



## *International Advocacy Reports and Statements*

---

### **Universal Periodic Review – 7<sup>th</sup> Session: SPAIN**

March 2010, Geneva

*Written by Katerina Veverkova, IFUW Volunteer*

The UPR is a new mechanism which involves a review of the fulfilment of the human rights obligations and commitments of all 192 UN Member States once every four years. The documents on which the reviews are based are: (i) information prepared by the State under review (national report); (ii) a compilation of UN information on the State under review prepared by the OHCHR, and (iii) a summary of information submitted by other relevant stakeholders, also prepared by OHCHR.

The review of Kingdom of Spain took place in Geneva on March 8, 2010. It was an interactive 3-hour dialogue held between Spain and the Member and Observer States of the Human Rights Council.

First, a delegation from the Government of Spain, led by the State Secretary for Constitutional and Parliamentary Affairs, José de Francisco, presented its national report. In his speech, José de Francisco talk about Spain as a state that actively collaborates with the international bodies responsible for supervising the respect of human rights and that the promotion of these policies represents one of the core areas for Spain. A creation of the Ministry of Equality in 2008 was put as an example.

José de Francisco highlighted some of the regulations on human rights, such as the law against gender-related violence, the law on reform of the Civil Code to allow same-sex marriages, the law for Effective Equality between Men and Women, the Long-Term Care Act and the Organic Law on Sexual and Reproductive Health and the Voluntary Interruption of Pregnancy, as well as the introduction of the school subject entitled Education for Citizenship and Human Rights.

He referred to the Human Rights Plan, which is an instrument to promote, coordinate and evaluate a series of diverse actions being planned or implemented by the different Government actors, the Administration, and the legislature and judiciary.

José de Francisco concluded by explaining the latest progress in terms of Spain's regulations, such as the Convention on Cluster Munitions or the instrument for the ratification of the protocol for the abolition of the death penalty, both published in the *Official State Gazette*(BOE) in March.

Finally, he announced that the Spanish Mechanism for the Prevention of Torture and constitution of the Advisory Council, comprised of NGOs and other representative professional organisations in the field of action against torture, will be presented in the *Senado* [Upper House of Parliament] on 10 May.

---

**International Federation of University Women**

**Fédération Internationale des Femmes Diplômées des Universités**

10, rue du Lac, CH-1207 Geneva, Switzerland; Tel: (+41 22) 731 23 80; Fax: (+41 22) 738 04 40

E-mail: [ifuw@ifuw.org](mailto:ifuw@ifuw.org) Website: <http://www.ifuw.org>

*The member states had 2 minutes each for its recommendations or criticism.*

In the field of national legislation several times the definition of torture in the Spanish Criminal Code was mentioned because it does not include acts committed with the intention of intimidating or coercing the victim or a third person.

Also, under the Criminal Procedure Act currently in force, detainees held on suspicion of terrorism-related offences may be held incommunicado for up to 13 days (five days for other offences). Under this incommunicado regime, detainees do not have the right to be assisted by a lawyer of their own choice. They also do not have the right to have their family informed of their detention. Foreign nationals do not have the right to have such information communicated to their embassy or consulate. In addition, individuals held incommunicado do not have the right to a medical examination by a doctor of their own choice etc.

Other criticism was directed to the area of migrants and asylum seekers' rights. Concerns, that Spain does not provide migrants and asylum seekers with sufficient help and thus limits their rights to education, health and other social services, were raised.

Problems with discrimination, racism and xenophobia against foreign nationals and Spanish citizens from ethnic minorities in the field of employment, access to housing, and education, as well as incidents of racism involving law enforcement officials were mentioned for example by Pakistan, Egypt or Uruguay. Recommendations to improve collection and publishing of statistics on racist incidents were given.

Some other states (Denmark, Norway) were concerned with the institutional response to gender-based violence in Spain. Bangladesh recommended to remove obstacles that irregular migrant women face in accessing justice and specialized services, which put them at increased risk of gender-based violence and killings.

Other states (Iran, Panama) raised their concerns about Spanish legislation that does not include a definition of human trafficking in line with international law. Recommendation to bring national legislation into line with international human rights standards and to provide comprehensive support for all victims of human trafficking including minors were given.

Other concerns regarded Roma population and gender equality in Spain.

The outcome of the review will be presented in the form of a report which will summarize the proceedings of the review process, as well as conclusions, recommendations, and voluntary commitments of the Kingdom of Spain.