

The State of the World's Human Rights; Spain 2023

Background

In July, the government approved a National Human Rights Plan.

Pedro Sanchez remained prime minister following general elections in July, after securing parliamentary agreement for an amnesty law that could have implications for hundreds of people, including Jordi Sànchez, Jordi Cuixart and others prosecuted for their involvement in the Catalan independence movement. By year's end, the law was pending before parliament.

The Constitutional Court ruled in favour of a 2010 law to increase access to legal abortion.

Refugees' and migrants' rights

In July, the UN Committee against Torture urged the authorities to carry out an exhaustive and independent investigation into unlawful force used by police to repress an attempt by a large group of people to seek protection in Melilla, a Spanish enclave in northern Morocco, in June 2022. At least 37 people died and hundreds more were illegally expelled. The General Prosecutor had closed an ongoing investigation in December 2022, arguing that police officers had acted according to national legislation. No one was able to cross the border of Melilla to claim asylum in 2023, according to official sources.

In April, a report on the 2022 visit by the Council of Europe's Commissioner for Human Rights noted the lack of access to a prompt and effective asylum procedure throughout Spain. Many asylum seekers waited at least six months before their first interview, during which time they were at risk of deportation.

Unaccompanied children arriving in the Canary Islands were detained alongside adults and denied adequate protection.¹

Right to privacy

In May, an investigation conducted by the European Parliament confirmed that at least 65 people, including journalists, politicians and members of Catalan civil society, had been targeted with Pegasus spyware. There was no progress in the investigation of at least 13 lawsuits into the use of spyware filed in several Spanish courts.

In July, the High Court provisionally closed the investigation into the use of Pegasus spyware to target the prime minister, the minister of defence and the minister of interior due to lack of cooperation from Israeli authorities.

Sexual and gender-based violence

Gender-based violence against women and girls persisted, with 58 women killed by their partners or ex-partners during the year and 13 killed by other individuals. Since 2013, when records began, 50 children have been killed in the context of gender-based violence against their mothers, including two girls, aged five and eight, in 2023.

By year's end, there were only five crisis centres for victims of sexual violence in the whole country.

Sexual and reproductive rights

In February, a law was passed to allow 16 and 17 year-olds access to abortion services within the public health service and without the need for parental consent.

Right to housing

In May, parliament passed the Law on the Right to Housing, which caps rents, extends the term during which evictions can be suspended, and safeguards social housing stock. Although welcome, the law did not include sanctions to ensure rental price controls, ban evictions for people facing homelessness, or set annual targets to increase social housing stock.

Temporary measures to suspend evictions for people in economically vulnerable situations were extended until the end of the year. Despite this, between January and September, there were 19,332 evictions affecting thousands of people who fell outside the limited criteria for eviction suspensions.

In the neighbourhood of Cañada Real, in the capital, Madrid, 4,500 people, including 1,800 children, continued to live without access to electricity, following disconnection in 2020.

LGBTI people's rights

In March, a law protecting LGBTI people's rights entered into force. It guaranteed access to health services and legal gender recognition based on self-determination for transgender people and prohibited conversion therapies.

In December, Madrid's regional parliament passed a regressive law banning gender recognition based on self-determination and cut education initiatives promoting LGBTI rights, among other measures.

Right to health

According to official data published in 2023, public health expenditure in 2021 had decreased by 1.5% compared with 2020. Eight autonomous communities also reduced their investment in primary healthcare, further reducing accessibility. Reporting on her 2022 visit, the Council of Europe Commissioner for Human Rights noted that public healthcare facilities remained severely understaffed and urged authorities to allocate further financial investment into primary healthcare.

Older people

There had still been no effective investigation into deaths and other human rights violations in care homes during the Covid-19 pandemic, apart from a few exceptions where progress was made by provincial prosecutors' offices.²

Excessive use of force

Concerns remained over the use of less lethal weapons by various police forces in the country. For example, in June and July, the National Police used rubber bullets to disperse a protest in the city of Vigo, injuring one protester.

By the end of the year, no one had yet been charged in relation to the death in November 2021 of a man in Barcelona who was electroshocked several times with a Taser by regional police, including after he had been restrained.

Freedom of expression, association and assembly

Authorities continued to misuse the Public Security Act to excessively limit the freedom of expression of demonstrators and journalists. Although fewer in number than in 2022, fines continued to be issued for vaguely defined administrative offences, such as “showing disrespect towards a law enforcement official” or “disobedience or resistance to the authorities or their agents”.

By the end of the year, eight housing rights activists were still awaiting trial for the peaceful occupation of a bank branch to prevent an eviction in 2017. They each faced prison sentences of up to 38 months and a fine of EUR 3,600.

No investigations were launched following media reports that undercover police officers had infiltrated social movements using sexual and intimate relationships as cover. The Ministry of Interior argued that the operations were intelligence work authorized by the government and remained classified under the Law on Classified Secrets.

Two separate criminal investigations for offending religious feelings were initiated against a journalist and a comedian for content that was political satire or humorous, respectively.

Irresponsible arms transfers

In December, the government announced that it had suspended the issuing of new export licences for weapons and military equipment to Israel since October. According to publicly available data from the first half of the year, Spain authorized 22 arms licences to Israel worth over EUR 44 million.

Discrimination

According to official data published during the year, 2040 incidents of hate crime were reported in 2022, of which 45.3% were motivated by racism and xenophobia.

Impunity

In September, for the first time regarding a victim of torture during the Franco dictatorship, Julio Pacheco testified as a complainant before a Spanish judge. He provided details of his detention and torture at the former General Directorate of Security in Madrid in 1975. His wife Rosa García Alcón, who was also detained and tortured, appeared as a witness.

In October, a judge closed the investigation into a complaint filed by Carles Vallejo that he had been tortured in the police station of Via Laietana in Barcelona between 1979 and 1980. An appeal was filed.

A proposed amnesty bill contained some concerning provisions, including that it could cover cases of excessive use of force by the police and would not adequately protect the rights of victims of crimes.³

Right to a healthy environment

Spain registered its third warmest summer on record and the Carlos III Health Institute estimated that 6,799 deaths between January and September were attributable to the heat. Heatwaves combined with long-term drought conditions, exacerbated by global warming, increased the intensity and spread of wildfires, resulting in the burning of 84,939 hectares.

An updated draft of the National Integrated Climate and Energy Plan included a planned reduction of greenhouse gas emissions, compared with 1990, of up to 32% by 2030. This was far below the 43% reduction previously announced by the government.

In June, the Supreme Court ruled in favour of the government, which had been sued in 2021 for failing to take adequate action on climate change. The ruling failed to consider Spain's international human rights obligations and the urgent need to increase action on climate change.
