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Amnesty International (Author)

The State of the World's Human Rights; Spain 2024

Spain suspended new licences for arms transfers to Israel. Authorities failed to take measures to ensure adequate housing in the Cañada Real neighbourhood. Two higher courts lodged appeals against the 2024 amnesty law, arguing it breached the constitution and EU law. The first court case in Spain regarding torture during the Franco era was rejected, with the judges applying the statute of limitations. Gender-based violence persisted. The rights of non-accompanied migrant children were not duly protected.

Background

An agreement was reached to renew the Council of the Judiciary, the judiciary's governing body. It had been operating for five years with an expired mandate due to lack of such agreement between the main political parties.

August was the hottest month on record since 1961 (2°C higher than the average from 1991-2020). At least 3,160 deaths were related to high temperatures.

Irresponsible arms transfers

In May and November, the government refused to authorize the transit of three ships carrying arms destined for Israel. As a result, the US Federal Maritime Commission initiated an investigation against Spain.

Economic, social and cultural rights

Right to health

Data published by the Ministry of Health showed that both the national government and the autonomous governments failed to adequately protect the right to health, due to insufficient investment. The percentage of their budgets allocated to public and primary health had been decreasing since 2020.

In October a tribunal reopened proceedings for negligent homicide regarding the death of a woman in a care home during the Covid-19 pandemic. According to the results of an investigation published in May, the Community of Madrid had issued orders not to refer elderly people with a moderate to severe physical disability and cognitive impairment to hospital.

Right to housing

Measures to suspend evictions for people in economically vulnerable situations remained in force. The Housing Law fell short of the protections required under international standards, with 20,581 evictions in the first nine months of 2024.

Only two autonomous communities applied the formula provided by the housing law to limit rental prices that commonly increased disproportionately compared to the average salary.

In September the European Committee of Social Rights considered that Spain had failed to ensure adequate housing for over 4,500 people, including 1,800 children, affected by power cuts in the neighbourhood of Cañada Real, in the capital, Madrid.

Right to a healthy environment

In September, an amendment to the National Integrated Energy and Climate Plan 2021-2030 increased the emissions reduction target to 32% compared to 1990, far short of the EU commitment of 55%.

On 29 October, torrential rains in the Valencia region, made more likely by human-induced climate change, caused overflows of several rivers and flash floods. Some 224 deaths were related to the floods in three autonomous communities. Around 190,000 people were estimated to have been affected, and homes and infrastructure were damaged. Despite several warnings issued by the meteorological agency during the morning, the mass alert message was not sent until after 8pm, when the situation had already been critical for some hours and evacuation was impossible for most residents.

Right to privacy

In April the National Court reopened an investigation into the use of Pegasus spyware to target the prime minister and other members of the government. There was no progress in proceedings on the use of Pegasus against pro-independence activists and politicians in Catalonia. The public prosecutor proposed closing the case against the former director of the National Intelligence Centre for hacking the phone of the former president of Catalonia, concluding that there was judicial control.

Freedom of expression

The government approved an Action Plan on Democracy to strengthen transparency, pluralism and the right to information. It included reform of legislation that limited freedom of expression, including the criminal code, the gag law, and the 1968 Law on Classified Secrets.

The National Court admitted a complaint against two Palestinian solidarity activists on a charge of glorification of terrorism for their statements at a parliamentary event. An investigative judge closed proceedings against one of the activists, but this decision was appealed.

In September, five people were placed under criminal investigation for offending religious feelings for an artistic performance which simulated a religious procession.

Freedom of peaceful assembly

The amnesty law introduced in 2024 was applied during the year, including with regard to cases of unlawful use of force by security forces during the 2017 referendum on Catalan independence. In July the Supreme Court questioned the law's constitutionality before the Constitutional Court, while the National Court raised its compatibility with EU law before the Court of Justice of the EU.

A court refused to investigate the case of an undercover agent infiltrating social movements in Barcelona, and parliament rejected a non-legislative initiative calling for an investigation into such cases of alleged infiltration.

In May a judge closed the investigation into the case of a woman who lost an eye after being hit by a foam projectile fired by police in February 2021, alleging that the victim had "put herself in danger" by attending the demonstration. Her appeal against this decision was rejected in October.

A protester started a prison sentence for participating in a demonstration in 2019, convicted for public disorder and assault on authority solely on the grounds of the police account of events.

Eight housing rights activists facing prison sentences of up to 38 months were still awaiting trial for the peaceful occupation of a bank branch in

2017.

Some 27 climate activists were being investigated for participating in a criminal organization for their involvement in non-violent direct actions.

Right to truth, justice and reparation

The judiciary refused to investigate torture cases committed during the Franco era, following a Constitutional Court ruling from June which ruled again that Spain had no obligation under international law to open criminal investigations into these offences.

The government failed to fully implement the Democratic Memory Law, two years after it entered into force, while forensic work continued in the Valle de Cuelgamuros (former Valle de los Caídos) to return the remains of victims of Franco's regime to their families.

Sexual and gender-based violence

Gender-based violence persisted, with 47 women killed by partners and ex-partners during the year and five killed by other individuals in the first six months of the year. Since 2013, when records began, 62 children had been killed in the context of gender-based violence against their mothers. Nine children were killed in 2024.

Sexual and reproductive rights

The Constitutional Court dismissed an appeal against a 2022 amendment to the criminal code that prohibits anti-abortion groups harassing people seeking abortion services. The same court also dismissed an appeal against the abortion law and confirmed the removal of the three-day reflection period and the right to terminate pregnancy from the age of 16 without the consent of a parent or guardian.

In May, parliament voted against a proposal by the Socialist Party aimed at criminalizing various aspects of sex work that could have jeopardized sex workers' human rights.

Refugees' and migrants' rights

The rights of unaccompanied migrant children were compromised by overcrowded conditions in centres on the Canary Islands. The central government proposed a mandatory relocation of such children around the country, but this was rejected by most autonomous communities. In July, parliament voted against reforming the Aliens Law to allow the mandatory transfer of non-accompanied migrant children to other communities to help ensure the children's welfare.

In September, the Canary Islands' public prosecutor announced an investigation into allegations that unaccompanied migrant children had been ill-treated in reception centres on the islands.

Refugees and asylum seekers were held in appalling reception conditions at Madrid airport. In February, at least 400 people, mainly from Africa, including 100 women, some of them pregnant, and children, were crammed in rooms not built for this purpose and without natural light. They were held there in detention for several weeks. In September the government refused to allow entrance to activists from Western Sahara who were seeking protection on arrival at the airport.

Discrimination

In September the attorney general's annual report for 2023 revealed an increase of 300% in investigations related to hate crimes in comparison with the previous year. It also warned of the "excessive tension and polarization" present in political discourse, considering that it fuelled the dissemination of disinformation against migrants and other minorities.

LGBTI people's rights

In July the Constitutional Court admitted appeals by the government against several articles of the gender identity law (Law 3/2016) and the trans law (Law 2/2016) approved in 2023 by the Autonomous Community of Madrid. The court issued a precautionary suspension for the contested articles that allowed conversion therapies and children's compulsory assessment by a psychologist or psychiatrist before initiating a transition process.

Mass surveillance

In July, Amnesty International requested information from the government after the national police confirmed they had been using facial recognition technology since at least August 2023. The police reportedly had 4.4 million detainee profiles in their database.

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