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Spain*

The present report is a summary of 13 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. The organizations grouped under joint submission 3 (JS3),² and Amnesty International (AI),³ express concern that Spain has not ratified basic instruments for the protection of human rights, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families⁴ and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,⁵ as well as Protocol 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances, the revised European Social Charter⁶ and the Additional Protocol allowing individual complaints to be lodged.⁷

2. AI noted that Spain ratified the International Convention for the Protection of All Persons from Enforced Disappearance. However, it recommended to make the relevant declarations under article 31 and 32⁸ and noted that enforced disappearance is still not included as a distinct offence in the Penal Code.⁹

3. The Council of Europe's Group of States against corruption (CoE GRECO) noted that Spain has not ratified the Criminal Law Convention on Corruption (ETS 173), nor has it signed/ratified its Additional Protocol (ETS 191).¹⁰

B. Constitutional and legislative framework

4. The Ombudsman (*Defensor del Pueblo*) notes that, under article 10.2 of the Constitution, fundamental human rights must be interpreted in conformity with the provisions of the Universal Declaration of Human Rights and other covenants, treaties and conventions signed by Spain.¹¹

C. Institutional and human rights infrastructure

5. In accordance with the Spanish Constitution, the Ombudsman is the High Commissioner of the Spanish Parliament for the extrajudicial guarantee of rights and freedoms. He is also authorized to apply to the Constitutional Court for the remedy of *amparo* for individual cases that have previously been tried, or to challenge the constitutionality of laws and provisions ranked as laws.¹²

D. Policy measures

6. The Ombudsman commends the Spanish Government on its decision to adopt a National Human Rights Plan. The Ombudsman reports that the Government has also set up a committee for monitoring the plan, inviting the Ombudsman to participate as an observer.¹³ The *Coordinadora para la Prevención de la Tortura* (Coordinator for the Prevention of Torture) (CPT) makes reference to the National Human Rights Plan, which, it reports, has come in for considerable criticism from human rights organizations.¹⁴ In particular, the CPT highlights the lack of a process of participation with human rights defence bodies and states that the plan is more a declaration of intent than a true public policy.¹⁵ The CPT reports that a parliamentary resolution exists, which calls upon the Government to submit a programme with specific objectives, timeframes, indicators and

budget allocations for the plan by 1 October 2009, but the Government has failed to do so.¹⁶ The CPT points out that the plan is based on the assessment that torture does not exist and that there are only a few incidents of “malpractice”.¹⁷

7. The organizations grouped under JS1¹⁸ draw attention to the need to ensure that all policies on equality take account of sexual rights, which must not be restricted to the area of health.¹⁹ JS1 also notes the need to guarantee the quality of sexual health and reproductive services as a priority area in the public policies of the Autonomous Communities.²⁰

8. JS1 reports that strategies to address HIV/AIDS are provided for in the multisectoral plans for the period 2008–2012 and notes that a gender perspective has not been incorporated in those plans. JS1 calls for comprehensive programmes on HIV/AIDS to be formulated, which will help to avoid the secondary victimization or institutional violence arising in health-care protocols.²¹

II. Promotion and protection of human rights on the ground

A. Implementation of international human rights obligations

1. Equality and non-discrimination

9. AI raised concerns regarding 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 racist incidents involving law enforcement officials.²² Although measures to tackle racism are included in the National Human Rights Plan,²³ AI recommended to collect and publish statistics on racist incidents and to develop a national action plan against racism and xenophobia.²⁴ The Open Society Justice Initiative (OSJI) reported indications by police trade unions that police in Madrid are given weekly quotas for arresting illegal immigrants, and are instructed to hunt for potential detainees outside their own districts in order to meet the targets.²⁵ OSJI recommended to make clear that discrimination in policing is incompatible with Spain’s human rights obligations.

10. JS3 reports that persons with disabilities in Spain are still unable to exercise their rights on equal terms.²⁶ It also highlights that the policies for disabled persons lack provision for sufficient participation and consultation with representative organizations, especially at the regional and local level.²⁷

2. Right to life, liberty and security of the person

11. JS3 has called for article 15 of the Spanish Constitution to be amended because it still mentions the death penalty.²⁸

12. The International Commission of Jurists (ICJ) reported that the definition of torture, contained in article 174 of the Penal Code, falls short of that in article 1 of the Convention against Torture.²⁹ It also mentioned that the offence of torture is subject to a statute of limitations varying from 10 to 20 years.³⁰ AI noted that the law does not explicitly exclude either “due obedience” or “superior orders” as justifications for acts of torture. The law also does not specifically state that “sexual violence” may amount to torture or other ill-treatment when committed in custody.³¹

13. The CPT reports that the decision taken to incorporate the National Mechanism for the Prevention of Torture in the Ombudsman institution runs counter to the views expressed by various representatives of civil society who have called for the establishment of a body independent from all branches of government and empowered to monitor the activities of any institution for custody or judicial protection.³²

14. JS2 adds that, despite the many condemnations of the international community and human rights organizations, denial of the existence of torture can also be found in political discourse.³³ JS2 stresses that Spain must show evidence of a real political will to end impunity and enforce the absolute prohibition of torture under any circumstances.³⁴ The CPT indicates that five reports have been prepared and published containing more than 4,000 allegations of torture or ill-treatment between 2003 and 2008.³⁵ The CPT also makes reference to recommendations contained in reports prepared by various international organizations.³⁶ AI expressed concern on the propensity of the authorities to label all allegations of torture or other ill-treatment made by detainees held on terrorism-related charges as a tactic of an organized criminal strategy to discredit the state, without conducting effective investigations, contrary to Spain's obligations under international law.³⁷ AI recommended immediate steps to establish an independent police complaints mechanism with a mandate to investigate all allegations of serious human rights violations by law enforcement officials. It further recommended extending the compulsory and systematic use of CCTV recording in all areas of police stations where detainees may be present.³⁸ The Basque Observatory indicated that thousands of citizens of Basque origin — many of them not involved in terrorist activities, as proved in Court — have referred having been subject to different methods of torture by police forces operating in the Basque region.³⁹

15. ICJ indicated that the Government announced in its 2008 Human Rights Plan that it would introduce measures to prohibit incommunicado detention for minors, to adopt measures to record by video or other audio-visual means for the entirety of the stay in police detention facilities; and to allow for detainees to be visited by an additional doctor appointed by the National Mechanism for the Prevention of Torture. ICJ noted that proposals for reform are not sufficient to provide full protection.⁴⁰

16. The Ombudsman states that in his latest report he expressed concern about the high incidence of possible abuse or maltreatment by local police officers. He also expressed concern about the increasing number of complaints of abuses by private security guards.⁴¹

17. According to the Organization for Defending Victims of Violence (ODVV), despite the criminalization of domestic violence and setting up of special courts, and the setting of heavy sentences for those who commit these crimes, the Government is still facing serious problems to address this challenge.⁴² JS1 reports that the provisions of Organization Act 1/2004 regulating gender-based violence lack detailed focus on human trafficking, exploitation and prostitution and genital mutilation, or prevention and analysis of sexual violence.⁴³ AI expressed concern about the lack of implementation of some of the provisions of the law on Comprehensive Protection Measures to Tackle Gender-Based Violence, which leaves many women at risk.⁴⁴ AI recommended ensuring that all victims of gender-based violence, including irregular migrants, have effective access to legal assistance and protection measures. It also recommended a national plan to combat violence against women and girls.⁴⁵

18. JS3 points out that, despite the low crime rate in Spain, prison overcrowding has reached a level of 165 per cent.⁴⁶ As a result, there is clear evidence of inadequate sanitation, poor health care and violations of the prohibition on torture and cruel, inhuman or degrading treatment.⁴⁷ The Basque Observatory noted that the 570 citizens of Basque origin in prison due to their alleged connection to political crimes suffer special measures that affect their living conditions. Reference was also made to the law that allows pretrial detention to be extended to four years in exceptional circumstances, and also to a “dispersal policy” which is an obstacle to the right to health care and effective medical assistance, breaches the right to defence, impedes the right to education and communication with prisoner's relatives, and includes long periods under isolation as a systematic measure.⁴⁸ The Ombudsman reports that the number of prisoner deaths, which is on the increase,

continues to give cause for concern, especially when the death is due to suicide. The Ombudsman stresses the need to improve psycho-social care, which is a service that the prison authorities can provide.⁴⁹ One of the positive aspects commended in the Ombudsman's latest reports is the process of consolidating the "modules on respect". The Ombudsman considers that the investigation initiated in 2008 to update data available on the number of prison inmates with some kind of disability also deserves special mention.⁵⁰

19. AI noted that human trafficking, which affects women and girls in particular, continues to be addressed as a public order and migration issue.⁵¹ It noted that legislation does not include a definition of trafficking in line with international law, and that the 2009–2012 Integrated Plan against Trafficking for Sexual Exploitation does not establish a mechanism to ensure correct identification of victims but only provides for a comprehensive support for victims who collaborate with the authorities and does not contain specific measures for minors.⁵²

3. Administration of justice, including impunity and the rule of law

20. The Ombudsman reports problems in the administration of justice, which are becoming chronic⁵³ and gained greater public attention in 2008 due to a strike by judicial officials in certain Autonomous Communities.⁵⁴ The Ombudsman notes that he has been saying for some time that the reform and modernization of the administrative organization of justice in Spain cannot brook further delay. In his view, the areas that should be given priority attention include staff shortages, insufficient training and experience of potential staff, and the lack of information technology tools adapted to the particular needs of criminal proceedings.⁵⁵

21. ICJ drew attention to the threat to judicial independence posed by the recent criminal prosecution of a Magistrate for his investigation into crimes against humanity committed during and after the Spanish Civil War. ICJ called on the Human Rights Council to propose that Spain reconsider provisions for the offence of *prevaricación* (articles 446 and 447 of the Criminal Code), which applies only to judges, in light of the potential for abuse through prosecutions, and the consequences for judicial independence.⁵⁶

22. AI noted that in 2008, an investigating judge from the National Criminal Court launched an investigation into the enforced disappearances that occurred during the civil war and early years of the Franco government.⁵⁷ AI indicated that the local courts are reaching differing decisions in these cases and relatives face uncertainty with regard to their right to an effective remedy and to know the fate of the victims. Most of the judges have decided that these cases concern common crimes and have closed them on the grounds that the statute of limitations has expired.⁵⁸ According to AI, the Senate's rejection in 2009, of a draft law calling on the Government to take on the task of locating, exhuming and identifying the remains of victims of the civil war and Franco Government shows the State's lack of political will with regard to this issue. AI notes that only the Autonomous Government of Cataluña passed a law committing to paying the costs of exhumations and other measures.⁵⁹ AI recommended to undertake measures to locate, exhume and identify remains in mass graves, and to criminalize enforced disappearance in law, whether by state actors or individuals or groups acting with the authorization, support or acquiescence of the state.⁶⁰

23. The Basque Observatory of Human Rights – Behatokia – reported that, mostly in the 1980s, security forces have resorted to mechanisms of arbitrary, summary or extrajudicial executions. It indicated that those cases were never properly investigated and the perpetrators were never brought to justice. It also mentioned paramilitary activity with the participation or collusion of members of the administration. The Basque Observatory made reference to cases of Basque citizens disappeared in strange circumstances.⁶¹

24. PEN Català considers it unacceptable that the body of judges who regulate procedures do not agree that Catalan should be mandatory for judges officiating in Catalonia.⁶²

25. AI noted that on 7 October 2009, the Senate adopted an amendment to the Law on the Judiciary limiting universal jurisdiction to cases in which the victims are Spanish or in which Spain has a “relevant connecting link”, where the alleged perpetrator is in Spain and as long as “proceedings implying an effective investigation and prosecution have not begun in another competent country or in an International Court”. The criteria for determining what constitutes an “effective” investigation in this context are not defined.⁶³ AI recommended ensuring that the effective implementation of the principle of universal jurisdiction be in line with international standards.⁶⁴ ICJ considered that the proposed restrictions will constitute a retrogressive precedent for the development of universal jurisdiction and the fight against impunity for serious violations of human rights.⁶⁵ ICJ stated that, although the establishment of unqualified universal jurisdiction is not an obligation for States under international law, permissive universal jurisdiction is available to States.⁶⁶

26. CoE GRECO noted that the incrimination of bribery and trading in influence in the Penal Code suffers from several substantial inconsistencies as compared to the standards established by the Criminal Law Convention on Corruption and its Additional Protocol.⁶⁷ CoE GRECO indicated that, in the last years, despite the various amendments to the relevant provisions in the Penal Code and major improvements with regard to the establishment of the Special Prosecution Office against Corruption and Organized Crime, it would appear that corruption remains a noticeable problem, especially at local level, and that further efforts are needed to significantly reduce its occurrence.⁶⁸

4. Right to privacy, marriage and family life

27. JS1 reports that Spanish Act 3/2007, which regulates the rectification of register entries relating to a person’s gender, was a step forward in that it simplified formalities for name or gender changes in the Civil Register and eliminated the requirement for sex reassignment surgery in order to change a register entry. JS1 points out, in connection with sex changes, that it is necessary for persons to have reached the age of majority for the purpose of rectifying a register entry or any other kind of intervention, and it makes reference to a case brought before the courts.⁶⁹

28. JS1 reports that, according to lesbian, gay, bisexual and transgender (LGBT) communities, there is still no comprehensive national legislation on transsexuality regulating gender identity as such, as well as its implications with regard to health, employment, a person’s official documents, transphobia or respect for diversity in the education system.⁷⁰

5. Freedom of religion or belief and right to participate in public and political life

29. The Institute on Religion and Public Policy (IRPP) noted that the 1978 Spanish Constitution guarantees freedom of religion, and that religion will not have any state character.⁷¹ IRPP indicated that the system for recognizing a religious group can be confusing and burdensome⁷² and that while society is largely accepting minority religions, there have been some instances of abuse or discrimination, which the Government has been trying to eliminate.⁷³

30. The Basque Observatory indicated an attempt to extend the accusation of terrorism to cultural, political and social Basque organizations, newspapers and media companies, political parties and election candidatures that were working publicly, legally and freely.

The Basque Observatory also reported on the dissolution of several political parties by means of the Statutory Law 6/2002, which reformed the Law of Political Parties.⁷⁴

31. JS3 reports that women represent a small minority in the political, economic and social spheres, despite the fact that Organization Act 3/2003 on effective equality between women and men establishes the principle of the balanced representation of women and men in the different spheres.⁷⁵

6. Right to social security and to an adequate standard of living

32. The Ombudsman notes that the 2008 report highlighted the growing concern over a significant number of complaints from users and professionals about a process described as the outsourcing of health services, whose expansion may give rise to violations of the basic principles of the health system, i.e. that it should be universal, free, publicly financed and equitable.⁷⁶

33. JS1 reports that there is currently no general law regulating all aspects of sexual rights⁷⁷ and that on 26 September 2009 the Council of Ministers approved the draft Organization Act on Sexual and Reproductive Health and Abortion, which is pending in Parliament. JS1 highlights the purpose of the bill, but states that the educational measures provided for will be insufficient.⁷⁸ JS1 refers to complaints of inequality in access to and quality of sexual health services received by persons with disabilities, women in rural areas, lesbians, prostitutes and migrant women.⁷⁹

34. JS1 reports that only pregnant women or women planning to conceive are obliged to take HIV tests, which constitutes a violation of the right of women to patient autonomy.⁸⁰ The provision of comprehensive health care for transsexuals under the Spanish national health system remains an outstanding issue.⁸¹ JS1 notes that having HIV-positive status restricts a woman's access to refuges for women who have suffered gender-based violence.⁸²

35. The Ombudsman reports that housing is possibly the sector that has been hardest hit by the economic crisis. Complaints during 2008 point to an insufficient supply of public housing for citizens most at risk. The Ombudsman emphasizes that the current State plan, which provides for more investment in that area, should be taken into account.⁸³

7. Right to education and to participate in the cultural life of the community

36. The Ombudsman reports that he has stressed the importance of governments offering enough school places for children from 3 years of age, in line with social requirements and legal regulations in force, and guaranteeing free education for the second cycle up to 6 years of age. Provision for pupils with special educational needs continues to be inadequate in many schools.⁸⁴

37. JS1 calls for the synergetic relationship between gender, sexuality, sexual rights, HIV and sexual violence to be incorporated in the school curriculum.⁸⁵

38. PEN Català reports that the latest attempt to obtain equal status in law for the two languages — Catalan and Spanish — by proposing a new Statute of Autonomy ended in an appeal to the Constitutional Court, which has still not been resolved after three years of deliberation.⁸⁶ PEN Català makes reference to cases where the Catalan language has been eroded and to problems in the cultural integration of new immigrants.⁸⁷ PEN Català recommends that the Government of the Autonomous Community of Catalonia should guarantee the right of citizens to use the mother tongue with co-official status in the community for all administrative purposes, especially the administration of justice.⁸⁸

39. CoE ECRI noted that human rights education was not imparted in schools as a separate subject, but constituted a cross-cutting theme reflected in all disciplines. CoE

ECRI recommended that the Spanish authorities strengthen the human rights component of the curriculum and that they consider, in the longer term, making human rights a specific compulsory subject.⁸⁹

8. Minorities and indigenous peoples

40. The European Commission against Racism and Intolerance (CoE ECRI) noted that members of Roma communities in Spain faced prejudice, disadvantage and discrimination across many areas of life, including education, employment, housing and health. CoE ECRI recommended that Spain evaluate the Roma Development Programme, which had been in place since the end of the 1980s to improve the situation of the Roma population.⁹⁰

9. Migrants, refugees and asylum-seekers

41. The Ombudsman emphasizes the need for the authorities to shift the focus from security and economic-labour issues in connection with aliens to socio-family and humanitarian matters.⁹¹ The Ombudsman reports that, during visits carried out in 2008 to centres providing first aid and detention facilities for foreigners arriving illegally by sea and to centres offering emergency care for unaccompanied minors, improvements in facilities in southern Tenerife were recorded but serious irregularities were found in centres on the island of Gran Canaria.⁹² The Ombudsman mentions his strong opposition to the practice in the Barranco Seco detention centre, Las Palmas, of labelling the clothes of detainees with an identification number, since it constitutes a violation of human dignity. The Ombudsman stresses the need for the Spanish authorities to ascertain the exact age of foreign arrivals, so that the most appropriate protection can be arranged for them.⁹³

42. JS2 draws attention to the worrying situation in the temporary detention centre for foreigners in Ceuta due to overcrowding and the practice of deporting immigrants to a third country.⁹⁴

43. JS3 mentions that current legislation on aliens provides for equal rights for Spaniards and foreigners. However, that principle has been contradicted both in the drafting of regulations and in current reforms. Foreigners do not enjoy freedom of movement and residence, as work and residency permits are restricted to one province.⁹⁵ AI noted that restrictions on access to the municipal register and expiration of registration included in the Law on Aliens created serious obstacles for migrants to enjoying their right to education, health and access to other social services.⁹⁶

44. JS3 mentions that the Spanish position on the right to asylum is striking, in that it suggests that Spain has been overwhelmed by asylum applications and refugee flows. According to official figures, in 2008 4,517 asylum applications were made, 169 of which were granted (the lowest figure for 20 years).⁹⁷ JS3 reports that the new Asylum Act, approved on 15 October 2009, makes it more difficult to seek asylum, which gives cause for concern. For example, it removes the possibility of seeking asylum in Spanish diplomatic offices; introduces new, vague exclusion clauses; allows for an asylum application to be refused if the candidate comes from a “safe third country”; extends the detention period at the border up to a maximum of 10 days; suppresses the role of guarantor played by UNHCR; and prevents a review of an asylum application once it has been refused even when new evidence has come to light in favour of the applicant.⁹⁸ AI recommended to ensure all migrants, including irregular migrants, and asylum-seekers have effective access to economic, social and cultural rights.⁹⁹

45. AI expressed concern that measures taken to impede the entry into Spain of undocumented persons violate the prohibition of refoulement.¹⁰⁰ AI has documented several cases of the authorities forcibly returning individuals to countries where they may face a real risk of being subjected to torture or other ill-treatment.¹⁰¹ AI recommended refraining

from forcibly returning any individual to a country where there may be a risk of torture or other serious human rights violations.¹⁰² It recommended respecting the principle of non-refoulement and ensuring effective access to asylum procedures, including for those intercepted at sea.¹⁰³

46. AI expressed concern at the expulsion of unaccompanied minors under “family reunification” measures which do not follow due legal process and do not take into account the minor’s family situation.¹⁰⁴ Eleven judicial decisions in 2007 recorded irregularities in the expulsion of minors.¹⁰⁵ AI recommended ensuring that all measures taken in relation to unaccompanied minors be in line with national and international law.¹⁰⁶

47. According to the European Committee of Social Rights (CoE ESCR), the situation of foreign workers in Spain is not in conformity with the European Social Charter on the grounds that foreigners who have lost their job are not entitled to an extension of their work permit to give them sufficient time to seek new employment.¹⁰⁷

10. Human rights and counter-terrorism

48. AI indicated that, under the Criminal Procedure Act, detainees held on suspicion of terrorism-related offences may be held incommunicado without having the right to be assisted by a lawyer or access a medical doctor of their own choice, nor are their families informed of their detention. Foreign nationals do not have the right to have their embassy or consulate informed of their detention. Furthermore, individuals held on suspicion of involvement in terrorism-related offences — whether or not held incommunicado — may be held in police custody for up to five days before being presented to a judicial authority.¹⁰⁸ The Basque Observatory noted that several international mechanisms have recommended the elimination of the 5-day period of incommunicado detention.¹⁰⁹ AI recommended the abrogation of articles 509, 520 bis and 527 of the Criminal Procedure Act and ensuring that all detainees are brought promptly before a judge.¹¹⁰ JS2 also expressed its concern over the use of incommunicado detention and the conditions of detention in such cases.¹¹¹ ICJ also referred to the practice of incommunicado detention and the procedure used in such circumstances.¹¹²

49. AI expressed concern about the repeated use of Spanish airspace and airports by a third country in the context of a programme of secret rendition and detention.¹¹³ ICJ also reported on this practice,¹¹⁴ noting that the use of Spanish airports in the transport of rendered persons engages the responsibility of Spain to protect against such treatment on its territory, and to investigate whether and how it occurred.¹¹⁵

50. ICJ is conscious of the difficult situation that Spain faces in combating serious crime, including acts of terrorism, and considers it positive that Spain has avoided the creation of parallel legal systems to counter terrorism. However, it notes that Spain has retained, and in some cases extended, exceptional measures restricting the rights of detainees.¹¹⁶ The Basque Observatory noted that the principle of equality is breached through the expansive implementation of exceptional measures and that the exacerbated extension of the term “terrorism” means these measures are being applied against activities carried out by organizations that can by no means be linked to violent or criminal activities. It believes that these practices violate the right to equal treatment and are based on discrimination because this exceptional antiterrorist legislation, and the restrictions it allows, are only applied in the Basque context.¹¹⁷

III. Achievements, best practices, challenges and constraints

51. ODVV pointed out the strengthening of existing education policies and programmes; independence and unbiased press and media; guaranteeing gender equality

and adoption of special measures for the realization of non-discrimination in favour of women; attention towards financial and economic crises; and conformation of the Constitution and domestic laws with the UDHR and other international human rights instruments.¹¹⁸

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

52. JS3 notes that in 2008 official development assistance (ODA) fell far short of the goal of 0.7 per cent of GDP set by the United Nations.¹¹⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status).

Civil society

AI	Amnesty International*, London, UK;
Basque Observatory	Basque Observatory of Human Rights – Behatokia, Bilbao, Spain;
CPT	Joint submission by the Coordinadora para la Prevención de la Tortura, Madrid, España;
ICJ	International Commission of Jurists*, Geneva, Switzerland;
IRPP	Institute on Religion and Public Policy, Washington, D.C., United States of America;
JS1	Joint submission by Creación Positiva y la Iniciativa por los Derechos Humanos, España;
JS2	Joint submission by ACAT Spain and the Fédération Internationale l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT)*; Paris, France;
JS3	Joint submission by Instituto de derechos humanos de Catalunya, Observatori DESC, Comité Espagnol de Representantes de Personas con Discapacidad, Observatori del Sistema Penal i dels Drets Humans, Coordinadora de Agricultores y Ganaderos, Organizacion de Consumidores y Usuarios de Catalunya, Plataforma Som lo que Sembrem, Ecologistas en Acción, Observatorio de la Deuda de la Globalización, Associacio ProHabitatge, España;
ODVV	Organizations for Defending Victims of Violence*, Teheran, Iran;
OSJI	Open Society Justice Initiative*, United State of America;
PEN Català	PEN Català, Barcelona, España;

National human rights institution

Defensor del Pueblo Defensor del Pueblo**, Madrid (España);

Regional intergovernmental organization

CoE
 Council of Europe, Strasbourg, France;
 - *CoE ECRI*: Third report on Spain, adopted on 24 June 2005, European Commission against Racism and Intolerance (ECRI) (CRI (2006)4, Strasbourg, 21 February 2006;
 - *CoE CPT*: Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and

- Inhuman or Degrading Treatment or Punishment (CPT) from 12 to 19 December 2005 CPT/Inf (2007) 30, Strasbourg, France, 10 July 2007;
- *CoE CPT*: Response of the Spanish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Spain from 12 to 19 December 2005 CPT/Inf (2007) 31, Strasbourg, France 10 July 2007;
 - *CoE ACFC*: Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Spain, adopted on 22 February 2007, ACFC/OP/II/(2007)001, Strasbourg, France, 2 April 2008;
 - *CoE CM*: Resolution CM/ResCMN(2008)1 on the implementation of the Framework Convention for the Protection of National Minorities by Spain, adopted by the Committee of Ministers on 2 April 2008 at the 1023rd meeting of the Ministers' Deputies;
 - *CoE CSR*: European Committee of Social Right, Conclusions XIX-1 Spain, Articles 1,9,10,15 and 18 of the Charter and Article 1 of the 1988 Additional Protocol, November 2008 and Annex 1: Spain and the European Social Charter. Update October 2009, Department of the European Social Charter;
 - *CoE GRECO*: Group of States against Corruption (GRECO): contribution that might be considered for the 8th session of the UPR, 23/10/09/BJ;
 - *CoE GRECO*: Group of States against Corruption (GRECO): Third Evaluations Round, Evaluations Report on Spain Incriminations (ETS 173 and 191, GPC 2) (Theme I), Greco Eval III Rep (2008) 3E, Theme I, Strasbourg, France, 15 May 2009.

² Para conocer la composición de la JS3 ver la nota 1.

³ JS3 página 8. See also AI, p. 8.

⁴ See also *CoE ECRI*, p. 7, para. 3.

⁵ JS3, página 8. AI p. 8.

⁶ See also *CoE ECRI*, p. 7, para. 3.

⁷ JS3, p. 8, see also submission from JS3.

⁸ AI, p. 8.

⁹ AI, p. 6.

¹⁰ CoE GRECO (2008), p. 27, para. 100.

¹¹ Defensor del Pueblo, p. 1.

¹² Defensor del Pueblo, p. 2.

¹³ Defensor del Pueblo, p. 9.

¹⁴ Ver también JS3, pp. 6-7.

¹⁵ Coordinadora para la Prevención de la Tortura, pp. 4-5.

¹⁶ Coordinadora para la Prevención de la Tortura, pp. 4-5.

¹⁷ Coordinadora para la Prevención de la Tortura, pp. 4-5.

¹⁸ Para conocer la composición de la JS1 ver la nota 1.

¹⁹ JS1, p. 2.

²⁰ JS1, p. 3.

²¹ JS1, p. 3.

²² AI, p. 5.

²³ AI, p. 5.

²⁴ AI, p. 7.

²⁵ OSJI, p. 2. See submission for cases cited.

²⁶ JS3, p. 4.

²⁷ JS3, p. 4.

²⁸ JS3, p. 8.

²⁹ See also AI, p. 7.

³⁰ ICJ, p. 5.

- ³¹ AI, p. 3.
³² Coordinadora para la Prevención de la Tortura, p. 3. See also JS2, p. 4.
³³ JS2, pp. 2-3.
³⁴ JS2, pp. 2-3.
³⁵ Coordinadora para la Prevención de la Tortura, pp. 2-3. CoE CPT (2007) 30, pp. 11-13, paras. 11-16.
³⁶ Coordinadora para la Prevención de la Tortura, pp. 5-9. Ver lista de informes referidos en informe de la CPT.
³⁷ AI, p. 4.
³⁸ AI, p. 7.
³⁹ Basque Observatory, pp. 3-4. See submission for cases cited.
⁴⁰ ICJ, p. 2.
⁴¹ Defensor del Pueblo, pp. 5-6.
⁴² ODVV, p. 2.
⁴³ JS1, p. 2. See also JS3, p. 6.
⁴⁴ AI, p. 5. ODVV, p. 2.
⁴⁵ AI, pp. 7-8.
⁴⁶ JS3, pp. 4-5.
⁴⁷ JS3, p. 5.
⁴⁸ Basque Observatory, pp. 3-4.
⁴⁹ Defensor del Pueblo, p. 5.
⁵⁰ Defensor del Pueblo, p. 5.
⁵¹ AI p. 5. See Also *CoE ECRI*, p. 27 para. 81.
⁵² AI, p. 5.
⁵³ Defensor del Pueblo, p. 3. See also submission from the Basque Observatory, pp. 4-5.
⁵⁴ Defensor del Pueblo, p. 4.
⁵⁵ Defensor del Pueblo, p. 4.
⁵⁶ ICJ, p. 5.
⁵⁷ AI, p. 6.
⁵⁸ AI, p. 6.
⁵⁹ AI, p. 6.
⁶⁰ AI, p. 8.
⁶¹ Basque Observatory, p. 2. See submission for cases cited.
⁶² PEN Català, p. 3.
⁶³ AI, p. 3.
⁶⁴ AI, p. 7.
⁶⁵ ICJ, p. 6.
⁶⁶ ICJ, pp. 5-6.
⁶⁷ CoE GRECO (2008), p. 27, para. 101.
⁶⁸ CoE GRECO (2008), p. 27, para. 102.
⁶⁹ JS1, p. 5. Ver caso citado en informe de la JS1.
⁷⁰ JS1, p. 5.
⁷¹ IRPP, p. 1.
⁷² IRPP, p. 3.
⁷³ IRPP, p. 3. See submission for cases cited.
⁷⁴ Basque Observatory, pp. 5-6.
⁷⁵ JS3, p. 6.
⁷⁶ Defensor del Pueblo, pp. 7-8.
⁷⁷ JS1, p. 1.
⁷⁸ JS1, pp. 1-2.
⁷⁹ JS1, p. 2.
⁸⁰ JS1, p. 4.
⁸¹ JS1, p. 5.
⁸² JS1, p. 3.
⁸³ Defensor del pueblo, p. 9. Ver también JS3.
⁸⁴ Defensor del Pueblo, pp. 6-7.
⁸⁵ JS1 p. 3.

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- ⁸⁶ PEN Català pp. 1–2.
⁸⁷ PEN Catalá, p. 3.
⁸⁸ PEN Catalá, p. 4.
⁸⁹ See also *CoE ECRI*, p. 13, para. 26.
⁹⁰ *CoE ECRI*, p. 23, para. 67; see also *CoE ACFC*, pp. 5–6, para. 14 and p. 17, paras. 72–73.
⁹¹ Defensor del Pueblo, p. 6.
⁹² Defensor del Pueblo, p. 6.
⁹³ Defensor del Pueblo, p. 6.
⁹⁴ JS2, p. 3.
⁹⁵ JS3, p. 1.
⁹⁶ AI, pp. 4–5.
⁹⁷ JS3, p. 7.
⁹⁸ JS3, p. 7. See also AI, pp. 3–4.
⁹⁹ AI, p. 7.
¹⁰⁰ AI, p. 4.
¹⁰¹ AI, p. 4. See submission for cases cited.
¹⁰² AI, p. 7.
¹⁰³ AI, p. 7.
¹⁰⁴ See Also *CoE (ECRI) (CRI (2006) 4*, Strasbourg, 21 February 2006; p. 16 para. 40.
¹⁰⁵ AI, p. 5.
¹⁰⁶ AI, p. 7.
¹⁰⁷ *CoE ECSR*, p. 18, para. 4.
¹⁰⁸ AI, p. 3. See also submission from the Basque Observatory, pp. 3–4.
¹⁰⁹ Basque Observatory, pp. 3–4.
¹¹⁰ AI, p. 7.
¹¹¹ JS2, pp. 1–2.
¹¹² ICJ, pp. 1–2.
¹¹³ AI, p. 6.
¹¹⁴ ICJ, p. 3.
¹¹⁵ ICJ, p. 4. See also AI, p. 8.
¹¹⁶ ICJ, p. 3.
¹¹⁷ Basque Observatory, p. 2.
¹¹⁸ ODVV, p. 2.
¹¹⁹ JS3, p. 9.
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