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Spain

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. Two treaty bodies recommended ratifying the International Convention on the Protection of All Migrant Workers and Members of Their Families.²

3. Spain had made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights.³

III. National human rights framework

1. Constitutional and legislative framework

4. The Special Rapporteur on minority issues noted that the Constitution and Organic Act No. 4/2000 contained a limited number of grounds for prohibited distinctions, which did not include language. He recommended reviewing and amending legislation and other provisions dealing with the prohibition of discrimination to ensure that any list of grounds contained grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁴

2. Institutional infrastructure and policy measures

5. The Committee against Torture welcomed the activities of the Ombudsman's Office as the national preventive mechanism.⁵ It recommended providing adequate financial resources to the Ombudsman's Office and ensuring effective follow-up and compliance with its recommendations.⁶

6. The Special Rapporteur on minority issues stated that the elimination of human rights and citizenship education, as a distinct course in schools, was not particularly helpful in terms



of promoting an inclusive, tolerant society through education, and should be reconsidered. He recommended a comprehensive review of school textbooks to incorporate more inclusive and positive portrayals of the country's diversity.⁷

7. The Special Rapporteur on minority issues noted that Spain did not systematically collect disaggregated data on its population's languages, cultures or religion.⁸

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

8. While welcoming the Observatory on Racism and Xenophobia, the Special Rapporteur on minority issues noted that Spain did not have an independent equality body.⁹

9. The Special Rapporteur noted that the practice of ethnic profiling had unfortunately not entirely disappeared, and more training programmes needed to be set in motion to more effectively and specifically address the phenomenon.¹⁰

10. The Special Rapporteur recommended that a national review be conducted and a strategic plan adopted to combat all forms of racism, xenophobia and intolerance. He recommended more effectively investigating, prosecuting and sanctioning alleged cases of hate speech, including those committed on the Internet and other media; and carrying out high-visibility media and public awareness campaigns to encourage an inclusive society comprised of many different cultures, religions and languages.¹¹

11. The Committee against Torture expressed concern over the broad discretion granted to security forces by Organic Act No. 4/2015 on citizen security, particularly regarding identity checks and body searches on public roads.¹² It recommended ensuring strict enforcement of the prohibition on identity checks based on racial profiling, limiting body searches to what was strictly necessary and proportional to the objective, and ensuring strict control over the applicable rules.¹³

12. The Committee on the Elimination of Discrimination against Women noted the absence of an intersectional approach in implementing gender equality laws to address discrimination against groups such as Roma women and refugee and migrant women.¹⁴ It recommended maintaining and expanding the Calí programme to empower Roma women.¹⁵

13. Special procedure mandate holders called on all Spanish politicians to stop stigmatizing migrants, members of the Roma minority, and anyone who was living in poverty.¹⁶

2. Right to life, liberty and security of person, and freedom from torture

14. The Committee against Torture noted that the definition of torture in the Criminal Code did not fully align with the Convention and emphasized the need for penalties that reflected the grave nature of the crime. It urged Spain to revise and modify its criminal legislation in line with the Convention and to ensure that the offence of torture was not subject to any statute of limitations.¹⁷

15. The same Committee expressed concern over reports of numerous serious injuries caused by the use of rubber and foam impact projectiles during demonstrations and border control operations.¹⁸ It noted the inclusion of conducted electrical weapons in the equipment of the National Police and the Civil Guard.¹⁹ It recommended reviewing national legislation on the use of force and firearms to align it with international standards,²⁰ reviewing and publishing protocols for managing demonstrations and border control, and ensuring systematic training for law enforcement officials on the use of force in accordance with international human rights standards.²¹

16. The Committee on Enforced Disappearances recommended that Spain amend the Criminal Code to include the term "enforced disappearance" and establish specific and

proportionate penalties for that offence, and ensure that the application of term “victim” in Act No. 4/2015 was applied in alignment with the definition in the International Convention for the Protection of All Persons from Enforced Disappearance.²²

17. The Committee against Torture recommended that Spain ensure that all complaints of torture and ill-treatment were investigated by an independent body and that authorities initiated investigations *ex officio* when such acts were suspected, ensure that alleged perpetrators were suspended during the investigation, strengthen the mandate of the National Human Rights Safeguarding Office, and provide related training for law enforcement and medical staff in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised.²³ It also recommended ensuring investigations into alleged cases of torture and ill-treatment referred to in the 5,379 documented testimonies in the Basque Country and Navarre.²⁴

18. The Committee against Torture expressed concern about regulations allowing solitary confinement as a disciplinary sanction, particularly its use on people with intellectual or psychosocial disabilities;²⁵ and that Organic Act No. 5/2000 and Royal Decree No. 1774/2004 permitted *de facto* isolation of minors.²⁶ The Committee recommended limiting solitary confinement to exceptional cases, as a last resort, and for the shortest time possible, and prohibiting its use for individuals with mental or physical conditions that could worsen and for juveniles.²⁷ The Committee on Enforced Disappearances recommended abolishing solitary confinement through the proposed amendment to the Criminal Procedure Act.²⁸

19. Two treaty bodies urged Spain to consider abolishing *incommunicado* detention and to ensure that all detainees, particularly juveniles, had access to fundamental legal safeguards throughout criminal proceedings.²⁹

20. The Committee against Torture expressed concern about the shortage of prison doctors, including mental health specialists, and about inadequate medical services,³⁰ as well as about reports that prison administrations inadequately addressed the special needs of women prisoners, which included gaps in sexual and reproductive health services and insufficient counselling for victims of gender-based violence.³¹ It recommended enhancing prison healthcare, by ensuring sufficient medical staff to provide timely and adequate care;³² and ensuring that the specific needs of women deprived of liberty were met in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).³³

21. The same Committee recommended conducting independent investigations into all deaths in custody. It also urged Spain to review suicide and self-harm prevention strategies, to provide appropriate training to prison staff, and to compile and publish detailed statistics on deaths in detention and the outcomes of investigations.³⁴

22. The same Committee expressed concern about the use of mechanical restraints, especially on individuals with intellectual or psychosocial disabilities or those at risk of self-harm or suicide.³⁵ It recommended strengthening rehabilitation programmes, including for persons with disabilities, and reviewing regulations on mechanical restraints to abolish their use.³⁶

3. Administration of justice, including impunity, and the rule of law

23. The Special Rapporteur on the independence of judges and lawyers recalled that fair trials required impartial judges, and that in Spain, that impartiality was closely linked to the free and independent functioning of the General Council of the Judiciary.³⁷

24. The Committee against Torture noted the recent prosecution of 45 officers of the National Police over the events in Barcelona on 1 October 2017 but expressed concern about the slow progress of the investigations.³⁸ It recommended carrying out prompt and impartial investigations into complaints of excessive use of force by law enforcement personnel, with appropriate punishment for those found guilty and full reparations for victims and their families.³⁹

25. The same Committee regretted the legislative change that had restricted the principle of universal jurisdiction, particularly for torture and enforced disappearance, by limiting it to cases involving Spanish nationals as the accused or as victims.⁴⁰ It recommended reviewing the legislation to ensure jurisdiction over acts of torture when the alleged perpetrator was present in Spain and extradition to another competent State had not been granted.⁴¹

26. The Committee on Enforced Disappearances expressed concern that military courts may have jurisdiction over cases of enforced disappearance committed by military personnel, unless certain exceptional conditions were met.⁴² It recommended excluding the investigation and prosecution of enforced disappearance cases from the competence of military courts.⁴³

27. Three treaty bodies welcomed the enactment of Law No. 20/2022 on democratic memory,⁴⁴ but regretted that this act did not eliminate barriers to the investigation of past serious human rights violations, as the Amnesty Act of 1977 remained in force.⁴⁵ While welcoming measures taken regarding transitional justice, the Committee on Enforced Disappearances noted that the right to truth was not yet fully incorporated into domestic law.⁴⁶ It recommended establishing a mechanism to uncover the truth about past human rights violations.⁴⁷

28. The Committee on Enforced Disappearances expressed concern about the lack of progress in investigating past enforced disappearances and about reports of judicial authorities presuming the death of disappeared persons based on time elapsed.⁴⁸ It recommended ensuring that the statute of limitations began only when the enforced disappearance ended and guaranteeing access to all public and private records relevant to the investigations into past disappearances.⁴⁹

4. Fundamental freedoms and the right to participate in public and political life

29. Special procedure mandate holders were concerned by the interference with the human rights of Catalan leaders and other minority activists to freely hold and express their views and assemble peacefully and participate in associations.⁵⁰ The Special Rapporteur on minority issues joined concerns about restrictions placed on, criminal charges against, and the subsequent trials and sentences of political figures and protesters belonging to the Catalan minority. According to him, the purpose of the criminal charges brought against those individuals was to intimidate them because of their political views. He recommended reviewing the legal definition of the crime of sedition to guarantee that it did not unduly criminalize acts of peaceful civil disobedience or impose disproportionate punishments for other actions related to the exercise by minorities of their freedom of expression and freedom of peaceful assembly.

30. In ongoing matters involving individuals who exercised their democratic rights to participate in public and political life, the Special Rapporteur on minority issues urged Spain to comply with the principle of legality and certainty regarding offences whose definition and interpretation may contravene international human rights standards.⁵¹

31. The Special Rapporteur on minority issues noted that provisions in the Law on the Security of Citizens had had the perverse effect of underreporting discriminatory acts by law enforcement officials and had also led to failure to investigate and prosecute perpetrators of crimes.⁵²

32. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Spain decriminalize defamation and include it in civil law on defamation, in accordance with international standards.⁵³

5. Right to privacy

33. Special procedure mandate holders noted that between 2017 and 2020, devices of at least 65 Catalan minority politicians and activists had reportedly been targeted by a complex and sophisticated spying programme, whose victims included Catalan minority leaders, Members of the European Parliament, legislators, jurists, and members of civil society organizations. They recommended thoroughly investigating reports that Pegasus and Candiru spyware had been used to target Catalan public figures and activists in Spain following the independence bid in 2017 and recalled that Catalan leaders and other minority activists were

entitled to a private life and to privacy of correspondence, and to be treated equally before the law.⁵⁴

6. Right to marriage and family life

34. In connection with the situation of unaccompanied children, the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended developing national-level procedures to ensure harmonized assessment of the best interests of each child by competent authorities, allowing protection needs to be identified, and specific needs, including with regard to the right to family unity.⁵⁵

7. Prohibition of all forms of slavery, including trafficking in persons

35. Two treaty bodies expressed concern over the lack of comprehensive legislation addressing human trafficking.⁵⁶ The Committee on the Elimination of Discrimination against Women recommended that Spain adopt the draft organic law on trafficking and exploitation of human beings, with a strengthened focus on prevention and protection and with continued collaboration with civil society organizations.⁵⁷

36. The Committee on the Elimination of Discrimination against Women expressed concern about the low level of detection of trafficking cases by border officials, obstacles to justice for victims, and the high number of female migrants trafficked for forced labour or sexual exploitation.⁵⁸ It recommended improving identification, simplifying access to justice, preventing the trafficking of migrant women for forced labour, adopting a comprehensive definition of pimping to prosecute exploitation and enacting legislation to prevent the sexual exploitation of women.⁵⁹

37. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) requested Spain to continue its efforts to protect children under 18 years of age against trafficking in persons, and to involve social partners in the measures and action taken.⁶⁰

8. Right to work and to just and favourable conditions of work

38. The Special Rapporteur on extreme poverty and human rights highlighted the persistence of high unemployment and chronic youth unemployment in Spain.⁶¹

39. The Committee on the Elimination of Discrimination against Women was concerned that women remained less represented in employment than men, and recommended assessing the impact of gender equality laws in employment, combating workplace discrimination through effective law implementation, using artificial intelligence to better detect and eliminate gender bias in recruitment and ensuring that co-parenting and co-responsibility were included in workplace policies. It also recommended concluding the draft equality strategy for rural women, within the framework of the national strategic plan of the Common Agricultural Policy 2023–2027, to effectively implement actions in favour of all women working in the agricultural sector, in particular regarding access to ownership and access to social security.⁶²

40. The ILO Committee of Experts requested that Spain continue to strengthen the work of the labour inspectorate.⁶³ It also recommended providing an evaluation, undertaken in consultation with social partners, on the impact of the employment measures adopted, and particularly on the manner in which they had helped beneficiaries to obtain full, productive and lasting employment, and on the measures adopted to promote youth employment, particularly for low-skilled young people, including those who were neither in employment nor in education or training.⁶⁴

41. The ILO Committee of Experts expected that, in applying Royal Decrees No. 1659/1998 and No. 1620/2011, Spain would continue to take measures so that the relevant information was provided to migrant domestic workers in a manner and language that they understood.⁶⁵

9. Right to social security

42. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Royal Legislative Decree No. 2/2023 and recommended ensuring women's access to social security through its effective implementation.⁶⁶

43. The Special Rapporteur on extreme poverty regretted the largely inadequate social protection arrangements in Spain, the bureaucratization of the social assistance system, excessive requirements as obstacles, and unfair tax and expenditure policies.⁶⁷ He recommended making the tax system more progressive, thus providing the resources needed to adequately fund social protection, and investing in more effective programmes to combat tax evasion and fraud.⁶⁸

44. The Special Rapporteur on extreme poverty recommended adopting a national minimum income scheme that enabled recipients, including persons under the age of 25, to live in dignity, introducing a means-tested national child benefit and a universal, non-contributory child and family benefit scheme,⁶⁹ and reducing bureaucratic hurdles and excessive requirements to benefit from social protection.⁷⁰

10. Right to an adequate standard of living

45. According to the Special Rapporteur on extreme poverty, people in poverty in Spain had largely been failed by policymakers. He noted a persistence of widespread poverty, including a housing crisis.⁷¹ People in poverty faced extremely high housing costs, the privatization of apartment blocks and evictions.⁷² He recommended increased investments in public housing, fiscal disincentives for leaving housing vacant, action to prevent the privatization of existing low-cost housing stock, enhanced protection for vulnerable households from utility shut-offs and more support for those at risk of homelessness.⁷³

46. The Committee on the Elimination of Discrimination against Women noted the adoption of Organic Law No. 19/2021 on a minimum living income.⁷⁴

11. Right to health

47. The Special Rapporteur on extreme poverty noted the near-universal health coverage, but also that important gaps remained, such as people in poor households who needed medical assistance, including dental and mental health services, who were unable to receive it for economic reasons. He was concerned at the increasing privatization of elements within the healthcare system, which risked prioritizing profits over service provision.⁷⁵

48. The United Nations High Commissioner for Human Rights and special procedure mandate holders welcomed the adoption by Spain of legislation to uphold essential sexual and reproductive rights, including by removing restrictions on access to safe abortion.⁷⁶

49. The Committee on the Elimination of Discrimination against Women acknowledged the adoption of Organic Law No. 1/2023 on sexual and reproductive health and the voluntary interruption of pregnancy but highlighted regional disparities in implementation.⁷⁷ It recommended ensuring the effective implementation of this law, preserving universal access to abortion services, and increasing the provision of services at the local level by regional authorities.⁷⁸

50. The same Committee emphasized the need for sexual and reproductive health education.⁷⁹ It recommended strengthening comprehensive, age-appropriate and rights-based sexual and reproductive health education in schools.⁸⁰

12. Right to education

51. The Special Rapporteur on extreme poverty was concerned at the cost and the quality of education as well as at segregation by socioeconomic status and ethnicity.⁸¹ He recommended undertaking a full review of the education system to address early school-leaving, grade repetition and school segregation, and covering the full education-related costs of children at risk of poverty.⁸²

52. The Committee on the Elimination of Discrimination against Women expressed concern about the underrepresentation of women in vocational training and in science,

technology, engineering and mathematics, and recommended that Spain strengthen policies to increase women's participation in these fields.⁸³

53. The same Committee expressed concern about the low level of education among Roma women and girls and about the obstacles faced by refugee and migrant women in accessing education.⁸⁴ It recommended establishing additional educational infrastructure in the areas where Roma women lived.⁸⁵

54. The same Committee noted a lack of digital literacy, particularly among women and girls.⁸⁶ It recommended developing training on artificial intelligence and new technologies, ensuring equal access for women and girls.⁸⁷

55. UNESCO recommended introducing legislation to make pre-primary education compulsory for at least one year; amending the legislation to ensure that the minimum age of marriage was 18 years, without exception; and continuing efforts to ensure inclusion for all children, especially migrant children.⁸⁸

13. Cultural rights

56. The Special Rapporteur on minority issues noted a disconnect between the claimed status of co-official languages and the extent of their actual use. He invited Spain to consider modifying the organic law on the judiciary to guarantee a more directly exercisable right to use minority co-official languages jointly with Castilian in some autonomous communities, so that the proceedings before criminal, civil and administrative judicial authorities could be held effectively in both co-official languages.⁸⁹

57. The Special Rapporteur recommended reinstating the collection of national data on the impact of different educational models, in order to properly assess the impact of various educational models using different co-official and minority languages.⁹⁰

58. The Special Rapporteur recommended ensuring that appropriate resources, teachers, support personnel and infrastructure were in place so that children in autonomous communities with significant populations belonging to linguistic minorities had the possibility of studying in their own languages.⁹¹

14. The environment

59. The Special Rapporteur on extreme poverty stated that climate change would have a dramatic impact on the lives of people in poverty and that Spain must ensure that its social protection policies supported those already in poverty and those who would be pushed into it by climate change. The Special Rapporteur recommended immediately enacting a long-awaited law on climate change.⁹²

B. Rights of specific persons or groups

1. Women

60. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of gender-based violence against women, including a high rate of femicide, and that women and girls with intersecting identities were particularly vulnerable, notably to forced marriage and female genital mutilation. It recommended consolidating policies on preventing violence against women, notably by reinforcing the identification of vulnerable situations and through the prevention of recidivism; by strengthening the Observatory of Femicide; and by conducting an assessment of the domestic legal framework to combat gender-based violence against women and of the implementation thereof, with a view to strengthening its efficiency.⁹³ The Committee against Torture recommended providing mandatory training for judicial officials and law enforcement personnel on prosecuting gender-based violence, and conducting awareness-raising campaigns on all forms of violence against women.⁹⁴

61. Two treaty bodies welcomed the advances introduced by Organic Act No. 10/2022, for the protection of women against all forms of violence.⁹⁵ However, the Special Rapporteur on violence against women and girls, its causes and consequences, was concerned that the

law had not been accompanied by resources to ensure its proper implementation.⁹⁶ The Committee on the Elimination of Discrimination against Women expressed concern about the principle of retroactivity in the Act, which had led to a significant number of reduced sentences and releases of individuals convicted for gender-based violence.⁹⁷ The Committee against Torture recommended addressing the unintended effects of the Act on sentence reviews and reductions, and allocating sufficient resources for its proper implementation.⁹⁸ The Committee on the Elimination of Discrimination against Women recommended strengthening policies that promoted co-responsibility and the effective implementation of the Act.⁹⁹

62. The Committee on the Elimination of Discrimination against Women welcomed the Ministry of Equality and the national framework for women's rights but raised concerns about weak coordination, inconsistent regional policies, limited gender integration in climate policies, and inadequate assessment frameworks. It recommended strengthening coordination between the relevant ministries working on gender equality and women's rights within the autonomous communities to ensure the convergent and coherent application of the Convention.¹⁰⁰

63. The same Committee expressed concern that, despite the presence of specialized courts, the prosecution of gender-based violence remained ineffective.¹⁰¹ It recommended assessing the efficiency of specialized courts through a participatory approach and enhancing capacity-building efforts to eliminate gender stereotypes in the judiciary.¹⁰²

64. The same Committee welcomed progress in gender equality in decision-making bodies, however it noted that women's participation in other political and public life areas remained low.¹⁰³ It recommended institutionalizing gender equality as a criterion for public sector appointments and promotions, promoting parity in local governance, and increasing women's representation in management and leadership positions.¹⁰⁴

65. The same Committee recommended addressing the new forms of cyberviolence targeted at women and children with specific legislation, strengthening Internet platforms' self-regulation to combat stereotypes, and reforming regulations to eliminate gender bias in artificial intelligence.¹⁰⁵

66. The same Committee expressed concern over the lack of regulations and protocols to address forced marriage.¹⁰⁶ It recommended taking measures to prevent and address forced marriage and female genital mutilation.¹⁰⁷

2. Children

67. The Special Rapporteur on extreme poverty was concerned at the situation of unaccompanied migrant children, which included the use of the unreliable age assessments to determine their age, including invasive and humiliating genital examinations.¹⁰⁸ The Committee on the Rights of the Child found that procedures used by Spain to determine the age of unaccompanied migrant children violated their fundamental human rights. It called on Spain to take the best interests of the child as a primary consideration throughout the age determination process.¹⁰⁹ The Committee against Torture recommended that Spain refrain from invasive tests, conducting them only as a last resort, and ensure that unaccompanied minors and families with children were not detained solely due to their undocumented status.¹¹⁰

68. UNHCR recommended that Spain ensure the early identification of unaccompanied and separated children and adequate responses, by facilitating structural training for border police and civil servants on identification of children and their specific needs; accelerate the adoption of legislation to ensure a uniform multidisciplinary procedure at the national level for age assessments; ensure that all unaccompanied foreign children received specialized legal assistance, and appropriate information on the right and the procedure to apply for asylum, and had effective access to the asylum procedure with specific safeguards for children and guidelines for asylum and police officers; ensure that sufficient resources were invested in reception services for children and in meeting their specific needs to guarantee compliance with their rights under the Convention on the Rights of the Child; and ensure that the legal and procedural framework for the protection of unaccompanied children was implemented through effective and collaborative action and through the coordination of

responsible authorities at all levels and in a way that achieved the best outcomes for the protection and well-being of children.¹¹¹

69. The Committee on the Rights of the Child called on Spain to ensure that local administrative and judicial authorities took effective and expeditious steps to confirm a child's residence and admit him or her to the public school system without delay.¹¹²

70. Special procedure mandate holders expressed concern at a two-month power outage in a vast informal settlement near Madrid, which had affected at least 4,500 people and endangered the health of some 1,800 children. They noted that many residents were migrants or Roma, and that the lack of electricity not only had violated these children's right to adequate housing but had had a very serious effect on their rights to health, food, water, sanitation and education.¹¹³

71. The Committee on the Elimination of Discrimination against Women expressed concern that marriages could be contracted from 16 years of age with the approval of a legal guardian or judicial authority.¹¹⁴ It recommended adopting legal amendments to remove all exceptions to the legal minimum marriage age of 18 and strengthening efforts to combat child and forced marriage.¹¹⁵

72. The Committee on Enforced Disappearances recommended adopting Bill No. 122/39 on babies stolen in Spain, and ensuring the search for and identification of children who may have been victims of enforced disappearance or wrongful removal, and urged authorities to investigate all cases thoroughly.¹¹⁶

73. The Committee on the Elimination of Discrimination against Women recommended evaluating child protection policies, addressing both direct and indirect violence suffered by children, and reviewing the legal consequences regarding parental authority.¹¹⁷

74. The ILO Committee of Experts requested Spain to continue its efforts to protect migrant children and unaccompanied foreign minors from the worst forms of child labour and to ensure their integration into the school system.¹¹⁸

3. Persons with disabilities

75. The Special Rapporteur on extreme poverty noted that persons with disabilities faced many forms of structural discrimination and disadvantage in Spain, including in relation to employment, income, education and housing.¹¹⁹

76. The Committee on the Rights of Persons with Disabilities was informed about an increase in the number of children attending special schools, that segregation had almost doubled, and about the need for greater investment in education in order to provide an equal response to all pupils, including children with disabilities.¹²⁰ It recommended that Spain eliminate any educational segregation of students with disabilities in both special education schools and specialized units within mainstream schools, and to ensure that parents of students with disabilities were not prosecuted for claiming their children's right to inclusive education.¹²¹

77. The Committee against Torture recommended that Spain ensure that coercive measures in psychiatric care were used only in exceptional cases and in line with international human rights standards, that free and informed consent was systematically sought from persons with disabilities for all procedures and that mental health facilities were independently monitored, and that it adopt measures aimed at promoting alternative forms of treatment.¹²²

4. Minorities

78. In connection with events that took place in Catalonia in 2017, the Special Rapporteur on minority issues received reports of increase in hate speech and acts of aggression against members of the Catalan minority and other national minorities.¹²³ He recommended adopting a comprehensive law against racism, racial discrimination, xenophobia and related intolerance, including hate speech published on the Internet and in other media, and taking more action to counter the rise of hate speech and xenophobic and misogynistic discourse among politicians and political leaders.¹²⁴

79. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the national strategy for Roma equality, inclusion and participation (2021–2030). However, it expressed concern about the absence of specific legislation and about the persistent disparities between Roma women and other women across all areas.¹²⁵ It recommended adopting an organic law developed with equal input by Roma women and men, which included measures to eliminate discrimination and ensure equality for Roma women.¹²⁶

80. The Special Rapporteur on minority issues recommended that a new national Roma integration strategy be adopted and that it include measures to avoid and reduce the concentration of Roma students in de facto segregated schools; and that a national campaign be implemented to displace the negative stereotyping that continued to drag down members of that minority community.¹²⁷

81. The Special Rapporteur on minority issues recommended that Spain collect, analyse and disseminate reliable disaggregated statistical data, in full respect of the relevant data protection standards, on the basis of voluntary self-identification, in order to have reliable tools for the development of more effective policies and measures for the protection and promotion of the human rights of minorities.¹²⁸

82. While noting the measures taken by Spain to ensure that children from the Roma community were not exposed to the worst forms of child labour and were integrated into society, the ILO Committee of Experts encouraged Spain to pursue its efforts to integrate these children into primary, secondary and higher education.¹²⁹

5. Lesbian, gay, bisexual, transgender and intersex persons

83. The Committee on the Elimination of Discrimination against Women noted the adoption of Law No. 4/2023 promoting equality for transgender persons and safeguarding the rights of lesbian, gay, bisexual, transgender and intersex persons.¹³⁰ It recommended incorporating an ongoing evaluation process into the legislation, in order to assess its impact on the rights of all stakeholders.¹³¹

6. Migrants, refugees and asylum-seekers

84. The Committee against Torture expressed concern about the events of 24 June 2022 during a mass border crossing attempt between Spain and a neighbouring country, in which many people died and suffered injuries, and about the closure of investigations by the Attorney General's Office, the Civil Guard and the Ombudsman's Office.¹³² It recommended conducting a prompt and impartial investigation into the potential responsibility of security forces during the intervention and taking all measures necessary to prevent similar incidents in the future.¹³³

85. UNHCR had received testimonies by persons who had been returned from Ceuta and Melilla without any prior administrative procedure.¹³⁴ The Committee against Torture expressed concern about pushbacks and the inadequate oversight regulations.¹³⁵ Two treaty bodies recommended prohibiting expulsions, returns, surrenders or extraditions where there were substantial grounds suggesting a risk of enforced disappearance, torture or ill-treatment.¹³⁶ UNHCR recommended that Spain ensure that any returns were implemented with the application of legal and procedural safeguards in accordance with international law, regardless of their country of origin or mode of entry.¹³⁷ The Committee on Enforced Disappearances urged strict adherence to the principle of non-refoulement by ensuring thorough individual risk assessments, including for those crossing irregularly into Ceuta and Melilla.¹³⁸

86. The Committee against Torture noted the construction of 17 new temporary holding centers in Ceuta and Melilla. However, it expressed concern about inadequate health services, the excessive use of detention, and reports of abuse and ill-treatment.¹³⁹ It recommended ensuring adequate living conditions in all holding and detention centres, refraining from prolonged detention of undocumented immigrants and asylum-seekers, investigating reports of abuse, and guaranteeing detainees access to effective complaint mechanisms.¹⁴⁰

87. The Special Rapporteur on extreme poverty was concerned that migrants and refugees were unable to work and faced serious obstacles to decent housing, and that migrant women and girls, especially those working in agriculture, faced high vulnerability, sexual and commercial exploitation, institutional violence and a lack of protection at the most basic levels.¹⁴¹ He called on the authorities to ensure that migrant workers were guaranteed conditions, including access to adequate healthcare, that met international standards.¹⁴²

88. The Committee on the Elimination of Discrimination against Women expressed concern about the lack of gender sensitivity in asylum procedures for refugee and migrant women arriving irregularly by sea in Ceuta and Melilla.¹⁴³ It recommended preventing and addressing sexual and gender-based violence and establishing procedures to address the specific needs of women arriving irregularly by sea.¹⁴⁴

89. The same Committee recommended adopting guidelines and training asylum officers on addressing gender-based persecution of women, and strengthening steps taken to reinforce the international protection system, including the opening of two police offices in Ceuta and the implementation of the new digital system for case follow-up.¹⁴⁵

90. UNHCR appreciated measures taken by Spain to provide temporary protection to 219,370 persons between 2022 to 2024, including the allocation of means and resources.¹⁴⁶ UNHCR noted, however, that despite efforts to streamline the asylum procedure, access to it remained challenging, with waiting periods of sometimes nine months to register asylum claims, affecting access to the associated rights.¹⁴⁷

91. UNHCR recommended ensuring easy and safe access to the asylum procedure for all persons who wished to apply for international protection and to the associated rights; ensuring mechanisms to swiftly identify persons with specific needs; processing asylum claims within the legal time frame of six months, with an age, gender and diversity focus; and ensuring continued specialized training of all civil servants dealing with international protection claims and applicants, in line with the legal requirements.¹⁴⁸

Notes

¹ [A/HRC/44/7](#), [A/HRC/44/7/Add.1](#) and [A/HRC/44/2](#).

² [CAT/C/ESP/CO/7](#), para. 48; and [CEDAW/C/ESP/CO/9](#), para. 46.

³ OHCHR, *United Nations Human Rights Report 2023*, p. 82; *United Nations Human Rights Report 2022*, p. 98; and *United Nations Human Rights Report 2021*, p. 114.

⁴ [A/HRC/43/47/Add.1](#), paras. 36 and 38.

⁵ [CAT/C/ESP/CO/7](#), para. 11.

⁶ *Ibid.*, para. 12.

⁷ [A/HRC/43/47/Add.1](#), paras. 27 and 43.

⁸ *Ibid.*, para. 28.

⁹ *Ibid.*, para. 40.

¹⁰ *Ibid.*, para. 33.

¹¹ *Ibid.*, para. 43.

¹² [CAT/C/ESP/CO/7](#), para. 15.

¹³ *Ibid.*, para. 16 (f).

¹⁴ [CEDAW/C/ESP/CO/9](#), para. 19.

¹⁵ *Ibid.*, para. 20 (c).

¹⁶ See <https://www.ohchr.org/en/press-releases/2020/12/spain-power-outages-put-childrens-lives-risk-informal-settlement-un-experts>.

¹⁷ [CAT/C/ESP/CO/7](#), para. 7.

¹⁸ *Ibid.*, para. 15.

¹⁹ *Ibid.*, para. 15.

²⁰ *Ibid.*, para. 16 (b).

²¹ *Ibid.*, para. 16 (c) and (d).

²² [CED/C/ESP/OAI/1](#), paras. 6 and 10.

²³ [CAT/C/ESP/CO/7](#), para. 14 (a), (b), (c), (e) and (g).

²⁴ *Ibid.*, paras. 13 and 14 (f).

²⁵ *Ibid.*, para. 27.

²⁶ *Ibid.*, para. 29.

²⁷ *Ibid.*, paras. 28 and 30.

²⁸ [CED/C/ESP/OAI/1](#), para. 33.

- ²⁹ CAT/C/ESP/CO/7, para. 10. See also CED/C/ESP/OAI/1, para. 33.
- ³⁰ CAT/C/ESP/CO/7, para. 23.
- ³¹ Ibid., para. 21.
- ³² Ibid., para. 24.
- ³³ Ibid., para. 22.
- ³⁴ Ibid., para. 26 (a), (b), (c) and (d).
- ³⁵ Ibid., para. 19.
- ³⁶ Ibid., para. 20.
- ³⁷ See <https://www.ohchr.org/en/press-releases/2024/01/spain-un-expert-concerned-about-five-year-delay-appointing-general-council?sub-site=HRC>.
- ³⁸ CAT/C/ESP/CO/7, para. 15.
- ³⁹ Ibid., para. 16 (a).
- ⁴⁰ Ibid., para. 39.
- ⁴¹ Ibid., para. 40.
- ⁴² CED/C/ESP/OAI/1, para. 7.
- ⁴³ Ibid., para. 7.
- ⁴⁴ CEDAW/C/ESP/CO/9, para. 22; CAT/C/ESP/CO/7, para. 35; and CED/C/ESP/OAI/1, para. 13.
- ⁴⁵ CAT/C/ESP/CO/7, para. 35; and CED/C/ESP/OAI/1, para. 13.
- ⁴⁶ CED/C/ESP/OAI/1, para. 11.
- ⁴⁷ Ibid., paras. 14 and 24.
- ⁴⁸ Ibid., para. 17.
- ⁴⁹ Ibid., paras. 18 and 21.
- ⁵⁰ See <https://www.ohchr.org/en/press-releases/2023/02/spain-un-experts-demand-investigation-alleged-spying-programme-targeting>.
- ⁵¹ A/HRC/43/47/Add.1, paras. 67, 68 and 88.
- ⁵² Ibid., para. 34.
- ⁵³ UNESCO submission for the universal periodic review of Spain, para. 16.
- ⁵⁴ See <https://www.ohchr.org/en/press-releases/2023/02/spain-un-experts-demand-investigation-alleged-spying-programme-targeting>.
- ⁵⁵ UNHCR submission for the universal periodic review of Spain, pp. 5 and 6.
- ⁵⁶ CAT/C/ESP/CO/7, para. 43; and CEDAW/C/ESP/CO/9, para. 26 (a).
- ⁵⁷ CEDAW/C/ESP/CO/9, para. 27 (a).
- ⁵⁸ Ibid., para. 26 (b), (c), (d) and (e).
- ⁵⁹ Ibid., para. 27 (b), (c), (d) and (e).
- ⁶⁰ See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4056487,102847,Spain,2020.
- ⁶¹ A/HRC/44/40/Add.2, p. 1.
- ⁶² CEDAW/C/ESP/CO/9, paras. 32 (a), 33 (a), (c), (e), (f) and (g) and 37 (c).
- ⁶³ See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4318003,102847,Spain,2022.
- ⁶⁴ See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4002256,102847,Spain,2019.
- ⁶⁵ See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4120253,102847,Spain,2021.
- ⁶⁶ CEDAW/C/ESP/CO/9, paras. 32 and 33 (b).
- ⁶⁷ A/HRC/44/40/Add.2, p. 1, and paras. 13, 14, and 21.
- ⁶⁸ Ibid., para. 85 (d).
- ⁶⁹ Ibid., para. 85 (a).
- ⁷⁰ Ibid., para. 85 (g).
- ⁷¹ Ibid., p. 1.
- ⁷² Ibid., paras. 13 and 36.
- ⁷³ Ibid., para. 85 (b).
- ⁷⁴ CEDAW/C/ESP/CO/9, para. 32.
- ⁷⁵ A/HRC/44/40/Add.2, para. 34.
- ⁷⁶ See <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.
- ⁷⁷ CEDAW/C/ESP/CO/9, para. 34.

- ⁷⁸ Ibid., paras. 35 (b) and 20 (d).
⁷⁹ Ibid., para. 30 (c).
⁸⁰ CEDAW/C/ESP/CO/9, para. 31 (c).
⁸¹ A/HRC/44/40/Add.2, para. 27.
⁸² Ibid., para. 85 (c).
⁸³ CEDAW/C/ESP/CO/9, paras. 30 (a) and 31 (a).
⁸⁴ Ibid., para. 30 (b).
⁸⁵ Ibid., para. 31 (b).
⁸⁶ Ibid., para. 30 (d).
⁸⁷ Ibid., para. 31 (d).
⁸⁸ UNESCO submission, para. 15.
⁸⁹ A/HRC/43/47/Add.1, paras. 51 and 55.
⁹⁰ Ibid., para. 61.
⁹¹ Ibid., paras. 65 and 66.
⁹² A/HRC/44/40/Add.2, paras. 50 and 51.
⁹³ CEDAW/C/ESP/CO/9, paras. 24 and 25. See also CAT/C/ESP/CO/7, para. 41.
⁹⁴ CAT/C/ESP/CO/7, para. 42.
⁹⁵ Ibid., para. 41; and CEDAW/C/ESP/CO/9, paras. 19 and 24.
⁹⁶ See <https://www.ohchr.org/en/press-releases/2023/06/spain-un-expert-calls-stronger-protection-victims-sexual-violence>.
⁹⁷ CEDAW/C/ESP/CO/9, para. 24 (e).
⁹⁸ CAT/C/ESP/CO/7, para. 42.
⁹⁹ CEDAW/C/ESP/CO/9, para. 23 (b).
¹⁰⁰ Ibid., para. 17 (a), (b), (c) and (d).
¹⁰¹ Ibid., para. 13.
¹⁰² Ibid., para. 14 (a) and (c).
¹⁰³ Ibid., para. 28.
¹⁰⁴ Ibid., para. 29 (a), (b), (c) and (d).
¹⁰⁵ Ibid., paras. 23 (c), 24 (d) and 25 (e) and (g).
¹⁰⁶ Ibid., para. 42 (b).
¹⁰⁷ Ibid., para. 43 (d).
¹⁰⁸ A/HRC/44/40/Add.2, para. 73.
¹⁰⁹ See <https://www.ohchr.org/en/press-releases/2020/10/spains-age-assessment-procedures-violate-migrant-childrens-rights-un>.
¹¹⁰ CAT/C/ESP/CO/7, para. 34 (b).
¹¹¹ UNHCR submission, pp. 5 and 6.
¹¹² See <https://www.ohchr.org/en/press-releases/2021/06/spain-violated-education-right-child-living-melilla-un-committee-finds>.
¹¹³ See <https://www.ohchr.org/en/press-releases/2020/12/spain-power-outages-put-childrens-lives-risk-informal-settlement-un-experts>.
¹¹⁴ CEDAW/C/ESP/CO/9, para. 42 (a).
¹¹⁵ Ibid., para. 43 (a).
¹¹⁶ CED/C/ESP/OAI/1, para. 27 (a) and (c).
¹¹⁷ CEDAW/C/ESP/CO/9, para. 25 (f).
¹¹⁸ See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4056487,102847,Spain,2020.
¹¹⁹ A/HRC/44/40/Add.2, para. 78.
¹²⁰ See <https://www.ohchr.org/en/news/2024/03/committee-rights-persons-disabilities-holds-follow-dialogue-inquiry-report-spain>.
¹²¹ See <https://www.ohchr.org/en/press-releases/2020/09/spain-violated-inclusive-education-right-child-disabilities-un-committee>.
¹²² CAT/C/ESP/CO/7, para. 46.
¹²³ A/HRC/43/47/Add.1, para. 41.
¹²⁴ Ibid., para. 76.
¹²⁵ CEDAW/C/ESP/CO/9, paras. 30 and 38.
¹²⁶ Ibid., paras. 39 (a) and (b).
¹²⁷ A/HRC/43/47/Add.1, paras. 47–49.
¹²⁸ Ibid., para. 82.
¹²⁹ See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4056483,102847,Spain,2020.

¹³⁰ [CEDAW/C/ESP/CO/9](#), para. 11.

¹³¹ *Ibid.*, para. 12.

¹³² [CAT/C/ESP/CO/7](#), para. 17.

¹³³ *Ibid.*, para. 18.

¹³⁴ UNHCR submission, p. 4.

¹³⁵ [CAT/C/ESP/CO/7](#), para. 31.

¹³⁶ *Ibid.*, para. 32 (a) and (c); and [CED/C/ESP/OAI/1](#), para. 31.

¹³⁷ UNHCR submission, p. 4.

¹³⁸ [CED/C/ESP/OAI/1](#), para. 31.

¹³⁹ [CAT/C/ESP/CO/7](#), para. 33.

¹⁴⁰ *Ibid.*, para. 34 (a), (c), (d) and (e).

¹⁴¹ [A/HRC/44/40/Add.2](#), para. 72.

¹⁴² See <https://www.ohchr.org/en/press-releases/2020/07/lives-risk-unless-conditions-spains-seasonal-migrant-workers-are-rapidly>.

¹⁴³ [CEDAW/C/ESP/CO/9](#), para. 40.

¹⁴⁴ *Ibid.*, para. 41 (a) and (c).

¹⁴⁵ *Ibid.*, para. 41 (b) and (d).

¹⁴⁶ UNHCR submission, p. 3.

¹⁴⁷ *Ibid.*, p. 3.

¹⁴⁸ *Ibid.*, p. 4. See also [CAT/C/ESP/CO/7](#), para. 32 (b).