

GLOBAL TORTURE INDEX 2025: SPAIN FACTSHEET

OVERALL GLOBAL TORTURE INDEX SCORE:

MODERATE RISK

The Global Torture Index 2025 is the first analysis designed to assess the risk of torture and ill-treatment in 26 countries around the world. This 2025 factsheet for Spain includes an analysis of the country's overall performance, a breakdown by thematic pillars and key recommendations to drive meaningful change in the fight against torture and the promotion of human rights.

COLLABORATING ORGANISATIONS IN SPAIN:

Írdia - Centro para
la Defensa de los
Derechos Humanos

SiRa, Centro de
Atención a Víctimas de
Malos Tratos y Tortura

Observatori del Sistema
Penal i els Drets Humans-
Universitat de Barcelona

Salhaketa Nafarroa, Asociación
de Apoyo a Personas Presas y
sus Familiares

Asociación de Derecho
Penitenciario Rebeca
Santamalia (ASDEPRES)

Asociación Pro
Derechos Humanos de
Andalucía (APDHA)

Centro de
Documentación de la
Tortura (CDDT)

AT A GLANCE

For 2025, the Global Torture Index ranks the country as having a **moderate** risk of torture and ill-treatment, based on data collected in 2023 and 2024.

Torture and ill-treatment in Spain are not systematic but occur more than sporadically, **especially during arrests of irregular migrants or activists of specific ideological groups**, such as anarchists, pro-independence or environmentalists. Reports highlight frequent police abuses during public assemblies, detention, transport and custody, including beatings, stress positions, threats and sexual humiliation. Particularly alarming are the practices at short-term detention centres and those performed by security forces at borders, including illegal returns, **with the Melilla massacre of 2022 resulting in at least 37 deaths and no independent investigation**. Overcrowding, lack of independent medical assessments and the use of degrading means of restraint remain commonplace in detention centres.

These problems are rooted in **structural and institutional shortcomings**. Spain is party to important international human rights treaties, but their implementation remains inconsistent. **The national legal definition of torture does not conform to the definition in Article 1 of the UN Convention against Torture, and cruel or inhuman treatment is not recognised as a crime**. Courts often dismiss torture complaints prematurely, and internal control mechanisms lack transparency and impartiality.

There is no public data on the number of torture complaints, victims compensated or state rehabilitation services. Despite the existence of a legal framework that theoretically allows for civil or administrative redress, survivors rarely have access to justice, and re-traumatisation during legal proceedings is frequent.

Spain's recent amnesty law and impunity of the police further weaken accountability. Victims' rights remain unprotected, with no national law guaranteeing their rehabilitation or tailored support. Failure to effectively investigate complaints, protect complainants and ensure judicial independence undermines Spain's human rights commitments.

GENERAL INFORMATION



Type of government:
Parliamentary monarchy



United Nations Convention Against Torture:
Ratified



OPCAT ratification:
Ratified



Population:
[47.897.387](#)



People deprived of liberty:
56,698



Prison population (per 100,000 of national population):
117



Pre-trial detainees / remand prisoners (percentage of prison population):
17.5%



Documented Detained Human Rights Defenders:
No data



Alerts Issued by the Observatory for Human Rights Defenders in 2024:
0



Prison Occupancy level:
74.1%



Homicide rate (per 100.000 people):
0.68

THEMATIC PILLAR OVERVIEW



I. POLITICAL COMMITMENT

INDEX SCORE: MODERATE RISK

Spain demonstrates political commitment to the international human rights system, having ratified numerous international instruments and United Nations treaties. At the European level, **the European Court of Human Rights (ECtHR) has found Spain responsible for violations of the prohibition of torture or inhuman or degrading treatment or punishment** (Article 3 of the European Convention on Human Rights) in the last five years, namely for procedural violations relating to failure to investigate complaints. In one case, the ECtHR found a material breach of Article 3 in [Portu Juanenea and Sarasola Yarzabal v. Spain \(1653/13\)](#), where it concluded that the applicants had suffered 'inhuman or degrading treatment'.

Torture is criminalised in national legislation, but this does not fully comply with the definition in the Convention against Torture. In its latest review, the Committee against Torture (CAT) raised concerns that article 174 of the Spanish Penal Code **does not fully comply with the definition of torture contained in article 1 of the Convention**. Nevertheless, the legal system does recognise torture as an autonomous crime and provides that orders from a superior or a public authority cannot be invoked as a justification. However, **torture is a crime subject to the statute of limitations as well as amnesties and other forms of exemption from liability**. Furthermore, the legislation does not include the purpose of intimidating or coercing a victim or a third party, nor the possibility

that the offence may be committed by persons acting at the instigation of, or with the consent or acquiescence of public officials (source: CAT 2023 Concluding Observations). Additionally, cruel, inhuman or degrading treatment or punishment is not recognised as a specific criminal offence in national legislation, existing only under the offence of serious or minor 'offences against moral integrity'.

Spain has a National Preventive Mechanism (NPM) within the Ombudsman's Office, but its mandate is vague, and it lacks sufficient staff, resources and budget, [including for regular and follow-up visits to social institutions, juvenile detention centres and psychiatric institutions](#). It also lacks independent investigative powers.



II. ENDING POLICE BRUTALITY AND INSTITUTIONAL VIOLENCE

INDEX SCORE: CONSIDERABLE RISK

Although there are laws regulating the use of firearms and less lethal weapons by law enforcement officials in Spain, **many of them do not meet international standards, and internal police protocols are largely not accessible to the public**. Identification of officers and vehicles during operations is rare, making accountability difficult. The European Court of Human Rights (ECtHR) also expressed concern about the lack of identification of officers, which hinders investigations, as in the case of [López Martínez v. Spain \(2021\)](#).

The CAT, in its 2023 review, **expressed concern** that many criminal cases filed between 2015 and 2018 for alleged police abuses in Spain were dismissed or resulted in acquittals, and very few disciplinary measures were taken. It noted numerous allegations of excessive use of force and ill-treatment by police, particularly during arrest, transport or custody, often involving minors. Investigations were often ineffective, and there is no independent body to investigate such cases. Existing mechanisms lack impartiality as they operate within the same institutions as the accused officers.

Although temporary detention centres must allow visits by the National Preventive Mechanism (NPM) and other international observers, civil society access is restricted, mainly limited to migrant detention centres. There are frequent reports of strip searches, including of persons who have previously been beaten, being used as a form of degradation, especially against those with ideological profiles. Medical examinations immediately after detention are rare, especially in short-term detention centres, and [concerns remain about the independence of medical staff, who often have close links with police officers](#).

Police stations and detention centres generally lack real-time video surveillance, which undermines transparency. Discriminatory policing is widespread and targets ethnic minorities, LGBTQIA+ persons, homeless persons and migrants with unjustified stops and searches. The CAT, in its 2023 observations, has expressed concern about **excessive use of force and police abuses during arrest, transfer and custody**, including of minors, and noted that investigations are often ineffective. Internal control mechanisms lack transparency, and disciplinary action for allegations of torture is rare. Police officers under investigation are rarely suspended and remain on duty during investigations.

During public gatherings, police do not identify munitions, apply de-escalation tactics or give warnings. Kinetic impact projectiles are used indiscriminately, often causing serious injuries, including eye injuries, [as noted by the CAT](#).

There is no independent monitoring mechanism at border controls, and refoulements are legally permitted and frequently practised, as seen in **the massacre in Melilla on 24 June 2022, when at least 37 people died and more than 300 were injured as a result of action by Spanish and Moroccan security forces**. On that day, Spanish security forces summarily, and contrary to international human rights standards, returned at least 470 people. The whereabouts of at least 77 people in Moroccan territory remains unknown, [and to date the families have not been able to obtain any information. No independent investigation has been carried out](#).

As for enforced disappearances, the Spanish penal code continues to refer to them as 'illegal detention or abduction', in breach of international definitions. Efforts [to investigate or locate victims of Franco-era disappearances](#) whose remains are still missing are mainly left to local NGOs and academic institutions.



III. FREEDOM FROM TORTURE WHILE DEPRIVED OF LIBERTY

INDEX SCORE: CONSIDERABLE RISK

Detention conditions in Spain continue to raise serious human rights concerns. Official protocols, internal circulars and instructions used in detention centres are often not made public, even when requested through transparency mechanisms or by parliamentarians. Requests for information are often denied for various reasons. In addition, the state does not provide detailed statistical data on the regime of solitary confinement, the age, sex or ethnicity of the persons concerned during their detention, or data on allegations of torture or other ill-treatment.

Deaths in custody do occur, and in many cases, responsibility of the authorities is not ruled out. These incidents frequently involve migrants or asylum seekers, most of whom belong to ethnic minority groups.

The Spanish legal framework requires video surveillance in places of detention, but this is poorly implemented in practice. Surveillance footage is not securely stored and is rarely accessible to investigators, detainees or their lawyers. Where it is available, access is usually limited and mediated through judicial proceedings. Often, recordings are not retained for the time necessary for legal access.

Although there have been some improvements in access to food, drinking water and bedding, sanitary conditions remain inadequate and mental health care is lacking. In Spain, civil society organisations have also [denounced problems](#) such as overcrowding, poor health care and inadequate living conditions in the *Centros de Internamiento de Extranjeros* (CIE), which are intended for administrative purposes rather than punishment.

Invasive body searches are often carried out, disproportionately targeting Roma and persons of Arab origin. Independent medical examinations are rarely carried out following allegations of torture or ill-treatment, and such examinations are seldom performed immediately.

Despite the restricted access of civil society organisations to detention centres for monitoring purposes, **there has been limited human rights monitoring in CIEs.**

Catalonia

*Although the Spanish Penal Code applies to the whole territory, the management of the penitentiary system is decentralised. The Catalan government manages its own penitentiary system through the *Secretaria de Mesures Penals, Reinserció i Atenció a les Víctimes*. This section highlights the differences between the Catalan prison system and that of the rest of Spain.*

Prison staff in Catalonia frequently apply means of restraint on persons deprived of their liberty, including mechanical restraints and corporal punishment. **Mechanical restraints, such as tying detainees to beds, have punitive elements and do not comply with legal provisions, and various bodies such as the European Committee for the Prevention of Torture (CPT) have called for their abolition on numerous occasions.**

Detainees rarely enjoy regular access to a lawyer, the right to appear before a judge or interpretation and translation services, **even though approximately half of the prisoners in Catalonia are foreigners. 48% of prisoners in Catalonia are foreigners, while the European average is 25%.** Guarantees related to the lodging of complaints, such as being informed of the status of the complaint or receiving interpretation support, are rarely applied in practice.

Although prison medical professionals in Catalonia work under the public health system, immediate and non-interfering medical examinations of victims of torture or ill-treatment are rarely carried out. **The application of the Istanbul Protocol is inconsistent and often lacks the necessary guarantees for thorough documentation.** Personnel suspected of abuse are rarely suspended during investigations. Detainees who lodge complaints often face reprisals, including increased searches, unnecessary disciplinary sanctions, transfer to higher security institutions, solitary confinement and intimidation.



IV. ENDING IMPUNITY

INDEX SCORE: CONSIDERABLE RISK

In Spain, torture and other cruel, inhuman or degrading treatment or punishment (CIDT) remain under-prosecuted, and the actual number of complaints is unknown. Amnesties, immunities and pardons are commonly granted to state agents, and victims often suffer trauma during judicial proceedings, with few judicial guarantees of privacy and protection, creating an environment of impunity in the country.

Despite the existing legal frameworks, Spanish courts often prematurely dismiss allegations of torture or ill-treatment, even when there is strong evidence. In 32 of 49 documented cases ([65.3%](#)), [the proceedings were dismissed, downgraded to minor offences or closed](#) without proper investigation. Higher courts may order investigations, but lower courts often close cases prematurely, contributing to impunity and re-victimisation.

Although the **Law on Democratic Memory (Law 20/2022)** recognises the right to investigate serious human rights violations committed during Franco's regime and the transition period, [the law does not remove obstacles to the investigation of serious human rights violations, such as acts of torture and enforced disappearances, committed in Spain in the past, as the 1977 Amnesty Law has not been repealed](#). It is argued that the principle of legality is not complied with, as the crime of torture did not exist at the time of the events, and that the statute of limitations has expired.

Organic Law 1/2024 on Amnesty for institutional, political and social normalisation in Catalonia expressly excludes cases of torture, ill-treatment and serious injuries (such as the loss of an organ). However, [Spanish courts](#) are restrictively applying the concept of '*minimum threshold of seriousness*', which has allowed amnesties even for agents involved in cases of torture or improper use of force. Although the European Court of Human Rights (ECHR) establishes that this threshold is automatically exceeded when the acts are committed by police officers, **amnesty has been granted to 46 police officers investigated for violent conduct during the Catalan referendum of 1 October 2017 (O-1)**. Following a seven-year investigation, [the judge ruled that their actions did not meet the threshold of severity](#) required to deny amnesty, raising concerns about tolerance of torture and ill-treatment. The decision is being appealed.



V. VICTIM'S RIGHTS

INDEX SCORE: HIGH RISK

In Spain, there is no national law defining torture victims or guaranteeing their legal right to rehabilitation. There is no public policy framework to implement this right, and there is very little training for professionals on the needs of victims.

Compensation for victims of torture and ill-treatment in Spain is [based on the same scale used for victims of road accidents](#), rather than a tailored framework that reflects the specific harm caused by such abuse. The legal process itself is burdensome, especially for victims who are unfamiliar with complex judicial procedures, further discouraging access to justice. The judicial system has become increasingly overwhelmed over the last ten years, resulting in significant [delays that intensify the secondary](#) victimisation of those affected.

Spain's Law 20/2022 on Democratic Memory excludes financial compensation for victims of the Franco regime as part of the right to reparation, limiting reparation to restitution, rehabilitation and symbolic satisfaction. The law denies state responsibility for these victims, including those who suffered torture, forced labour, confiscation of property or wrongful convictions. Blanca Serra, an 82-year-old Catalan activist, made history on 19 May by becoming [the first victim of Franco's torture to testify before Spain's Prosecutor's Office for Democratic Memory and Human Rights](#).

Although laws theoretically allow for civil or administrative reparations, victims, especially women and children, rarely receive full guarantees. Dissemination of victims' rights is ineffective, especially in remote areas. Protection measures for torture victims are weak: providers are not independent and there is no system to verify their effectiveness. Support services and programmes available to survivors, families, witnesses and service providers are poorly rated. Forms of reparation such as public apologies, restitution of rights or official recognition are rarely granted. There is no official data on victims who received compensation, rehabilitation or protection.



VI. PROTECTION FOR ALL

INDEX SCORE: MODERATE RISK

In Spain, the [State has adopted several legal and policy measures to improve the protection of women, children and LGBTQIA+ persons](#) from violence and discrimination. Legislation explicitly prohibits discrimination based on sexual orientation and gender identity, and Spain has banned conversion therapies under Law 4/2023, although these practices reportedly continue to occur. The 2023 reform of the Law on Sexual and Reproductive Health and Voluntary Interruption of Pregnancy has improved access to abortion, allowing it at the woman's request without the need for justification. The state has also adopted strategies such as the National Strategy for Children and Adolescents, which includes a dedicated focus on eradicating violence against minors. However, challenges remain. In 2023, **a total of 23,477 complaints of intimate partner violence were filed, of which only 3059 (13 per cent) of cases resulted in convictions**. Femicide rates have remained constant, **with 49 cases registered in both 2021 and 2022**. Although public policies are in place to address this type of violence, data on the outcome of femicide investigations is not available. Reports also indicate that [obstetric violence continues to occur](#) at a high frequency. There is no comprehensive anti-trafficking law, and most victims, [women and girls trafficked for sexual exploitation, often go undetected by border officials](#) and face judicial obstacles.

In the context of national security and counterterrorism, the Spanish legal framework has raised serious concerns about human rights violations. The use of incommunicado detention for up to 13 days under Article 509 of the [Criminal Code poses a significant risk of torture and ill-treatment](#). Procedural reports from independent organisations indicate that torture and ill-treatment occur frequently during interrogations of terrorism suspects, especially in jihadist cases. Recurrent practices include beatings, threats, stress positions, sleep deprivation and sexual humiliation. **Definitions of terrorism and extremism in Spanish law are vague, and these vague provisions are often used to prosecute individuals for non-violent political expression**. Spain rarely applies the principle of exclusion of evidence obtained abroad by torture in terrorism-related cases, and extradition protections against transfer to countries where torture is likely are inconsistently applied.

Spain's application of the Special Regime for Ceuta and Melilla under Law 4/2015 allows for returns of migrants intercepted on Spanish territory to Morocco without legal procedures or access to asylum. These summary returns occur [without individual risk assessments](#) and affect those attempting to [swim across](#), raising serious concerns about possible exposure to ill-treatment and torture. Migrants are perceived to have more difficulty in lodging complaints.



VII. RIGHT TO DEFEND AND CIVIC SPACE

INDEX SCORE: CONSIDERABLE RISK

The situation of human rights defenders (HRDs) and civic space in Spain has deteriorated in recent years, marked by increased surveillance, criminalisation and state repression against activists, journalists and civil society organisations. Spain has not decriminalised defamation, and its Penal Code allows for prison sentences for libel and slander, especially when made public. If such offences are directed against public officials, the Public Prosecutor's Office can intervene. This legal framework has been used by police and prison officers' unions to retaliate against persons who publicly denounce misconduct.

One of the most alarming developments has been the large-scale use of the Israeli spyware programme Pegasus. According to the University of Toronto's Citizen Lab, **at least 65 people, journalists, lawyers, members of civil society and political leaders in Catalonia and the Basque Country were targeted or infected with Pegasus and Candiru**. The scandal, known as 'Catalan Gate,' has drawn international condemnation. In its draft recommendations, the European Parliament urged Spain to ensure transparency, accountability and access to justice in all cases involving the use of spyware. It stressed the need for thorough and impartial investigations, judicial oversight and adequate remedies for those affected, including high-level political figures. A dozen complaints have been filed against the Spanish state, as well as the Israeli company NSO Group, all of which have been under investigation since 2022. To date, the Spanish government has failed to ensure transparency and accountability in relation to the deployment of the spyware.

Another worrying trend is the infiltration of undercover police agents into social and political movements. Since 2022, twelve agents have been uncovered in Barcelona, Girona, Madrid, Valencia and Lleida. To date, three lawsuits are ongoing in Barcelona, Girona and Valencia; in all of them the investigating courts have refused to investigate the alleged facts. On 31 January 2023, five women human and labour rights defenders filed a criminal complaint against a police officer for repeated sexual abuse, torture, violation of privacy and obstruction of civic rights, in particular freedom of association. The activists alleged that the National Police officer infiltrated libertarian social and trade union movements in Barcelona between May 2020 and October 2022. The agent used intimate relationships to build trust, with the backing and cover of the police. In January 2025, the human rights organisation Irídia lodged an appeal with the Spanish Constitutional Court after a lower court dismissed the complaint. The case has raised widespread concern, with civil society groups and political figures calling the infiltration a serious violation of democratic norms and demanding full transparency and accountability.

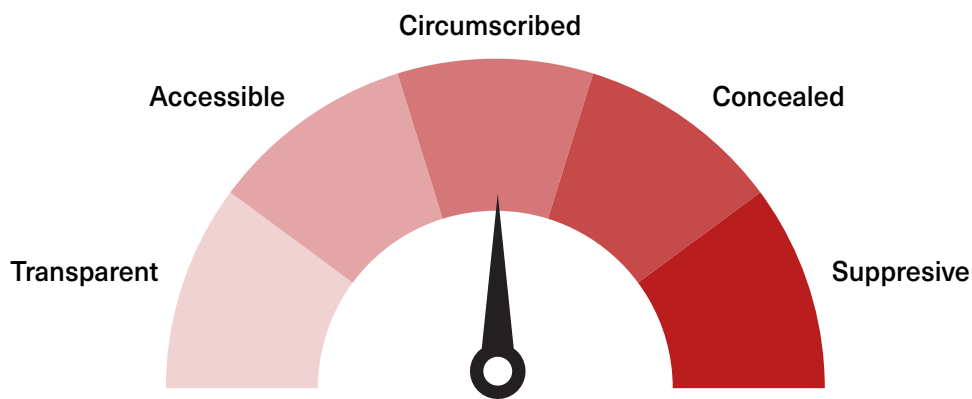
Criminalisation of HRDs is also widespread. In 2023-2024, multiple activists were charged with terrorism, criminal organisation or incitement for their participation in non-violent protests. These cases include the environmental movement 'Futuro Vegetal', the Catalan pro-independence group, 'Tsunami Democràtic', as well as the nineteen members of the Palestine Solidarity Movement who are under investigation by the Catalan police (Mossos d'Esquadra) for their alleged participation in criminal groups related to the protests held on 7 February 2024. The Spanish Penal Code, in particular article 578 on the glorification of terrorism, is frequently used against artists, social media users and musicians, despite criticism from UN special rapporteurs and European human rights bodies.

Human rights defenders are more likely to be victims of discriminatory or intimidating torture. Journalists have also faced repression. Those covering protests or documenting police abuses have been detained, punished or subjected to false charges, including terrorism.

TRANSPARENCY AND ACCESS TO INFORMATION

The Global Torture Index rates the access to information and transparency available in each country when measuring and assessing the risks of torture and ill-treatment. It considers the availability of information, as well as the obstacles faced by civil society organisations in collecting data and their ability to access it. Data access must be guaranteed in every society, both in law and in practice, to ensure state transparency and accountability. It enables organisations, journalists and individuals to request information on public bodies, protocols and statistics on human rights violations. This indicator reflects the challenges in accessing information within a country, with each country and territory assigned a rating as Suppressive, Concealed, Circumscribed, Accessible or Transparent.

Spain's score is **circumscribed** based on our assessment of its current level of transparency and access to information.



ADVOCATING FOR CHANGE IN SPAIN: KEY RECOMMENDATIONS

The Index includes 5 recommendations for Spain, taken from the [Index webpage](#), which will serve as references in upcoming editions to monitor achievements within the anti-torture movement.

1. Amend Article 174 of the Penal Code to adequately define the crime of torture and repeal the Tenth Additional Provision of the Aliens Act to ensure that both instruments are in line with the Convention against Torture.
2. Abolish the use of mechanical restraints with excessive duration and without judicial control as a means of coercion and punishment. Furthermore, ensure that the use of solitary confinement is only applied in the sanctioned person's own cell and not in closed regime modules.
3. Prohibit the granting of pardons to law enforcement officials found guilty of death, torture, violations of sexual freedom, injury, excessive use of force, discrimination or unlawful detention.
4. Amend Law 4/2015, of 27 April, on the Statute of the Victims of Crime to specifically include reparation for victims of torture and ill-treatment, ensuring that the authorities are obliged to act in these cases. In addition, create a specific compensation scale that considers the physical and psychological damage caused by this type of abuse.
5. Reform the Penal Code to protect the right to demonstrate, freedom of expression, civil disobedience and non-violent protest from being investigated or prosecuted by the Police, the Prosecutor's Office or the Judiciary. Furthermore, implement measures to protect journalists in the exercise of their work, especially during protests, in accordance with international law. Repeal the Citizen Security Law (commonly known as the Gag Law), which, through administrative sanctions, has hindered the work of hundreds of organisations and undermined civil rights and liberties.



FURTHER RESOURCES

For further information, the complete 2025 Torture Index—including detailed data visualisations, FAQs, the methodology, and more—can be accessed on our website: <https://www.omct.org/en/global-torture-index>. Should you have any questions, feel free to reach out to us at tortureindex@omct.org.

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