

**UN Human Rights Council
Twenty-ninth session, 15 June – 3 July 2015**

**Item 6:
Consideration of UPR reports**

SPAIN

Mr. President,

Amnesty International welcomes Spain's accept of recommendations to guarantee the rights to freedom of peaceful assembly, association and expression.¹ We are concerned, however, that the law regulating the right to freedom of assembly does not envisage or recognize the right to hold spontaneous demonstrations, as provided for in international standards. This law, together with the Public Safety Law and the reformed Criminal Code that will enter into force on 1 July, threaten the right to freedom of assembly and expression.

Spain also accepted recommendations to ensure access to effective asylum procedures and to respect the principle of *non-refoulement*.² However, Spain continues to prevent people fleeing human rights violations access to such procedures, especially at the border with Morocco. There have been both collective and individual expulsions of asylum-seekers, who could be at risk of human rights violations, as well as cases of excessive or unnecessary use of force by the security forces at the borders.

Mr. President,

Impunity for human rights violations committed in the past remains a grave concern. In line with the recommendation made by Switzerland,³ we call again on Spain to guarantee the right to truth, justice and reparation for the victims of the Civil War and Francoism (1936-1975). Over the years, the judiciary has systematically failed to

¹ A/HRC/29/8, paras 131.109 (Serbia); 131.110 (Sweden); 131.111 (Chile); 131.112 (Costa Rica); 131.113 (Czech Republic) and 131.115 (Switzerland) and A/HRC/29/8/Add.1, page 2.

² A/HRC/29/8, recommendations 177 (Norway), 178 (Sweden), 179 (Uruguay), 182 (Czech Republic), A/HRC/29/8/Add.1, page 3 and A/HRC/29/8, paras 131.177 (Norway); 131.178 (Sweden); 131.179 (Uruguay); 131.182 (Czech Republic).

³ A/HRC/29/8, paras 131.98 (Switzerland).

respond in the investigations of crimes under international law and has even closed down some of the cases.⁴

Finally, and despite a commitment in its National Report prepared for the UPR,⁵ the crimes of torture and enforced disappearance are still not codified in line with international standards in the reformed Criminal Code that will enter into force on 1 July 2015. We call on Spain to criminalize torture and enforced disappearance as separate crimes in the Criminal Code, within the category of crimes under international law and in line with the Convention against Torture and the Convention on Enforced Disappearance.

In closing, we encourage the government to take immediate measures to implement the recommendations arising from this review and to continue to work closely with civil society organizations in this regard.

Thank you, Mr. President.

⁴ Amnesty International, Spain, current human rights concerns and a setback in the struggle against impunity.

<https://www.amnesty.org/es/documents/document/?indexNumber=eur41%2F003%2F2014&language=en>

⁵ A/HRC/WG.6/21/ESP/1, Para 10.