

Torture and deprivation of freedom: the Spanish case

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Abstract In 2004 Theo van Boven, as Special Rapporteur of the United Nations, alerted the world community that torture and ill-treatment were more than sporadic practices within Spain. Numerous studies carried out by human rights organizations and international institutions endorse this affirmation. This paper attempts to analyse the elements that facilitate cases of torture and ill-treatment while proposing ideas about how to orient political action to eradicate these practices. Situated in the discipline of public policy this paper will try to understand the deprivation of freedom focusing the analysis on the most extreme practices of the State violation of human rights that are produced in these areas. This article first addresses a quantitative description of the presence of torture in Spain. The second section details the historical and political specificities of the Spanish case that are useful in order to understand the question and at the same time in order to establish points of reference for the design of public policy. In the third section the elements that make possible the existence of cases of torture in Spain are analysed, elaborating a typology of static and dynamic elements. The fourth section explains the relationship between democratic culture and torture.

In the report presented in 2004 the special rapporteur from the United Nations, Theo van Boven, already alerted that torture and ill-treatment were more than sporadic practices in Spain. This kind of assertion of a democratic state should have ignited alarm signs. However, reality tends to be disappointing: the Spanish government disqualified Van Boven's report denying its evidences. Unfortunately, little has been change after 9 years. Current reports and recommendations published by human rights associations and Official international bodies about the Spanish case continue to report forms of state violence, as the ones previously noted. The majority of which

Summary: 1. Torture and ill-treatment in Spain: An Obstinate Reality. 2. The Spanish Specifics: Between the Development of a Culture of Emergency and the Late Democratic Recuperation. 3. A look at structure and action in order to understand Torture in a Democratic State. 4. Citizenship and Democratic Culture. 5. Conclusions: Program of action for the eradication of torture and ill-treatment.

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