

## SPAIN REVIEW

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### I Justice System

#### B. Quality of justice

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 concluding observations, the Committee against Torture recommended Spain to ensure that law enforcement staff continue to receive training on the absolute prohibition of torture, on the detection and investigation of cases of torture and ill-treatment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, and on non-coercive interrogation and investigation techniques, which should incorporate the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles); it should also continue to train all medical staff in contact with persons deprived of their liberty on the detection of cases of torture and ill-treatment in accordance with the Istanbul Protocol, ensuring that all suspected cases of torture and ill-treatment are brought to the attention of the competent judicial authorities ([CAT/C/ESP/CO/7](#)).

In its 2023 concluding observations, the Committee on the Elimination of All Forms of Discrimination against Women recommended that Spain strengthen capacity-building and further application of the relevant legislative framework to eradicate gender stereotypes in the judiciary, with a focus on the systematic integration of the Convention on the Elimination of All Forms of Discrimination Against Women in legal reasoning and decision-making ([CEDAW/C/ESP/CO/9](#)).

#### C. Efficiency of the justice system

In its concluding observations, the Committee on the Elimination of All Forms of Discrimination against Women welcomed the many legislative and policy efforts made by Spain to build a policy to prevent and address gender-based violence against women, such as the adoption of Organic Law No. 10/2022 on the comprehensive guarantee of sexual freedom, removing the burden of proof from the victim. It noted with concern, however, that gender-based violence against women is prevalent with a high rate of femicide and that women and girls with intersecting identities are particularly vulnerable, notably to forced marriage and female genital mutilation. It also noted that legislation and efforts to address specific forms of gender-based violence against women and girls, such as incest and pervasive cyberviolence against women and girls, are insufficient. It recommended, inter alia, that Spain conduct an assessment of the domestic legal framework to combat gender-based violence against women and of its implementation, with a view to strengthening its efficiency ([CEDAW/C/ESP/CO/9](#)).

*Other*

**Sexual violence against women and girls** - In her communication to Spain, the Special Rapporteur on Violence against Women and Girls has highlighted several positive aspects of the Organic Law 10/22 on Comprehensive Guarantee of Sexual Liberty, known as the “Only Yes is Yes Law” such as providing free legal and psychological assistance to victims; reparation measures; considering sexual aggression under chemical submission; recognizing victims’ rights.

However, the Special Rapporteur also highlighted some concerns: the elimination of the difference between sexual abuse and sexual aggression which allows now for more arbitrary interpretation of committed crime and also for the reduction of the penalties; there is a concern regarding the use of consent as a proof for sexual violence. The Special Rapporteur reminded that General Recommendation 38 of the Committee on the Elimination of Discrimination against Women as well as Palermo Protocol from 2000 have rendered consent irrelevant and have stressed the importance of punishing the conduct of those who use or abuse the victim even with her consent.

The Special Rapporteur expressed a strong concern that sentences are not complied with and one third of the victims do not receive the total compensation stipulated in the sentence ([AL ESP \(4.2023\)](#)).