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paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1**

## Spain

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. 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), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	
ICERD	13 September 1968	None	Individual complaints (art. 14):	No
ICESCR	27 April 1977	None	-	
ICCPR	27 April 1977	None	- Inter-State complaints (art. 41):	Yes
ICCPR-OP 1	25 January 1985	Yes (art. 5) <sup>3</sup>	-	
ICCPR-OP 2	11 April 1991	None	-	
CEDAW	5 January 1984	Yes <sup>4</sup>	-	
OP-CEDAW	6 July 2001	None	Inquiry procedure (arts. 8 and 9):	Yes
CAT	21 October 1987	None	Inter-State complaints (art. 21): Individual complaints (art. 22): Inquiry procedure (art. 20):	Yes Yes Yes
OP-CAT	4 April 2006	None	-	
CRC	6 December 1990	Yes (arts. 21 and 38) <sup>5</sup>	-	
OP-CRC-AC	8 March 2002	Binding declaration under art. 3: 18 years	-	
OP-CRC-SC	18 December 2001	None	-	
CRPD	3 December 2007	None	-	
OP-CRPD	3 December 2007	None	Inquiry procedure (arts. 6 and 7):	Yes
CED	24 September 2009	None	Individual complaints (art. 31): Inter-State complaints (art. 32):	No No

*Core treaties to which Spain is not a party:* OP-ICESCR<sup>6</sup> (signature only, 2009), and ICRMW.

<i>Other main relevant international instruments<sup>7</sup></i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>8</sup>	Yes

<i>Other main relevant international instruments<sup>7</sup></i>	<i>Ratification, accession or succession</i>
Refugees and stateless persons <sup>9</sup>	Yes, except 1961 Conventions on the reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>10</sup>	Yes, except Additional Protocol III (signature only, 2005)
ILO fundamental conventions <sup>11</sup>	Yes
UNESCO Convention against Discrimination in Education	Yes (acceptance)

1. In 2009 the Committee against Torture (CAT) invited Spain to ratify OP-CESCR.<sup>12</sup>

## **B. Constitutional and legislative framework**

2. CAT and the Human Rights Committee (HR Committee) welcomed the adoption of Act No. 52/2007, the Historical Memory Act, which provides for reparations for the victims of the dictatorship.<sup>13</sup>
3. CAT also noted with satisfaction the amendment of article 174 of the Criminal Code,<sup>14</sup> but observed that the definition of torture was not fully in line with the Convention.<sup>15</sup> It was concerned that the offence of torture may be subject to a statute of limitations after 15 years.<sup>16</sup>
4. It took note of a legislative amendment with regard to the application of universal jurisdiction over international crimes in national courts. It urged the State to ensure that the reform would not impede the exercise of its jurisdiction over all acts of torture.<sup>17</sup>
5. The Committee on the Elimination of Discrimination against Women (CEDAW) commended the adoption of Organic Law 3/2007 on effective equality for men and women, which includes a definition of discrimination against women in line with the Convention, Organic Law 1/2004 on integral protection measures against gender violence, and Law 33/2006 on the equality of men and women in the order of succession to titles of nobility.<sup>18</sup> It also noted that the constitutional reform necessary to guarantee equality before the law for women and men in the succession to the Crown has not yet taken place owing to other pending constitutional reform proposals.<sup>19</sup>
6. CAT noted with satisfaction the amendment of article 154 of the Civil Code, explicitly prohibiting the use of any form of violence or physical punishment against children.<sup>20</sup>

## **C. Institutional and human rights infrastructure**

7. The Defensoría del Pueblo of Spain was accredited with “A” status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2000, which was reconfirmed in 2007.<sup>21</sup>
8. CAT noted that Organization Act No. 1/2009 established that the Defensor del Pueblo (Ombudsman) will act as the national mechanism for the prevention of torture, in accordance with OP-CAT, and that the same Act provides for the creation of an advisory board to provide technical and legal cooperation. It recommended that the State ensure that the Ombudsman has sufficient resources.<sup>22</sup>

9. In 2009 CEDAW noted that the Council on Women's Participation, created by Organic Law 3/2007, was not yet functioning.<sup>23</sup>

10. CRC welcomed the establishment of a cross-sectoral Child Rights Observatory. It noted, however, that cooperation between the central administration and the autonomous communities remains insufficient.<sup>24</sup>

11. The ILO Committee of Experts on the Application of Conventions and Recommendations noted, as regards persons with disabilities, that the Government had issued Royal Decrees Nos.1417/2006 and 1414/2006 on a system of arbitration to resolve complaints and on the application of Act No. 51/2003 on equality of opportunity for persons with disabilities.<sup>25</sup>

## D. Policy measures

12. CAT noted with satisfaction the adoption of the Human Rights Plan.<sup>26</sup> CEDAW commended the adoption of the Strategic Plan for Equality of Opportunities (2008-2011).<sup>27</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>28</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	March 2004	-	Combined eighteenth to twentieth report received May 2009
CESCR	2002	May 2004	-	Fifth report received in June 2009
HR Committee	2007	October 2008	Overdue since November 2009	Sixth report due to November 2012
CEDAW	2008	August 2009	Due in August 2011	Seventh and eighth reports due in 2013
CAT	2008	November 2009	Due in November 2010	Sixth report due in 2013
CRC	1999	June 2002	-	Combined third and fourth report submitted in 2008
OP-CRC-AC	2006	October 2007	-	-
OP-CRC-SC	2006	October 2007	-	-

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (7-14 May 2008); <sup>29</sup> Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (20 November-1 December 2006); <sup>30</sup> Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (5-10 October 2003); <sup>31</sup> Special Rapporteur on the human rights of migrants (15-27 September 2003). <sup>32</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the human rights of migrants (requested in 2006); independent expert on the minority issues (requested in 2006)
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living expressed his gratitude to the Government of Spain for the invitation, the support it provided during the mission and its constructive response to his preliminary observations. <sup>33</sup>
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, eight communications were sent. The Government replied to five communications, representing replies to 62.5 per cent of communications sent.
<i>Responses to questionnaires on thematic issues</i>	Spain responded to 15 of the 21 questionnaires sent by special procedures mandate holders. <sup>34</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

13. Spain contributed financially to OHCHR in 2006, 2007, 2008 and 2009, including contributions to the Voluntary Fund for Victims of Torture, the Voluntary Fund for Indigenous Populations and the Voluntary Trust Fund on Contemporary Forms of Slavery.<sup>35</sup>

14. In 2008, OHCHR implemented one of its indigenous fellowship programmes in partnership with a university in Bilbao.<sup>36</sup>

15. The High Commissioner visited Spain on 4 November 2009.

## B. Implementation of international human rights obligations

### 1. Equality and non-discrimination

16. CEDAW remained concerned about the persistence of entrenched, traditional stereotypes regarding the roles and responsibilities of women and men, which contribute to women's disadvantaged position.<sup>37</sup>

17. The Committee urged the State to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality reach rural areas and are fully implemented at all levels.<sup>38</sup> It also noted the sharp increase of migrant female workers in the agricultural-food industry, employed as temporary farmhands.<sup>39</sup>

18. CAT took note of the efforts of the State to combat racism and xenophobia as well as of its adoption of the Strategic Plan for Citizenship and Integration (2007–2010). It expressed concern about information indicating a higher frequency of acts of intolerance

and incidents of racial violence against migrants and persons of different ethnic or religious backgrounds, as well as about allegations that the authorities' responses to these acts are not always timely or adequate.<sup>40</sup> The HR Committee and the Committee on Economic, Social and Cultural Rights (CESCR) expressed similar concerns.<sup>41</sup> The Committee on the Elimination of Racial Discrimination (CERD) expressed concern about allegations received of instances of police misbehaviour towards ethnic minorities or persons of non-Spanish origin.<sup>42</sup> The Special Rapporteur on the question of torture<sup>43</sup> and UNHCR conveyed similar views.<sup>44</sup> UNHCR added that Spain does not record and publish official statistics about incidents or reports on racially motivated crimes.<sup>45</sup> In one case, the HR Committee found a violation of the right to be free from racial discrimination.<sup>46</sup>

19. In January 2008, the Special Rapporteurs on the human rights of migrants and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, sent a communication concerning a minor of Ecuadorian nationality who was allegedly attacked in Barcelona on 7 October 2009 on a train. The assailant is said to have insulted her, beaten her while hurling racist and xenophobic abuse, and threatened to kill her. The Provincial High Court in Barcelona reportedly decided to confirm the pretrial release of the assailant without bail, after having dismissed the appeals lodged. In its reply, the Government pointed out that, as soon as the young victim had sought help, the Civil Guard had launched a hunt for the perpetrator of these acts, who was later detained at his home. Furthermore, the Spanish Government considers that the problem of eliminating racist attitudes requires a comprehensive remedy.<sup>47</sup>

20. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that since the Madrid bombings in March 2004, a series of efforts have been made in order to prevent xenophobia from developing, as well as to further the integration of communities.<sup>48</sup>

21. The ILO Committee of Experts said it hoped that the Government would provide information on programmes to, among other things, promote better understanding and greater tolerance in respect of persons belonging to minority groups, particularly migrants and nationals of non-European origin and the Roma people.<sup>49</sup>

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

22. CAT recommended that the State continue its efforts to reduce the number of suicides and violent deaths in all places of detention.<sup>50</sup> The Special Rapporteur on the question of torture noted in 2004 that complaints and reports of torture or ill-treatment should be investigated promptly and effectively. Legal action should be taken against the public officials involved, and they should be suspended from their duties pending the outcome of the investigation and any subsequent legal or disciplinary proceedings.<sup>51</sup> The HR Committee<sup>52</sup> in 2009 and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in 2008 expressed similar concerns.<sup>53</sup> In response, the Government of Spain referred to measures adopted to ensure the timely detection and investigation of cases of police abuse.<sup>54</sup> CAT has found violations in two cases against Spain. The State provided a response and the dialogue is ongoing.<sup>55</sup>

23. CAT reiterated its position that that under no circumstances must diplomatic guarantees be used as a safeguard against torture or ill-treatment where there are substantial grounds for believing that a person would be in danger of being subjected to torture or ill-treatment upon return.<sup>56</sup> The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism was extremely concerned about the implementation of an extradition approved by the Audiencia Nacional on diplomatic assurances in respect of the risk of torture, despite repeated calls by the Special Rapporteur to the contrary.<sup>57</sup>

24. The HR Committee welcomed the plan to improve conditions of detention in prisons and encouraged the State to seek alternative solutions to imprisonment.<sup>58</sup>

25. CAT took note of the steps taken to improve the guarantees of individuals held in incommunicado detention. It was also pleased to note the commitment to expressly forbid the use of incommunicado detention for minors. The Committee reiterated its concern that the system of incommunicado detention for offences involving terrorists or armed gangs, which may last for up to 13 days, undermines the guarantees of the rule of law. The State must review incommunicado detention with a view to its abolition, and ensure that all persons deprived of their liberty have access to the fundamental rights of detainees.<sup>59</sup> The HR Committee,<sup>60</sup> the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism<sup>61</sup> and the Special Rapporteur on the question of torture<sup>62</sup> expressed similar concerns.

26. CERD recalled, as highlighted also by UNHCR,<sup>63</sup> that law enforcement officials should receive intensive training to ensure that in the performance of their duties they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.<sup>64</sup>

27. CAT remained concerned at reports of an unacceptable number of acts of violence against women, including domestic violence, which sometimes result in murder. It was of the view that the extent of this problem in the State calls for a response that goes beyond legislative provisions and action plans and requires a comprehensive effort to change the perception of women in society and dispel associated stereotypes.<sup>65</sup> CEDAW remained concerned about the prevalence of violence against women; it noted with concern that the number of reported murders of women by current and former spouses or partners has not declined significantly and that the severity of violence committed against women has actually increased.<sup>66</sup> CESCR and the HR Committee have expressed similar concerns.<sup>67</sup> CRC expressed its concern at reports that female genital mutilation is practised on girls of sub-Saharan origin.<sup>68</sup>

28. CAT was concerned about the particularly vulnerable situation of migrant women in an irregular situation who are victims of gender-based violence, and recommended that the State should speed up the adoption of the bill to amend Organization Act No. 4/2000, in order to enable such women to request and obtain a residence or work permit given their exceptional circumstances.<sup>69</sup>

29. Given the interlinkages between violence against women and women's right to adequate housing, the Special Rapporteur on adequate housing recommended that the Spanish authorities continue and develop their work on this issue.<sup>70</sup>

30. CAT, as well as CEDAW,<sup>71</sup> commended the adoption of the Plan to Combat Human Trafficking for Purposes of Sexual Exploitation. UNHCR highlighted that the Plan should acknowledge that victims of trafficking may be in need of international protection.<sup>72</sup> CRC welcomed the elaboration and evaluation of the first National Plan of Action against the Commercial Sexual Exploitation of Children as well as the adoption of a second National Plan of Action for 2006 to 2009. However, it was concerned that the Plan does not cover all areas of the Optional Protocol, lacks adequate resources and is inadequately disseminated.<sup>73</sup> CAT expressed concern that the Criminal Code contains no criminal offence specifically addressing human trafficking for the purposes of sexual exploitation. It recommended that the State establish a national mechanism to identify all victims and take the necessary measures to ensure access to the asylum procedure for foreign women who are victims of trafficking or at risk of being trafficked, who can show a need for international protection.<sup>74</sup> CEDAW<sup>75</sup> in 2009, CRC<sup>76</sup> in 2007 and CESCR<sup>77</sup> in 2004 made similar recommendations.

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

31. The HR Committee welcomed the established practice of national courts in applying the provisions of the Covenant in their decisions.<sup>78</sup> It noted that the State should ensure that Organization Act No. 19/2003 fully guarantees the right to appeal to a higher court in criminal matters.<sup>79</sup> In February 2006, the Government stated that Law 19/2003 to establish a second instance in Spain was approved on 23 December 2003. However, prior to its entry into force a further law, the Comprehensive Law 6/1985, would have to be approved. No further information has been provided in this regard.<sup>80</sup>

32. The Committee also reiterated its recommendation that the practice of setting the length of pretrial detention according to the length of the sentence incurred should end.<sup>81</sup> The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism conveyed similar views.<sup>82</sup>

33. The HR Committee was concerned at the continuing applicability of the 1977 amnesty law. The State should, inter alia take the necessary legislative measures to guarantee recognition by the domestic courts of the non-applicability of a statute of limitations to crimes against humanity and allow families to exhume and identify victims' bodies, and provide them with compensation.<sup>83</sup> In a communication, Spain stressed that the Committee was calling into question a decision that was supported by the whole of Spanish society and that contributed to the transition to democracy in Spain.<sup>84</sup> In 2009, the Working Group on Enforced or Involuntary Disappearances reported on allegations transmitted to Spain regarding, inter alia, information that there had been no investigations into disappearances that took place during the Spanish Civil War and under General Francisco Franco's regime even though these were considered to be continuing crimes. The Working Group also reported on the application of the 1977 Amnesty Law. The Government provided a detailed response.<sup>85</sup>

34. CAT recommended that the State should promptly amend article 520, paragraph 4, of the Criminal Procedure Act, in order to make the right to legal counsel more effective. It encouraged the State party to carry out a further amendment to article 520, to ensure that at the stage of detention, when detainees are read their rights, these rights include the right to ask to be brought immediately before a judge.<sup>86</sup> The HR Committee was concerned about the sub judice rule whereby the judge in a criminal investigation can order a full or partial ban on access by the defence to the information produced by the investigation.<sup>87</sup>

### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

35. The HR Committee took note of reports that the exercise of freedom of expression and association could be unjustifiably hindered by prosecutions before the National High Court for the offences of association and collaboration with terrorist groups.<sup>88</sup> The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism reiterated that counter-terrorism measures should not be used to limit the rights of non-governmental organizations, the media or political parties.<sup>89</sup> The Government commented that, despite the authoritativeness of judicial decisions based on well-established evidence, it seems that the Special Rapporteur still has reservations with regard to the restrictions on the right to association imposed under the definition of the crime of belonging to an armed group.<sup>90</sup> In 2006 the Special Rapporteur on the right to freedom of opinion and expression sent a communication on the court-ordered closing of a Basque-language newspaper.<sup>91</sup> The Government provided a response.<sup>92</sup>

36. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism strongly recommended that Spain bring vaguely formulated provisions in the Organic Law on Political Parties in line with



international standards on the limitation of freedom of expression, so as to avoid any risk of applying it to political parties that share the political orientation of a terrorist organization, but do not support the use of violent means.<sup>93</sup>

37. A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 28.3 per cent in 2004 to 36.3 per cent in 2009.<sup>94</sup>

#### **5. Right to work and to just and favourable conditions of work**

38. CESCR was concerned that the level of unemployment remains high, particularly among young people and women, noting that the high rate of long-term unemployment particularly affected persons above the age of 40 as well as Roma. It also noted significant regional disparities in unemployment.<sup>95</sup>

39. CEDAW noted the various measures taken by the State to support the participation of women in the labour market. It remained concerned about the gender pay gap, the continued predominance of women in temporary and part-time work, and the low representation of women in managerial and decision-making positions.<sup>96</sup>

40. In 2004 CESCR expressed concern about the vulnerable situation of domestic workers, a majority of whom are immigrants.<sup>97</sup> It urged the State to take effective measures to improve their protection, so as to bring their rights and benefits in line with those afforded to other workers.<sup>98</sup>

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

41. CEDAW urged the State to continue its efforts to lower the rate of unwanted pregnancies, including through improvements in the availability and affordability of sexual and reproductive health services, as well as family planning information and services. It called upon the State to ensure the effective implementation of its strategies against HIV/AIDS and sexually transmitted diseases. The Committee also encouraged the State to carefully monitor the delivery of health services so that it can respond in a gender-sensitive manner to all health concerns of women.<sup>99</sup> CESCR expressed similar concerns.<sup>100</sup>

42. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living noted that the ownership model, encouraged in the last decades through tax deductions and other means, has led to a situation where other tenancy regimes were not sufficiently promoted.<sup>101</sup> In this regard the Special Rapporteur noted that there is an urgent need to increase the availability of rental housing targeted at meeting the demands of the low-income population.<sup>102</sup>

43. The Special Rapporteur also urged the authorities to adopt an official definition of homelessness and stressed the importance of gathering reliable statistics and data on the phenomenon in order to address the situation.

#### **7. Right to education**

44. CRC noted with concern the high rate of truancy, school drop-out and the difficult school integration of Roma children, children belonging to migrant families or children living in socio-economically deprived areas, and also noted that some children belonging to migrant families, particularly girls, do not complete compulsory education or have great difficulties in attending school.<sup>103</sup>

#### **8. Minorities and indigenous peoples**

45. CEDAW noted that Roma women continue to be in a vulnerable and marginalized situation and continue to suffer from multiple discrimination, particularly with regard to

access to education, employment and health care.<sup>104</sup> It recommended that the State increase Roma women's awareness of and access to services and programmes in all sectors.<sup>105</sup> CERD, CESCR and CRC expressed similar concerns.<sup>106</sup>

## 9. Migrants, refugees and asylum-seekers

46. In 2004 CESCR remained concerned about the precarious situation of the large number of undocumented immigrants.<sup>107</sup>

47. The Special Rapporteur on the human rights of migrants recommended that, in the medium and short term, measures to ensure the more effective protection of the human rights of migrants in Spain should be strengthened. These measures should include, inter alia, ratifying ICRMW, as recommended by a number of treaty bodies<sup>108</sup> and UNHCR,<sup>109</sup> as well as ensuring appropriate protection for victims of trafficking in human beings and their families, so as to enable them to cooperate with the justice system and receive compensation for violations suffered.<sup>110</sup> Noting that Spain has a legal system of guarantees which prevent infringement of the human rights of any person the Government responded that there is no need to ratify ICRMW. It added that assistance and protection are guaranteed to victims of trafficking who cooperate with the authorities, that return to their country of origin or sojourn and residence in Spain are offered, according to their choice, together with a work permit and facilities for their social integration.<sup>111</sup>

48. The ILO Committee of Experts indicated that with regard to migrant workers, orders have been adopted (Nos. TAS/3698/2006 and TAS/711/2008) to regulate the registration of non-European Union foreign workers in public employment services and employment agencies.<sup>112</sup>

49. While stating that with the new Asylum Law adopted in October 2009, all forms of international protection are incorporated into one comprehensive norm,<sup>113</sup> UNHCR raised concerns about the inclusion of the exceptions to the prohibition of refoulement of the 1951 Convention as grounds for denial or revocation of refugee status in the new Law. UNHCR also noted that the new legislation excludes European Union citizens.<sup>114</sup>

50. CAT was concerned that, under the new Asylum Law, applications can be rejected under accelerated procedures, even at the border itself.<sup>115</sup> The HR Committee expressed similar views.<sup>116</sup> CERD was concerned about the poor conditions encountered by asylum-seekers due to the overcrowding of reception centres, in particular in Ceuta and the Canary Islands.<sup>117</sup> CRC and UNHCR expressed similar concerns.<sup>118</sup> The HR Committee remained concerned, as highlighted also by UNHCR,<sup>119</sup> at reports that judicial supervision of asylum applications has been reduced to a mere formality.<sup>120</sup>

51. In three letters sent between September 2005 and July 2006, the Special Rapporteurs on the human rights of migrants, on extrajudicial, summary or arbitrary executions, and on the question of torture, referred to alleged incidents in which immigrants, mainly of sub-Saharan origin, had been the victims of excessive use of force by Spanish authorities, which had resulted in serious injuries and even the death of those individuals, when they had attempted to enter Spanish territory at the border of the enclave of Melilla. The Government responded exhaustively.<sup>121</sup>

52. In 2009, the HR Committee was concerned, as highlighted also by UNHCR,<sup>122</sup> at the reports describing the situation of unaccompanied children arriving in Spanish territory who are repatriated with no heed to the best interests of the child. These children are allegedly ill-treated in the reception centres and sometimes detained without the benefit of a lawyer's assistance and without being brought promptly before a judge.<sup>123</sup> CESCR,<sup>124</sup> CAT,<sup>125</sup> CERD<sup>126</sup> and CRC<sup>127</sup> expressed similar concerns and made recommendations. Spain responded that the best interest of the child is the legal principle on which all Spanish legislation on child protection is based and governs, among other things, procedures

relating to unaccompanied foreign minors, in which being a minor takes precedence over being foreign.<sup>128</sup>

53. CRC was concerned that the identification of children who may have been recruited or used in hostilities prior to arrival in Spain was inadequate and could result in a breach of the principle of non-refoulement.<sup>129</sup> Furthermore, it regretted that asylum-seeking children who have been recruited or used in armed conflict are poorly informed about the asylum process and have insufficient access to specialized professionals who can provide multidisciplinary assistance.<sup>130</sup> UNHCR expressed similar concerns.<sup>131</sup>

#### **10. Human rights and counter-terrorism**

54. CAT noted with appreciation the fact that Spain has not created a parallel justice system to combat terrorism, and also noted that the State has repeatedly acknowledged that the prohibition of torture is absolute and that exceptional circumstances can never be invoked in order to justify torture.<sup>132</sup>

55. The HR Committee expressed concern at the potentially too broad scope of the definitions of terrorism in domestic law. The State should define terrorism in a restrictive way and ensure that its counter-terrorism measures are in full conformity with the Covenant. In particular, it should consider amending articles 572–580 of the Criminal Code to limit their application to offences that are indisputably terrorist offences.<sup>133</sup> In its response, Spain maintained that the definition of terrorism in the Criminal Code does comply with international and regional law.<sup>134</sup>

56. During his visit to the Basque region the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism was informed of the severe impact on the enjoyment of many human rights, including freedom of expression, experienced by many sectors of society. As a consequence of the terrorist threat, which creates an environment that severely affects the possibilities for open dialogue, many people hesitate to freely criticize the means and methods of terrorism publicly for fear of retaliation. Another factor, linked to the counter-terrorism policies of the State, is that part of the population feels that openly sharing the goals of self-determination for the Basque region, or even raising what they consider to be deficiencies in the field of human rights, in particular in the context of the fight against terrorism, would unjustly cause them to be linked to the Euskadi Ta Askatasuna (ETA).<sup>135</sup>

57. CAT took note of the information received on the allegations that some Spanish airports had been used since 2002 for the transfer of prisoners under the “extraordinary rendition” programme, and also of the State’s condemnation of the use of such methods and its commitment to investigate and shed light on the allegations. The Committee urged the State party to continue to cooperate in the investigations being carried out in this respect by the judicial authorities.<sup>136</sup> The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism recalled that extraordinary rendition on its own entails serious human rights violations<sup>137</sup> and urged Spain to thoroughly and independently investigate all circumstances surrounding its involvement in rendition programmes.<sup>138</sup> The Working Group on Enforced or Involuntary Disappearances transmitted to the Government an allegation in this regard<sup>139</sup> and received an official reply.<sup>140</sup>

### **III. Achievements, best practices, challenges and constraints**

58. UNHCR highlighted among positive developments the high standards of the Spanish reception system. Moreover, six months after an asylum claim has been lodged, asylum-

seekers are entitled to obtain a work permit and may enjoy free access to the labour market.<sup>141</sup>

59. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms and countering terrorism noted, as an element of best practice, that the Spanish authorities regard proper consideration for victims of terrorism as an essential element of the whole framework of counter-terrorism. In addition to financial compensation, much significance is given to moral support for victims of terrorism.<sup>142</sup>

60. CRC noted with appreciation the State's contributions to projects for the rehabilitation and reintegration of child soldiers in countries experiencing conflict or in post-conflict situations.<sup>143</sup> It recommended that Spain consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country where children are known to be — or may potentially be — recruited or used in hostilities.<sup>144</sup>

## **IV. Key national priorities, initiatives and commitments**

### **A. Pledges by the State**

61. Spain stated that the National Mechanism for the Prevention of Torture would be established, pursuant to OP-CAT obligations. The Government will comply fully with its obligations under all the international instruments to which it is a party. It will cooperate with other countries and international organizations in the promotion and protection of human rights over the world.<sup>145</sup>

### **B. Specific recommendations for follow-up**

62. CAT requested the State to provide information, within one year, in response to the Committee's recommendations in paragraphs 10 (Criminal Procedure Act), 12 (system of incommunicado detention), 20 (detention centres for minors), 23 (data on acts of torture and abuse) and 25 (migrant women who are victims of gender-based violence).<sup>146</sup>

63. The HR Committee indicated that Spain should provide, within one year, relevant information on the implementation of its recommendations in paragraphs 13 (national mechanism for the prevention of torture), 15 (length of pretrial detention) and 16 (matters of detention and expulsion of foreigners). No response has been received.

64. CEDAW requested the State to provide, within two years, written information on steps taken to implement the recommendation contained in paragraphs 22 (trafficking in women and children) and 26 (contraception and sexually transmitted diseases).

## **V. Capacity-building and technical assistance**

N/A

### *Notes*

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

- <sup>2</sup> The following abbreviations have been used for this document:
- |            |   |
|------------|---|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights  |
| OP-ICESCR  | Optional Protocol to ICESCR   |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD    | Optional Protocol to the Convention on the Rights of Persons with Disabilities                                |
| CED        | International Convention for the Protection of All Persons from Enforced Disappearance.                       |
- <sup>3</sup> “The Spanish Government accedes to the Optional Protocol to the International Covenant on Civil and Political Rights, on the understanding that the provisions of article 5, para. 2, of that Protocol mean that the Human Rights Committee shall not consider any communication from an individual unless it has ascertained that the same matter has not been or is not being examined under another procedure of international investigation or settlement.”
- <sup>4</sup> “The ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish crown.”
- <sup>5</sup> “1. Spain understands that article 21, para. (d), of the Convention may never be construed to permit financial benefits other than those needed to cover strictly necessary expenditure which may have arisen from the adoption of children residing in another country.”
- “2. Spain, wishing to make common cause with those States and humanitarian organizations which have manifested their disagreement with the contents of article 38, paras. 2-3, of the Convention, also wishes to express its disagreement with the age limit fixed therein and to declare that the said limit appears insufficient, by permitting the recruitment and participation in armed conflict of children having attained the age of fifteen years.”
- <sup>6</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.”
- <sup>7</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Spain before the Human Rights Council, as contained in the note verbale dated 26 March 2008 sent by the Permanent Mission of Spain to the United Nations addressed to the President of the General Assembly (A/62/788).
- <sup>8</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>9</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>10</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol

Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

- <sup>11</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>12</sup> Concluding observations of the Committee against Torture (CAT/C/ESP/CO/5), para. 30.
- <sup>13</sup> Concluding observations of the Human Rights Committee (CCPR/C/ESP/CO/5), para. 3 and CAT/C/ESP/CO/5, para. 4 (a).
- <sup>14</sup> CAT/C/ESP/CO/5, para. 7.
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid., para. 22.
- <sup>17</sup> Ibid., para. 17.
- <sup>18</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ESP/CO/6), para. 4.
- <sup>19</sup> Ibid., para. 11.
- <sup>20</sup> CAT/C/ESP/CO/5, para. 4 (b).
- <sup>21</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex 1.
- <sup>22</sup> CAT/C/ESP/CO/5, para. 29.
- <sup>23</sup> CEDAW/C/ESP/CO/6, para. 13.
- <sup>24</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/ESP/CO/1), para. 10.
- <sup>25</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Spain (ratification: 1967) 2009, Geneva, doc. No. (ILOLEX) 062009ESP111, second paragraph.
- <sup>26</sup> CAT/C/ESP/CO/5, para. 4 (e).
- <sup>27</sup> CEDAW/C/ESP/CO/6, para. 4.
- <sup>28</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child.                        |
- <sup>29</sup> A/HRC/10/3/Add.2.
- <sup>30</sup> A/HRC/7/16/Add.2.
- <sup>31</sup> E/CN.4/2004/56/Add.2.
- <sup>32</sup> E/CN.4/2004/76/Add.2.
- <sup>33</sup> A/HRC/7/16/Add.2, para. 4.
- <sup>34</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of

children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.

<sup>35</sup> OHCHR Report of Activities and Results 2009; OHCHR Report of Activities and Results 2008, pp. 174, 178-180, 183, 185, 204; OHCHR Report of Activities and Results 2007, pp. 147, 149, 151, 152, 156, 171; OHCHR Annual Report 2006, pp. 158, 159, 160, 162, 165.

<sup>36</sup> 2008 OHCHR Report of Activities and Results, p. 43.

<sup>37</sup> CEDAW/C/ESP/CO/6, para. 7.

<sup>38</sup> Ibid., para. 28.

<sup>39</sup> Ibid., para. 27.

<sup>40</sup> CAT/C/ESP/CO/5, para. 26.

<sup>41</sup> CCPR/C/ESP/CO/5, para. 20 and Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.99), para. 8.

<sup>42</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/6), para. 11.

<sup>43</sup> E/CN.4/2004/56/Add.2, para. 52.

<sup>44</sup> UNHCR submission to the UPR on Spain, p. 5.

<sup>45</sup> Ibid., p. 7.

<sup>46</sup> CCPR/C/96/D/1493/2006, Views adopted by the Human Rights Committee on 27 July 2009. The deadline for the State's response is February 1, 2010.

<sup>47</sup> A/HRC/11/7/Add.1, paras. 398-444. See also A/HRC/11/36/Add.1, paras. 70-73.

<sup>48</sup> A/HRC/10/3/Add.2, para. 49. See also A/HRC/10/G/2.

<sup>49</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

- Spain (ratification: 1967) 2009, Geneva, doc. No. (ILOLEX): 062009ESP111, third paragraph.
- 50 CAT/C/ESP/CO/5, para. 19.
- 51 E/CN.4/2004/56/Add.2, para. 69.
- 52 CCPR/C/ESP/CO/5, para. 13.
- 53 A/HRC/10/3/Add.2, para. 63. See also A/HRC/10/G/2.
- 54 A/HRC/7/3/Add.2, para. 635.
- 55 Committee against Torture, Communication No. 59/1996 (CAT/C/20/D/59/1996), Views adopted on 14 May 1998 and Communication No. 212/2002 (CAT/C/34/D/212/2002), Views adopted on 17 May 2005.
- 56 CAT/C/ESP/CO/5, para. 13.
- 57 A/HRC/10/3/Add.2, para. 64. See also A/HRC/10/G/2.
- 58 CCPR/C/ESP/CO/5, para. 5.
- 59 CAT/C/ESP/CO/5, para. 12.
- 60 CCPR/C/ESP/CO/5, para. 14.
- 61 A/HRC/10/3/Add.2, para. 62. See also A/HRC/10/G/2.
- 62 E/CN.4/2004/56/Add.2, para. 66 and A/HRC/4/33/Add.2, paras. 559–561.
- 63 UNHCR submission to the UPR on Spain, annex I, p. 4, citing CERD/C/64/CO/6, para. 11.
- 64 CERD/C/64/CO/6, para. 11.
- 65 CAT/C/ESP/CO/5, para. 24.
- 66 CEDAW/C/ESP/CO/6, para. 19.
- 67 E/C.12/1/Add.99, para. 17; CCPR/C/ESP/CO/5, para. 12.
- 68 Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.185), para. 40.
- 69 CAT/C/ESP/CO/5, para. 25.
- 70 A/HRC/7/16/Add.2, para. 99. See also A/HRC/7/G/13.
- 71 CEDAW/C/ESP/CO/6, para. 21.
- 72 UNHCR submission to the UPR on Spain, p. 6.
- 73 CRC/C/OPSC/ESP/CO/1, para. 12.
- 74 CAT/C/ESP/CO/5, para. 28.
- 75 CEDAW/C/ESP/CO/6, para. 22.
- 76 CRC/C/OPSC/ESP/CO/1, para. 26.
- 77 E/C.12/1/Add.99, para. 16.
- 78 CCPR/C/ESP/CO/5, para. 7.
- 79 Ibid., para. 17.
- 80 A/61/40, p. 729.
- 81 CCPR/C/ESP/CO/5, para. 15.
- 82 A/HRC/10/3/Add.2, para. 59. See also A/HRC/10/G/2.
- 83 CCPR/C/ESP/CO/5, para. 9. See also CAT/C/ESP/CO/5, para. 21.
- 84 Comments by the Government of Spain on the concluding observations of the Human Rights Committee (CCPR/C/ESP/CO/5/Add.1), para. 9.
- 85 A/HRC/13/31, para. 482; see also paras 486–495.
- 86 CAT/C/ESP/CO/5, para. 10.
- 87 CCPR/C/ESP/CO/5, para. 18.
- 88 Ibid., para. 19.
- 89 A/HRC/10/3/Add.2, para. 12. See also A/HRC/10/G/2.
- 90 A/HRC/10/G/2, p. 16.
- 91 A/HRC/4/27/Add.1, para. 577.
- 92 Ibid., para. 578.
- 93 A/HRC/10/3/Add.2, para. 55. See also A/HRC/10/G/2.
- 94 United Nations Statistics Division coordinated analyses, available from:  
<http://millenniumindicators.un.org/unsd/mdg/Data.aspx>.
- 95 E/C.12/1/Add.99, para. 12.
- 96 CEDAW/C/ESP/CO/6, para. 23.
- 97 E/C.12/1/Add.99, para. 15.
- 98 Ibid., para. 32.
- 99 CEDAW/C/ESP/CO/6, para. 26.
- 100 E/C.12/1/Add.99, para. 40.



- <sup>101</sup> A/HRC/7/16/Add.2, para. 92. See also A/HRC/7/G/13.  
<sup>102</sup> A/HRC/7/16/Add.2, para. 101. See also A/HRC/7/G/13.  
<sup>103</sup> CRC/C/15/Add.185, para. 42.  
<sup>104</sup> CEDAW/C/ESP/CO/6, para. 29.  
<sup>105</sup> *Ibid.*, para. 30.  
<sup>106</sup> E/C.12/1/Add.99, paras. 9 and 26; CRC/C/15/Add.185, para. 52; CERD/C/64/CO/6, para. 15.  
<sup>107</sup> E/C.12/1/Add.99, para. 7.  
<sup>108</sup> See CAT/C/ESP/CO/5, para. 30, CEDAW/C/ESP/CO/6, para. 36, CERD/C/64/CO/6, para. 12, CRC/C/15/Add.185, para. 46.  
<sup>109</sup> UNHCR submission to the UPR on Spain, p. 7, citing CRC/C/15/ADD.185, para. 46.  
<sup>110</sup> E/CN.4/2004/76/Add.2, para. 86.  
<sup>111</sup> E/CN.4/2004/G/17, p. 19.  
<sup>112</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Spain (ratification: 1967) 2009, Geneva, doc. No. (ILOLEX) 062009ESP111, second paragraph.  
<sup>113</sup> UNHCR submission to the UPR on Spain, pp. 1 and 2.  
<sup>114</sup> *Ibid.*, p. 3.  
<sup>115</sup> CAT/C/ESP/CO/5, para. 15.  
<sup>116</sup> CCPR/C/ESP/CO/5, para. 16.  
<sup>117</sup> CERD/C/64/CO/6, para. 13.  
<sup>118</sup> UNHCR submission to the UPR on Spain, para. 13.  
<sup>119</sup> *Ibid.*, annex I, p. 3, citing CCPR/ESP/CO/5, para. 16.  
<sup>120</sup> CCPR/ESP/CO/5, para. 16.  
<sup>121</sup> E/CN.4/2006/73/Add.1, paras. 281–295 and E/CN.4/2006/53/Add.1, pp. 210–214. See also E/CN.4/2006/73/Add.1, paras. 258–295; E/CN.4/2006/6/Add.1, para. 413.  
<sup>122</sup> UNHCR, submission to the UPR on Spain, pp. 1 and 2 citing CCPR/ESP/CO/5, para. 21.  
<sup>123</sup> CCPR/C/ESP/CO/5, para. 21.  
<sup>124</sup> E/C.12/1/Add.99, para. 18.  
<sup>125</sup> CAT/C/ESP/CO/5, para. 16.  
<sup>126</sup> CERD/C/64/CO/6, para. 14.  
<sup>127</sup> CRC/C/15/Add.185, para. 45.  
<sup>128</sup> CCPR/C/ESP/CO/5/Add.1, para. 14.  
<sup>129</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/ESP/CO/1), para. 11.  
<sup>130</sup> *Ibid.*, para. 12.  
<sup>131</sup> UNHCR submission to the UPR of Spain, Annex I, p. 5, citing CRC/C/OPAC/ESP/CO/1, para. 13.  
<sup>132</sup> CAT/C/ESP/CO/5, para. 6.  
<sup>133</sup> CCPR/C/ESP/CO/5, para. 10.  
<sup>134</sup> CCPR/C/ESP/CO/5/Add.1, para. 12.  
<sup>135</sup> A/HRC/10/3/Add.2, para. 47.  
<sup>136</sup> CAT/C/ESP/CO/5, para. 14.  
<sup>137</sup> A/HRC/10/3/Add.2, para. 42. See also A/HRC/10/G/2.  
<sup>138</sup> *Ibid.*, para. 65. See also A/HRC/10/G/2.  
<sup>139</sup> A/HRC/13/31, para. 485.  
<sup>140</sup> *Ibid.*, paras. 496–498.  
<sup>141</sup> UNHCR submission to the UPR on Spain, p. 2.  
<sup>142</sup> A/HRC/10/3/Add.2, para. 45(c). See also A/HRC/10/G/2.  
<sup>143</sup> CRC/C/OPAC/ESP/CO/1, para. 4.  
<sup>144</sup> *Ibid.*, para. 16; see also para. 15.  
<sup>145</sup> Pledges and commitments undertaken by Spain before the Human Rights Council, as contained in the note verbale dated 26 March 2008 sent by the Permanent Mission of Spain to the United Nations addressed to the President of the General Assembly (A/62/788), available from [www.un.org/ga/search/view\\_doc.asp?symbol=A/62/788&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/62/788&Lang=E).  
<sup>146</sup> CAT/C/ESP/CO/5, para. 33.