reports, which meant that additional efforts to tackle underreporting were required. The

Government recognized the need to step up awareness-raising activities, including at the earliest stages of education, to reduce the number of racist acts being committed.

8. **A representative of Spain** said that the amendment to article 156 of the Criminal Code meant that forced sterilization was now criminalized in all circumstances, and no new cases had been reported since its entry into effect.

9. One of the main challenges in terms of awarding reparations to the victims lay in identifying the exact number of individuals who had been subjected to the practice. That task was currently being carried out by the National Council on Disability, which was also considering what form of reparations would be most effective. In December 2021, the Government had issued a formal apology to the victims and approved an institutional declaration expressing solidarity with the women and girls with disabilities who had been affected. It had also taken steps to enhance compliance with the Convention on the Rights of Persons with Disabilities, strengthen policies tackling discrimination against such persons and improve support for victims. Specific guidelines on sexual and reproductive health would be incorporated into the first-ever action plan on the protection and promotion of the rights of women and girls with disabilities.

10. **Mr. Quezada Cabrera** said that he would like to know what steps the State Party had taken to give effect to the recommendations made by the national mechanism for the prevention of torture, in particular those concerning the material conditions in the oldest prisons, the prison health system, the use of restraint measures and the treatment of prisoners with mental health conditions. The delegation might explain what circumstances would lead to the solitary confinement of a prisoner for the maximum period of 42 days and indicate whether the State Party had considered ending that practice. He would welcome information on the conditions in which prisoners with disabilities or mental health conditions who had been subjected to solitary confinement were held and the medical treatment provided to them.

11. He wondered whether alternatives to detention were used when dealing with persons being held in migrant holding centres and, if so, what alternatives existed and in what percentage of cases they were applied. It would be helpful to know what measures had been adopted in response to complaints that minors in detention who had broken prison rules had suffered ill-treatment at the hands of prison officers. The Committee had been made aware that, between 2016 and 2019, persons deprived of their liberty in the prisons of Huelva and Córdoba had been subjected to electric stimulation as part of an experiment to determine whether the technique could reduce aggressive behaviour. Accordingly, he wished to know whether the State Party had conducted an investigation into the incident and, if so, what the outcome had been and what measures had been taken to ensure that such experiments were never conducted again. Information on the situation of women who had been deprived of their liberty would be appreciated.

12. The delegation might explain why incommunicado detention continued to be authorized, including in cases involving minors between 16 and 18 years, and indicate whether the State Party had seriously considered abolishing the practice. He would also welcome the delegation's comments on the situation of inmates who had been identified as the most dangerous offenders and the reported absence of laws limiting the period of time for which they could be held in closed facilities or special wards.

13. **Mr. Teraya** said that he would appreciate more detailed information on the quantitative study on trafficking, sexual exploitation and prostitution among women and girls, including an estimated time frame for the publication of its findings. It would be helpful to know to what extent the proposal to harmonize the criteria for determining that a woman was at risk of trafficking, sexual exploitation or other situations of vulnerability in contexts of prostitution had been implemented in practice and what challenges remained in ensuring the uniformity of those criteria across all regions. The delegation might provide a timeline for the adoption of the draft law on trafficking, specify what matters that law would address and indicate whether the State Party planned to establish a genuine national referral mechanism.

14. He would be curious to know what progress the State Party had made in developing a standard procedure for identifying and protecting unaccompanied foreign minors and whether its age- and rights-based approaches offered the flexibility needed to handle the diverse range of cases encountered. It would be useful to learn what steps were being taken

to ensure that all unaccompanied foreign minors received appropriate legal assistance and support in integrating into society and, once they reached adulthood, the labour market. What had the State Party done to guarantee the identification of children in need of international protection?

15. He would appreciate the delegation's comments on the extent to which the restriction of freedom of expression on grounds of slander and libel was compatible with international standards, in particular article 19 (3) of the Covenant, and on the steps being taken to ensure compliance with that article in law and in practice. He wondered why defamation continued to be classed as a criminal offence and whether the State Party intended to remedy that fact. He wished to know whether the current legal regime was sufficient to guarantee transparency with regard to the disclosure of information, whether information was routinely disclosed and what measures had been taken to promote the widespread implementation of Act No. 19/2013 of 9 December on transparency, access to public information and good governance.

16. The Committee had been made aware that, between 2017 and 2020, at least 65 Catalan politicians, activists and public figures had been targeted with spyware linked to the National Intelligence Centre. Additional reports had highlighted instances in which members of the police had infiltrated social movements without judicial authorization and the courts had refused to investigate the incidents. A response to those allegations would be welcome, as would an indication of whether the State Party intended to initiate any investigations. He would appreciate information on the status of implementation of Organic Act No. 1/2024, which granted amnesty to individuals involved in pro-independence activities in Catalonia, in addition to a description of the procedures provided for in the Act, the groups it covered and the expected impact of the recent ruling by the Constitutional Court on its application. He would be interested to hear the delegation's thoughts on the Act's compatibility with international standards and the Views adopted by the Committee concerning communication No. 3165/2018 (*Carles Puigdemont i Casamajó v. Spain*).

17. **Mr. Helfer** said that he wished to learn more about the various types of migrant holding centres, specifically how the State Party identified the needs of vulnerable individuals prior to and during detention and whether it provided consistent access to medical care, psychological support and legal aid for detainees. He would welcome the delegations' comments on reports of inadequate reception conditions for migrants, including at Madrid-Barajas Airport, of asylum-seekers in Ceuta, Melilla and the Canary Islands being forced to sleep in the streets owing to insufficient reception capacity and delays in the asylum application process, and of overcrowding and abuse of unaccompanied minors in detention, particularly in the Canary Islands. He would also welcome detailed information on progress towards redistributing unaccompanied minors in the Canary Islands to other locations in the State Party.

18. He would like to know what specific steps the State Party was planning to take to address concerns about the inadequacies of asylum application assessment procedures, which were resulting in long wait times, the development of a black market for appointment slots and a burgeoning backlog in applications.

19. Against the backdrop of reports of ongoing pushbacks and automatic summary returns, especially in Ceuta and Melilla, and of ill-treatment of migrants by border officials, including well-publicized fatal cases, he was interested in hearing what specific measures the State Party would take to prevent the death and ill-treatment of migrants, to ensure that border forces were properly trained and to conduct effective, timely and transparent investigations into alleged violations. He wondered how the State Party was implementing the ruling by the High Court of Justice of Andalusia that the immediate return of individuals intercepted at sea or on the beaches of Ceuta was unlawful, whether it would consider repealing or amending the special regime for Ceuta and Melilla and when it intended to cease the practice of pushbacks and summary returns and ensure that all persons intercepted at or near the border of the Spanish enclaves were admitted to the territory and could apply for international protection.

20. Lastly, he would be grateful for further details about the terms of the 2022 security cooperation agreement between the State Party and Morocco that allowed the State Party to

deport arriving migrants back to Morocco without administrative processing or a judicial order. It would be useful to learn how the State party ensured that migrants were able to apply for asylum and were guaranteed humane treatment when returned to Morocco.

21. **Ms. Tigroudja** said that she would welcome information on the status of the amendment of the Public Safety Act to address concerns about the disincentives for journalists to report on police operations, as well as data on the number of convictions and the nature of the penalties imposed in administrative cases brought against journalists under the Act. She wished to know whether officers continued to be sent undercover to observe and gather intelligence on social movements and what the status was of the proposed amendments to limit the criminalization of individuals for exercising their freedom of expression, which, in keeping with the judgement of the European Court of Human Rights in the case *Handyside v. the United Kingdom*, extended to ideas that offended, shocked or disturbed.

22. In reference to the findings of the Group of States against Corruption contained in its second compliance report on the State Party issued in April 2025 – notably that Spain had failed to implement or satisfactorily address any of the 19 recommendations – and to the fact that the delay in setting up the General Council of the Judiciary had had a considerable impact on the independence and impartiality of the judiciary, it would be useful to know whether the General Council was henceforth fully and independently operational, what elements of the proposed judicial reforms had caused justice officials to call a strike on 1 July 2025 and what measures were being taken to ensure that the reforms were in line with article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and article 14 of the Covenant.

*The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.*

23. **A representative of Spain** said that healthcare was a priority of the General Secretariat of Prisons, but the lack of doctors in prisons was symptomatic of a generalized, Europe-wide shortage. In the specific context of Spain, healthcare was a devolved power of the autonomous communities; however, the transfer of that power in respect of prisons had been completed in only three of the autonomous communities thus far. In the meantime, the central Government was ensuring the provision of high-quality basic services to the entire prison population through government doctors, and steps were being taken to offset the incomplete roster of medical professionals in prisons. For example, telemedicine, first introduced in response to the coronavirus disease (COVID-19) pandemic, was being maintained, such that a doctor was available remotely 24 hours a day for all prisons under the jurisdiction of the central Government. In addition, work was ongoing with the autonomous communities to ensure the interoperability of prison and external computer systems so that medical files could be shared.

24. Emergency care for persons deprived of their liberty was coordinated with the general emergency services and with the police in cases where transfer to a referral hospital was needed. Every prison was affiliated with a referral hospital for the provision of emergency care and treatment of serious illnesses. The referral hospital also provided candidates for vacancies on the prison's medical roster.

25. Any experimentation on prisoners was strictly prohibited. However, universities and accredited civil society organizations could request authorization to conduct studies of specific issues in prisons. In the case of the Huelva and Córdoba prisons, a study had been conducted of persons who exhibited violent behaviour. Participation had been entirely voluntary.

26. The use of physical restraints was a coercive measure expressly regulated by law. The Prison Act addressed the use of handcuffs and soft restraints to subdue prisoners in accordance with the principles of legality and proportionality. A protocol on the use of physical restraints drew on the recommendations made by the national mechanism for the prevention of torture; both the protocol and the recommendations were publicly available. All instances of the use of physical restraints were video recorded. The training provided to prison guards since 2018 in the handling of violent conduct and de-escalation techniques had significantly reduced the use of physical restraints. Where chemical restraints were necessary owing to the person's level of violence or aggression or mental condition, they were administered by a medical professional in keeping with detailed legal safeguards.

27. **A representative of Spain** said that the right of detained minors to communicate with the consular authorities of their country of origin could not be restricted. National legislation had been amended in 2015 to incorporate Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. As a result, the Committee of Ministers of the Council of Europe had terminated all the monitoring cases that had been opened pursuant to the judgments against Spain in cases of solitary confinement amounting to torture. Solitary confinement was an extraordinary measure applied for the shortest possible amount of time and subject to continuous judicial oversight. Persons in solitary confinement enjoyed enhanced healthcare rights, including twice daily visits by a forensic doctor. A bill had been developed to introduce the special healthcare measures and a requirement to set up video surveillance of solitary confinement cells, along with further safeguards, in the Criminal Procedure Act.

28. **A representative of Spain** said that the purpose of the study funded by the Special Government Office on Gender-based Violence had been to determine the number and geographic distribution of women engaged in prostitution in Spain and to estimate the number of women who were victims of or at risk of becoming victims of trafficking for purposes of sexual exploitation. The study focused exclusively on advertisements for women prostitutes posted on the websites of companies offering in-person services. Of the 204,433 advertisements, 94 per cent were for women in a situation of prostitution, 1.58 per cent for transgender women in a situation of prostitution and 1.84 per cent for men in a situation of prostitution. Most of the women were between the ages of 18 and 24 years; more than 51 per cent were from Latin America and 16 per cent were from European backgrounds. The Balearic Islands had the largest number of women in a situation of prostitution, followed by Catalonia. An estimated 8 per cent to 15 per cent of women in a situation of prostitution were at risk of trafficking for purposes of sexual exploitation.

29. After being stalled by the announcement of early elections in 2023, the anti-trafficking bill was currently being negotiated by the Ministries of the Interior, of the Presidency, Justice and Parliamentary Relations and of Inclusion, Social Security and Migration. The Government was taking a comprehensive approach, going beyond the criminal response to address prevention and public awareness, recognize specific rights for women victims and provide a range of assistance measures for their children and other dependents. The bill would provide for a national referral mechanism in line with Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and the recommendations of the Group of Experts on Action against Trafficking in Human Beings. Some 55 external contributions had been received, including a report by the Social Forum against Human Trafficking for Purposes of Sexual Exploitation. Consideration of the bill by the legislature would begin in September 2025.

30. **A representative of Spain** said that only the security forces were responsible for detecting cases of trafficking in persons because recognition as a trafficking victim gave rise to entitlements under the Aliens Act, including compensation, return assistance and a residency and work permit. Given the importance of the issue, a national framework protocol on the identification of trafficking victims had been adopted in 2011 and training was provided to new security forces recruits and serving personnel. The indicators they were trained to consider included the individual's body language and sociocultural or economic situation, the inability to speak freely with friends and family, the lack of personal identification documents, the nature of his or her relationship with the suspected trafficker and the location where he or she was found.

31. Placement in a migrant holding centre was a measure of last resort applied to foreign nationals subject to expulsion who were in an irregular situation or posed a flight risk or a danger to national security, public order or public health. The alternatives to such placement, provided for in article 60 of the Aliens Act, included detention for 72 hours, confiscation of personal identification documents, regular reporting and the requirement to live in a specific place.

32. Temporary stay centres for immigrants were used to detain foreign nationals for no more than 72 hours. It was not necessary to have specific regulations governing the centres, as they came under the hierarchical and operational authority of the local police, which was regulated. Any person who entered the country in an irregular manner was subject to detention as the initial stage of the expulsion process.

33. There was no overcrowding at the temporary stay centres, which had an average occupation rate of 30 per cent. In order to overcome challenges presented by the mass arrival of asylum-seekers at Madrid-Barajas Airport between November 2023 and January 2024, the number of rooms designated for such persons had been increased from two to four, one of which had been reserved for women and girls, and the asylum application process had been sped up, in coordination with the Office for Asylum and Refugees. Under a joint instruction issued recently by the Secretary of State for Security and the Undersecretary of the Interior, priority would be given to processing the asylum applications of persons who had arrived in Ceuta and Melilla irregularly. As a result of the arrival in the Canary Islands of approximately 38,000 asylum-seekers in 2023 and approximately 46,000 in 2024, a strategy to strengthen resources which specifically covered the handling of minors had been launched in cooperation with the police.

34. **A representative of Spain** said that a humanitarian assistance programme had been established to help migrants who lacked the means to support themselves. In response to the sudden increase in asylum-seekers that had resulted from crises such as those in the Syrian Arab Republic, Ukraine and Afghanistan, the Government had increased the number of persons to whom it provided international protection from approximately 900 in 2015 to a current total of 34,000. Four large reception centres had been opened on the mainland with a view to accommodating the large number of people who had arrived in the Canary Islands and enabling their asylum applications to be received on the mainland under an exceptional procedure. Since November 2023, approximately 35,400 people had been accommodated in those centres and, since February 2023, more than 3,700 asylum applications had been processed.

35. **A representative of Spain** said that the Government was committed to upholding the rights of child migrants, who were especially vulnerable. A system had been set up between the country's autonomous communities with a view to ensuring the equitable distribution of migrants across the country. Royal Decree-Law No. 2/2025 provided for approximately €100,000 of support to be provided to autonomous communities that had reported having excess costs related to the influx of migrants. Under the Decree-Law, the Government had adopted emergency measures for ensuring that the best interests of the child were taken into account in exceptional migration situations. Efforts were being made to develop a Royal Decree that would set out minimum standards of care and services for migrant children in each autonomous community, including directives on relevant training for professionals and measures to prepare migrant children for future employment and independent life.

36. **A representative of Spain** said that the Government consistently applied the principle of presumption of minority and used non-invasive testing when determining migrants' ages. The Government was committed to ensuring that minors, who often presented themselves as adults with the objective of obtaining employment so that they could send money home, were properly identified. A national network of prosecutors who specialized in cases of trafficking and smuggling of migrants was developing common age determination procedures and could provide advice in difficult cases. A bill had been developed under which such procedures would be conducted as part of judicial rather than administrative proceedings, which would help to protect minors' rights. Minors received free legal aid, and migration processes could be initiated only once age had been determined.

37. A bill repealing an article of the Criminal Code that criminalized insults to religious sentiments was currently being addressed in the parliament. The bill was based on the doctrine of the European Court of Human Rights regarding the limits of criticism of religious sentiments and hate speech. Mechanisms protecting the right to religious freedom were still in place in criminal and civil law.

38. Based on a Constitutional Court ruling of 2020, the criteria that judges were to evaluate when considering controversial messages in cases related to glorification of

terrorism had been expanded in line with the practice of the European Court of Human Rights to include such factors as the significance of the message in the formation of public opinion and whether the handing down of a conviction could negatively affect the exercise of freedom of expression. A review of all convictions handed down in such cases in 2024 and thus far in 2025 had revealed that the element of a clear threat exceeding the limits of freedom of expression had been present in each case.

39. **A representative of Spain** said that the Public Safety Act related to administrative rather than criminal proceedings. Citizens had the right to appeal administrative sanctions. Data on the application of sanctions under articles 36 (6) and 36 (23) of that law, which, respectively, concerned disobedience and the use of images, had been published regularly by the Ministry of the Interior and demonstrated that such sanctions had, for the most part, been applied throughout the country at a stable rate; a significant increase in their application in 2020 had been due to the exceptional situation caused by the COVID-19 pandemic in relation to the exercise of freedom of movement. The Public Safety Act, which the Constitutional Court had found to be constitutional in a ruling issued in 2021, was currently being amended in the parliament.

40. The unique nature of the territories of Ceuta and Melilla necessitated the use of unique measures at their borders, including pushbacks, the use of which was provided for in article 10 of Organic Act No. 4/2000 of 11 January 2000 on the rights and freedoms of foreign nationals in Spain and their social integration and supported by a ruling issued by the European Court of Human Rights in 2020. Spain had condemned the tragic incidents that had occurred in Melilla and on the beaches of El Tarajal, which had demonstrated the extent of the abuses committed by criminals against vulnerable people. There had been an increase in the number of cases related to such incidents that had been brought before the courts, including the Supreme Court. A case involving the jumping of a fence south of Melilla had been investigated by the public prosecutor's office and the Ombudsman's Office and both cases had been closed.

41. **A representative of Spain** said that, in addition to women-only prisons, there were also wings for women at larger facilities. Women currently accounted for just over 5 per cent of the general prison population. The "To Be a Woman" programme had been launched 20 years previously with the aim of identifying women who had experienced domestic violence or prostitution and providing them with tools to help protect them from falling into similar situations following release. An administrative decree issued in 2014 provided that all prisons were to use a gender perspective in their approach to the issue of suicide in prison.

42. There were approximately 400 level-one, or highly dangerous, prisoners in the prison system. Their status was reviewed every three months, which was half the six-month review period used for other prisoners, and their treatment was regulated under a directive issued in 2011 that had received the support of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Isolation, which was covered in the prison regulations published in 1996, was a separate measure used to isolate prisoners for a matter of hours, at most, in the event of a conflict.

43. **A representative of Spain** said that 7 of the 11 recommendations issued by experts in a report on the fight against corruption published by the Group of States against Corruption in June 2024 had been fulfilled thus far. An agreement reached between political parties in June 2024 had made it possible to appoint new members of the General Council of the Judiciary. Since then, 120 vacancies for judges had been filled and new members of the Supreme Court had been appointed by consensus. The problem of strikes by prosecutors and judges was being addressed with a new process for selecting those officials in which written reports would be prioritized over broader statements. Complaints related to insufficient transparency on the part of public bodies could be brought before the courts. The process for obtaining access to information was regulated by a law that took considerations of privacy and confidentiality into account.

44. **A representative of Spain** said that the Judiciary Act (No. 6/1985) and the Organic Statute of the Public Prosecution Service had been amended in 2024 with a view to preventing conflicts of interest from arising in the work of judges and prosecutors, and an oversight mechanism had been established with that aim. Steps had been taken to protect



whistle-blowers, and a special unit for combating corruption in the private and public domains had been set up. A bill for ensuring the transparency and integrity of interest groups, particularly lobbies, had been developed. The Organic Statute of the Public Prosecution Service was being amended to safeguard the Service's independence and ensure that its mandate was in line with the relevant standards.

45. **Mr. Carazo** said that he wished to know why members of the Civil Guard such as Enrique Rodríguez Galindo who had received lengthy prison sentences for crimes including the murders of José Antonio Lasa and José Ignacio Zabala had not been stripped of their decorations, when failure to do so revictimized and humiliated their victims. He would appreciate information on the human rights situation of people of African descent in Spain, particularly in the light of the country's colonial history and its proximity to Africa.

46. **Mr. Helfer** said that he would appreciate clarification as to whether asylum applications filed by migrants in a regular situation were prioritized over those submitted by migrants in an irregular situation. Regarding pushbacks, the judgment of the European Court of Human Rights mentioned by the delegation did not cover all the relevant legal issues. It dealt with the collective expulsion of aliens, not the ability of individuals to seek international protection. Moreover, the Court's interpretation of the European Convention on Human Rights did not limit the State Party's obligations under the Covenant, which prohibited cruel, inhuman or degrading treatment and implicitly established the principle of non-refoulement. The Committee understood that irregular migration was a thorny issue but remained seriously concerned by the problems that continued to be reported and considered that the events that had taken place in Ceuta and Melilla should be investigated more thoroughly.

47. **Mr. Teraya** said that he would like to know how many autonomous communities were involved in the initial reception of unaccompanied foreign minors; whether certain key principles, such as the presumption of minority, were consistently applied across all regions; and whether the Ministry of Foreign Affairs had sufficient administrative resources to deal with the large number of unaccompanied foreign minors, given that the best interests of the child must be assessed individually in each case.

48. **Mr. Quezada** said that he would like to know what action had been taken in response to the recommendations of the national preventive mechanism on the use of mechanical restraint of persons deprived of their liberty. Noting the distinction between solitary confinement under the General Penitentiary Law and incommunicado detention under the Criminal Procedure Act, he asked on what grounds incommunicado detention could be imposed.

49. **Ms. Tigroudja** said that it would be helpful if the delegation could expand on its response to her questions regarding the fight against corruption. The Committee had been informed that some posts at the Constitutional Court remained vacant. She would like to know whether that was indeed the case and, if so, why. In the light of reports that the ongoing judicial reform would undermine prosecutorial independence and equality of access to judicial posts, she would appreciate more information on the changes that were being made in that context.

50. **A representative of Spain** said that, according to the Democratic Memory Act, decorated officials who were found to have committed human rights violations, either during the dictatorship or later, could be stripped of their medals. The procedure in question had recently been initiated.

51. **A representative of Spain** said that combating discrimination against minorities, including people of African descent, was a policymaking priority. Studies had been conducted in cooperation with partners such as the Inter-American Network of High Authorities on Policies for People of African Descent, and activities had been organized to raise awareness of racial discrimination, including annual events to mark the International Day for the Elimination of Racial Discrimination.

52. **A representative of Spain** added that the Government maintained a constant dialogue with the Committee on the Elimination of Racial Discrimination.

53. **A representative of Spain** said that, on account of the large number of migrants in an irregular situation arriving in Spain via the Canary Islands, the Ministry of the Interior had

made arrangements to enable such migrants to apply for asylum in Madrid. However, it was not a question of giving priority to certain applications over others.

54. **A representative of Spain** said that all procedures relating to the return of migrants to Morocco were handled in accordance with Spanish law, pursuant to the applicable bilateral agreement of 1992, which stated that cases should be processed in accordance with the national legislation of each signatory State.

55. **A representative of Spain** said that, given the scope of the legal debate opened by Mr. Helfer on the issue of pushbacks, the delegation could not respond immediately but would provide information in writing after the meeting.

56. **A representative of Spain** said that it was important to distinguish between undercover agents, whose work was governed by the Criminal Procedure Act and subject to judicial oversight, and infiltrators, whose work was governed by Organic Act No. 2/1986 on the State security forces. Both types of agent worked to ensure public safety and to protect citizens' rights and freedoms.

57. **A representative of Spain** said that Organic Act No. 1/2024 applied to both those who had promoted and those who had opposed the independence of Catalonia. The Government considered that the Act was not relevant to the Committee's Views concerning communication No. 3165/2018 (*Carles Puigdemont i Casamajó v. Spain*), in which the Committee had found a violation of article 25 of the Covenant but had concluded that its Views constituted sufficient reparation for the violation. In its ruling of June 2025 on the Act, the Constitutional Court had raised two main issues, namely the question of whether the misappropriation of funds in the context of the independence movement could be considered an act committed for personal gain, and the question of which acts could be classified as crimes affecting the financial interests of the European Union and therefore excluded from the scope of the amnesty. The first issue was being discussed by the national courts, while the second had been referred to the Court of Justice of the European Union.

58. **A representative of Spain** said that several cases brought under Organic Act No. 1/2024 could not be resolved until the Court of Justice of the European Union had issued a preliminary ruling on the matters that had been referred to it. He wished to draw attention to the findings of the European Commission for Democracy through Law on the issue of the separation of powers in paragraph 125 of its Opinion on the rule of law requirements of amnesties, with particular reference to the parliamentary bill of Spain "on the organic law on amnesty for the institutional, political and social normalisation of Catalonia" (CDL-AD(2024)003). It could be concluded that it was up to the courts to decide on the application of the Act in each individual case; the courts could choose to defer their decision on an individual case until the applicability of article 1 of the Act had been clearly established; and the courts' decisions could be appealed through the usual channels. Spanish law contained broad provisions on third-party participation: entities with a legitimate interest in the case could request to become a party to the proceedings and had the right to appeal.

59. **A representative of Spain** said that, while all autonomous communities were equally responsible for the protection of minors, the challenges associated with the migration of minors particularly affected those located at the border. The budget allocated to the autonomous communities for the reception of unaccompanied foreign minors had been increased from €35 million in 2024 to €100 million in 2025. The principle of the presumption of minority was consistently applied. Migrants identified as minors were placed under the temporary guardianship of the autonomous community where they had been identified as such.

60. **A representative of Spain** said that the use of mechanical restraint against prisoners was governed by a protocol based on the recommendations made by the national preventive mechanism in 2017. Mechanical restraint was used only in cases of extreme aggression or self-harm; in other situations, alternatives such as de-escalation were used. In recent years, the number of cases of mechanical restraint per year had not exceeded 300. There were cases in which mechanical restraint was used to administer medical treatment, in line with the approach followed by hospitals. All such incidents were recorded on video. Some alternatives to mechanical restraint had been tested but deemed unsatisfactory, such as padded cells, which did not prevent self-harm or suicide.

61. Article 10 of the General Penitentiary Law established the closed prison regime, which was applicable to prisoners convicted of very serious crimes, such as extreme violence or terrorism. Some 390 prisoners, of whom 15 were women, were currently being held under that regime. The application of that regime was reviewed every three months, with due regard for the prisoner's individual circumstances, and was subject to judicial oversight.

62. Solitary confinement was used as a disciplinary sanction, for example in cases of interprisoner violence, for a maximum of 14 days. In cases where several, cumulative sanctions were imposed for multiple, serious offences, solitary confinement could last for up to 42 days. However, the prison administration had accepted the recommendation of the national preventive mechanism that, in such cases, periods of solitary confinement should not exceed 14 consecutive days without a break.

63. Incommunicado detention could be ordered in the context of a criminal investigation, for a maximum of 5 days, to prevent the accused person from hiding or destroying evidence or contacting third parties. It could be imposed only by order of a judge and in relation to serious offences such as terrorism.

64. **A representative of Spain**, thanking the Committee members for their detailed questions, said that the realization of the rights enshrined in the Covenant was an ongoing process. The Government was aware of the important role played by the Committee in supporting that process and would continue to engage in dialogue with the Committee.

65. **The Chair** said that the Committee wished to commend the State Party for its progress in several areas and to thank the delegation for its efforts to address the concerns raised during the constructive dialogue. It looked forward to seeing continued progress towards the full implementation of the Covenant.

*The meeting rose at 1.05 p.m.*