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# CONTENTS

Executive summary .....	5
1. Domestic application of the Covenant and lack of effective remedies for victims of violations of economic, social and cultural rights (Article 2).....	5
2. Right to adequate housing (Article 11) .....	7
3. Right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Article 12) .....	8
3.1 Barriers in the access to the right to health by migrants in an irregular administrative situation.....	9
4. Sexual and reproductive rights- Restrictions on the access to safe and legal abortion .....	10
5. Violence against women (Articles 9, 10 AND 11).....	11
6. Temporary migrant holding centres (Article 11 and 12).....	13



# EXECUTIVE SUMMARY

Amnesty International provides the present written submission to the United Nations (UN) Committee on Economic, Social and Cultural Rights (the Committee) in advance of the adoption of the list of issues prior to reporting for Spain's sixth periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights (the Covenant). Amnesty International is concerned that since the Committee's last review of Spain in May 2012 the State has not adopted the necessary legislative measures to ensure that economic, social and cultural rights enjoy the same level of protection as civil and political rights. Furthermore, at a time of economic crisis, when the protection of human rights of vulnerable groups is needed the most, the Spanish authorities have adopted retrogressive and discriminatory measures, undermining the right to health for migrants in irregular administrative situation, the right to access to a legal and safe abortion, the right to adequate housing and the rights of survivors of gender-based violence. Some of these adopted measures have not even ensured protection of the minimum core content of rights such as health and adequate housing. In addition, the State has failed to compile disaggregated statistical information with a view to identifying the particular individuals and groups affected disproportionately by those measures.

This submission sets out Amnesty International's concerns in relation to domestic application of the Covenant and lack of effective remedies for victims of violations of economic, social and cultural rights, right to adequate housing, right to health, sexual and reproductive rights, violence against women, and temporary migrants holding centres.

## 1. DOMESTIC APPLICATION OF THE COVENANT AND LACK OF EFFECTIVE REMEDIES FOR VICTIMS OF VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ARTICLE 2)

Authorities continue to fail to adequately incorporate the Covenant into national law and provide effective remedies for victims of economic, social and cultural rights violations contrary to the Committee's previous recommendation requesting Spain to take appropriate measures to ensure that the provisions of the Covenant are fully justiciable and applicable by

domestic courts<sup>1</sup>.

The majority of the rights guaranteed under the Covenant, with the exception of the rights to education and to join a trade union, are only accorded the status of “*guiding principles*” under Chapter III of the Constitution and consequently lack the same level of enforceability enjoyed by those rights and freedoms contained in Chapter II of the Constitution.<sup>2</sup>

Article 53 establishes a system of guarantees through which the fundamental rights contained in Chapter II can be protected, which includes procedures for access to courts and the possibility of appeal to the Constitutional Court for protection.<sup>3</sup> By contrast with regard to the “*guiding principles*” set out under Chapter III, article 53.3 states that they shall guide legislation, judicial practice and actions by the public authorities. Consequently, they can only be invoked before the courts by reference to the relevant national laws, which implement these provisions. As a result, economic, social and cultural rights do not enjoy the same level of protection as civil and political rights violating the principles of indivisibility, universality and interdependence of human rights<sup>4</sup> as well as the need for states parties to the Covenant to provide effective remedies for victims of violations.

Under article 96.1 of the Spanish Constitution, “*validly concluded international treaties, once officially published in Spain, shall be part of the internal legal system*”. Nevertheless, the Constitutional Court has interpreted that rights protected under treaties cannot be directly invoked under the internal legal system but as only a device for interpretation of rights that are constitutionally protected<sup>5</sup>. As a result, the Constitutional Court has rarely invoked or relied on the Covenant in its jurisprudence.<sup>6</sup>

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<sup>1</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on Spain. E/C.12/ESP/CO/5 May 2012. The UN Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context further called on the Spanish government to “ensure justiciability of the right to adequate housing contained in the Spanish Constitution and relevant international instruments, through accessible complaint mechanisms available to all”, A/HRC/7/16/Add.2 February 2008.

<sup>2</sup> Chapter II of the Constitution, devoted to rights and freedoms, includes a range of civil and political rights and education and labour rights. The remainder of the rights guaranteed under the Covenant are contained in Chapter III elaborating the so-called “*guiding principles*” governing economic and social policy.

<sup>3</sup> They are fully binding on all public authorities, they are to be regulated by law, with their essential content respected, and it is possible to lodge appeals on grounds of unconstitutionality (article 53.1); a preferential and summary procedure (*recurso judicial*) is available before the ordinary courts to protect the rights recognized in article 14 and Division 1 of Chapter II (article 53.2); an appeal for protection (*recurso de amparo*) to the Constitutional Court is possible in respect of the rights recognized in articles 14 and 30, and Division 1 of Chapter II (article 53.2).

<sup>4</sup> Amnistía Internacional, Greenpeace y Oxfam Intermón. Una reforma constitucional para blindar los derechos humanos. Julio 2015, <http://www.blindatusderechos.org/sites/default/files/Una%20reforma%20para%20blindar%20los%20derechos%20humanos%203.7.2015.pdf> (in Spanish only).

<sup>5</sup> The Constitutional Court has taken the view that, when hearing an appeal, it is not its responsibility “to assess per se whether or not international texts by which Spain is bound have been observed but to verify whether or not the constitutional provisions that recognize the fundamental rights and public freedoms that can be protected by the constitutional remedy of *amparo* (articles 53.2 of the SC and 49.1 of the LOTC [Organic Law on the Constitutional Court]) have been violated, even though, according to article 10.2 of the SC, such provisions should be interpreted in conformity with the Universal Declaration of Human Rights and international treaties and agreements thereon ratified by Spain.” See STC 120/1990, 27 June, FJ 3; STC 7/2004, 9 February, FJ 2. [Unofficial translations]

<sup>6</sup> Response of the Government to the list of issues requested by the ESCRC UN Doc. E/C.12/ESP/Q/5/Add.1, para. 2. Furthermore, the Constitutional Court has stated that the Committee's

## 2. RIGHT TO ADEQUATE HOUSING (ARTICLE 11)

Since the beginning of the economic crisis in 2008, hundreds of thousands of people in Spain have lost their homes or are at risk of losing it<sup>7</sup> due to mortgage repossessions as a result of unemployment and over-indebtedness and thousands continue to be at risk of foreclosure. Mortgage evictions have been carried out without sufficient guarantees being in place for the protection of human rights for the people affected as recently documented by Amnesty International<sup>8</sup>.

Under the judicial process, the Code of Civil Procedure does not require judges to assess carefully the proportionality and reasonableness of an eviction on a case-by-case basis and analyze the impact of an eviction on human rights contrary to the approach and jurisprudence of the European Court of Human Rights<sup>9</sup>. Current legislation merely sets a number of fixed and very narrow vulnerability criteria that fail to protect the majority of people affected and lack a gender focus. Moreover, the legal process is focused exclusively on the claim for mortgage payment. Consequently, householders do not have adequate legal remedies to enforce the protection of their right to housing before courts, thereby increasing their inability to defend themselves against repossession claims.<sup>10</sup>

This lack of equality of arms is also mirrored in the negotiation process between the banks and affected individuals. This is due to the failure of the Government to set up a mandatory mechanism prior to the judicial procedure, in order to monitor the negotiations and require evictions to be the last resort, after exploring all feasible alternatives and prioritizing solutions that allow people to stay in their homes, as required by international law<sup>11</sup>.

Amnesty International notes the measures taken by the Government aimed at providing more protection to mortgage indebted people, such as the Code of Good practices, Social Housing Fund, the suspension of evictions in the case of families belonging to "particularly vulnerable groups" and the reform of the Code of Civil Procedure so that borrowers can argue the existence of abusive and unfair clauses in mortgage contracts and the "Second opportunity Law".

However, these measures taken by the Government are both inadequate with respect to their scope which is very restrictive and the process for their adoption which lacked any

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interpretation of the Covenant cannot be a parameter to analyze the constitutionality of a legal provision under appeal STC 247/2007, 12 December 2007.

<sup>7</sup> According to judicial statistics, 630.896 foreclosure procedures were initiated between 2008 and first nine months of 2015; 28,877 of them resulted in an eviction in 2014 and 21.968 in the first nine months of 2015. As explained later, these numbers do not distinguish between main homes and other homes or commercial premises, but based on information gathered from financial entities, the Bank of Spain reported more than 98.000 concluded foreclosures of first homes between January 2012 and June 2014, 52.000 of which were the result of a judicial procedure.

<sup>8</sup> Amnesty International "Evicted rights: Right to housing and mortgage evictions in Spain". June 2015 <https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI.exe/EUR4170015-27160%20Evicted%20Rights?CMD=VEROBJ&MLKOB=34293751010>

<sup>9</sup> ECtHR, McCann v. UK, 2008, para. 50, Paulic v. Croatia, 2009, para. 43, Kay et al v. UK, 2010, para. 68, Buckland v. UK, 2012, para. 65, Rousk v. Sweden, 2013, para. 137.

<sup>10</sup> Ibid Amnesty International "Evicted rights: Right to housing and mortgage evictions in Spain".

<sup>11</sup> Committee on Economic, Social and Cultural Rights. General Comment 7 on forced evictions, para 13.

consultation with affected people and organizations.

These failings are compounded by the authorities not publishing official statistics about the number of people who have experienced homelessness as a result of mortgage evictions<sup>12</sup> and to compile related disaggregated data for example by sex, age or other characteristics. Nor has the Government conducted and published an analysis of the impact of the evictions from a rights and gender based perspective that would consider the specific effects on women and girls. This lack of statistical data means that, the authorities do not have an accurate assessment of the reality of the impact of mortgage repossessions on the right to adequate housing of different groups and consequently be in a position to formulate and implement appropriate law and policy responses.

Despite this unprecedented phenomenon, Amnesty International notes that the central authorities have adopted a series of unjustified retrogressive measures in the housing sphere contrary to their international obligations under the Covenant. Public spending on housing has been cut by over 50 % between 2008 and 2015, being this budget insufficient to respond to the needs of the increasing number of applicants of social housing. A number of people interviewed by Amnesty International have been on waiting lists for years, but they have not been offered the possibility to access the social housing sector. Yet the Government has failed to provide evidence that all feasible alternatives were explored, that vulnerable groups were prioritized and protected and that all available resources were exhausted (see further below) prior to making such deep and widespread cuts. This is against a backdrop of already very little public investment in housing, with the country, according to the Ombudsman, only having 276.000 social housing units, representing just 1.1% of the housing sector as a whole<sup>13</sup>, the lowest percentage in the European Union.

Finally and according to the latest official Population and Housing census, in 2011 there were 3.44 million empty homes in Spain. This clearly means that the authorities have not exhausted all available resources by making greater use of vacant buildings, as the Special Rapporteur on adequate housing recommended to Spanish authorities since 2008<sup>14</sup>.

### 3. RIGHT OF EVERYONE TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF

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<sup>12</sup> Official statistics say that there are around 23.000 homeless people in Spain. INE (21 December 2012): "Encuesta a las personas sin hogar. Avance de resultados. Año 2012" (in Spanish only) (<http://www.ine.es/prensa/np761.pdf>). Federación de Entidades de Apoyo a las Personas sin hogar (fePsh) says that more than 30,000 people are homeless in Spain.

[http://www.caritas.es/noticias\\_tags\\_noticialInfo.aspx?Id=7876](http://www.caritas.es/noticias_tags_noticialInfo.aspx?Id=7876) (in Spanish only).

<sup>13</sup> Defensor del Pueblo (2013): Estudio sobre viviendas protegidas vacías. <https://www.defensordelpueblo.es/wp-content/uploads/2015/05/2013-03-Estudio-Viviendas-Protegidas-Vac%C3%ADAs.pdf> (in Spanish only).

<sup>14</sup> Special Rapporteur on adequate housing (2008): Report after mission to Spain, para. 101 and 91.



# PHYSICAL AND MENTAL HEALTH (ARTICLE 12)

## 3.1 BARRIERS IN THE ACCESS TO THE RIGHT TO HEALTH BY MIGRANTS IN AN IRREGULAR ADMINISTRATIVE SITUATION.

Authorities have adopted unjustified retrogressive measures affecting the access of migrants in irregular administrative situation to many public health services.

Since 1 September 2012, via the Royal Decree-Law 16/2012, the government has restricted the right to health of migrants in irregular administrative status by, with some exceptions,<sup>15</sup> making them pay to receive healthcare, including primary health care. This reform has taken away the healthcare cards from 748,835 migrants, removing or seriously limiting their access to the health system and in some situations putting their lives at risk<sup>16</sup>.

Government has not facilitated technical studies which support the fulfilment of its international obligation to justify the full use of maximum available resources. Indeed, the Constitutional Court has emphasized that the Government has not indicated the possible economic savings resulting from the application of the Royal Decree Law<sup>17</sup>.

Neither have the authorities have conducted and published a human rights impact assessment before adopting the Royal Decree-Law, in order to predict the direct and indirect effects on the right to health, especially on groups in vulnerable situations, and to ensure that the proposed measures did not aggravate the situation further.

Several UN mechanisms, including this Committee, have expressed their concern about this legal reform,<sup>18</sup> considering it to be a regressive and discriminatory measure that violates the right to the highest attainable standard of health of migrants living in Spain.<sup>19</sup>

Amnesty International regrets the enactment of the Royal Decree-Law and since its entry into force, has documented cases that reveal the particular impact of this regulation on women, in terms of barriers to information on, and services related to, sexual and reproductive health,

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<sup>15</sup> The situations in which access to medical care is permitted are as follows: urgent medical care and pregnancy, birth and post-partum. Children will have medical care in all cases, along with people applying for international protection and victims of human trafficking in the period of re-establishment and reflection.

<sup>16</sup> Government's response to member of the Parliament Jon Inarritu 184/029780. BOCG, Congress of Deputies no. D -387 of 14 January 2014, p. 445. In the National Reform Programme of the Kingdom of Spain (April 2013), the Government had estimated the number at 873,000 people.

<sup>17</sup> Constitutional Court's Decree (Auto) 239/2012, 12th December 2012.

<sup>18</sup> Since the adoption of the reform, several United Nations mechanisms have recommended its review due to the impact on the human rights of migrants: ESCR Committee. Concluding observations. Spain, E/C.12/ESP/CO/5, 17 Mayo de 2012; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Report of the visit to Spain, A/HRC/23/56/Add.2, 6 June 2013; allegation letter sent to Spain by six UN special mechanisms, Special Rapporteur on extreme poverty and human rights, the European Committee on Social Rights of the Council of Europe, Conclusions XX-2 (2013) (Spain), nine country recommendations in the UPR (A/HRC/29/8 April 2015); Working Group on the issue of discrimination against women in law and in practice (A/HRC/29/40/Add.3 June 2015) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/ESP/CO/7-8, July 2015).

<sup>19</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 12.1; Committee on Economic, Social and Cultural Rights, General Comment 14, The right to the highest attainable standard of health (Twenty-second session, 2000), U.N. Doc. E/C.12/2000/4 (2000).

the possible failure to identify victims of gender violence and trafficking and a lack of support for victims of sexual violence.<sup>20</sup> The legal reform has also provoked chaos in and disparities between the Autonomous Communities and between hospitals, due to the lack of clarity of the applicable rules, the diversity of protocols that differ between medical centres, administrative irregularities and practices based, occasionally, on casuistry that, sometimes, have been contrary to the legislation, denying the treatment even to people who had the right to<sup>21</sup>. This scenario has also resulted in, for example, treatment for pregnant women and emergency services being invoiced<sup>22</sup>. Amnesty International is concerned about a potential deterrent effect this irregularities could have caused in the migrant population that has not been assessed by the authorities.

Even when most part of Autonomous Communities have adopted regulations that go beyond the criteria of access to health assistance contained in the Royal Decree-Law, the central Government have not proceed to reform it.

In this context, Amnesty International reiterates the position of this Committee that even during periods of austerity the rights of the most vulnerable, such as undocumented migrants, should be safeguarded and not disproportionately affected.<sup>23</sup>

## 4. SEXUAL AND REPRODUCTIVE RIGHTS- RESTRICTIONS ON THE ACCESS TO SAFE AND LEGAL ABORTION

The authorities have adopted retrogressive measures regarding access to a safe and legal abortion in clear violation of its obligations regarding sexual and reproductive rights.

On 21 September 2015, a new law was adopted requiring adolescent girls aged 16 to 18 and women with a disability to obtain the express consent of their legal representatives in all cases of voluntary termination of pregnancy. The Law 11/2015<sup>24</sup> undermines the protection offered by the Law 2/2010 which established namely that, to access a voluntary termination of pregnancy, adolescent girls in this age group must inform their legal representatives, father or mother, person with parental responsibility or legal guardian, but do not require their express consent in order to access abortion services. The law even offered the possibility of

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<sup>20</sup> Amnesty International (Spanish Section): El laberinto de la exclusión sanitaria. Vulneraciones del derecho a la salud en las Islas Baleares, July 2013 and Sin tarjeta, no hay derecho. Impacto en derechos humanos de la reforma sanitaria en Castilla-La Mancha y en la Comunitat Valenciana, April, 2015. (in Spanish only).

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Letter dated 16 May 2012 addressed by the Chairperson of the ESCR Committee to States parties to the Covenant. <http://www2.ohchr.org/english/bodies/cescr/docs/LetterCESCRtoSP16.05.12.pdf>

<sup>24</sup> Ley Orgánica 11/2015, de 21 de septiembre, para reforzar la protección de las menores y mujeres con capacidad modificada judicialmente en la interrupción voluntaria del embarazo. (in Spanish only).

not having to inform parents or guardians, if the girl was at risk if she were to do so.

The retrogressive reform of the law regulating adolescent girls' access to safe and legal abortion services has clear serious implications for the physical and mental health of girls and women living with disabilities. Inevitably, this regressive amendment will have a disproportionate impact on those already in a vulnerable situation and who may find themselves forced to continue an unwanted pregnancy, including victims of rape or incest. This revised law change will compel those girls who can find the money and support necessary to do so, to travel abroad in order to seek the safe and legal abortion services they need and have a right to, or, for those who do not have the resources or means to travel, to seek a clandestine and unsafe abortion, jeopardizing their life and health<sup>25</sup>.

In 2014, 12.38% of women aged 16 to 18 did not inform their parents for the following reasons: family abandonment, family breakdown, parents in prison, risk of suffering ill-treatment, emancipated minors living in the country without their parents, debilitating parental illness or parents openly opposed to abortion<sup>26</sup>.

Amnesty International considers that this Law is retrogressive, and breaches the State's obligation to respect, protect and fulfil women and girls' right to health, which requires the removal of barriers such as the consent of parents or other people<sup>27</sup>.

## 5. VIOLENCE AGAINST WOMEN (ARTICLES 9, 10 AND 11)

11 years after the entry into force of the Basic Law against Gender-Based Violence in January 2005, access to justice is still precarious for many women survivors of violence and many of them are not receiving the necessary protection. Since the entry into force of this law, over 680 women have been killed by their partners or former partners.

The Committee on the Elimination of Discrimination against Women has recently expressed its concern regarding the deterioration of protective services for women victims of domestic violence in different Autonomous Communities, including the limited availability of shelters for women and children. The Committee recommended that Spain provide adequate assistance and protection to women survivors of violence by providing sufficient shelters, including in rural areas, and enhancing State cooperation with non-governmental

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<sup>25</sup> UN Working Group on the issue of discrimination against women in law and in practice. Mission report to Spain, Informe de la visita a España, June 2015, párr. 110; Human Rights Committee, Concluding Observations Spain, June 2015, párr. 13; CEDAW, Concluding observations Spain, July 2015, párr. 31. ESCR Committee recommended the State party guarantee the full application of Organic Act No. 2/2010 of 3 March 2010 in all parts of Spain, and pay special attention to the situation of adolescent and migrant women. E/C.12/ESP/CO/5 May 2012.

<sup>26</sup> ACAI, Mujeres de 16 y 17 años que no han podido comunicar a sus padres o tutores la interrupción de su embarazo, Noviembre 2014. <http://www.acaive.com/pdf/Investigacion-ACAI-menores-16-y-17-anos-noviembre-2014.pdf> (in Spanish only).

<sup>27</sup> Committee on the rights of the child. General Comment No. 12 (2009) Par. 101 "The right of the child to be heard States parties need to introduce legislation or regulations to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age". CRC/C/GC/12 July 2009.

organizations providing shelter and rehabilitation to survivors<sup>28</sup>.

The Human Rights Committee stated in 2015 its concern at the persistence of violence against women in Spain and, particularly, at the high level of violence experienced by women of immigrant origin and about the fact that they tend not to lodge complaints. The Committee recommended Spain to facilitate access to existing counselling and support services for particularly vulnerable and marginalized women victims of violence, investigate allegations of such violence, initiate prosecutions and, in the event of a conviction, punish those responsible.<sup>29</sup>

The Committee against Torture was concerned about the persistence of violence of this kind because, according to information received, there are often obstacles in the way of lodging complaints, accessing the necessary protection measures and obtaining reparation for the victims. The Committee recommended Spain to allocate sufficient financial resources to ensure that comprehensive support services to women survivors of gender-based violence operate effectively notwithstanding the economic crisis.<sup>30</sup>

Austerity measures have affected the implementation of the Basic Law against Gender-based Violence at all levels, including at national, regional and local level. At the national level, the budget headings for gender-based violence have been reduced over the last years; specifically from EUR 30,3 million in 2011 to EUR 27,3 million in 2015<sup>31</sup>. At the regional level, the budget headings for assistance to women victims of violence managed by the Autonomous Regions have decreased by 50%.<sup>32</sup>

The main responsibility for the management of the resources dedicated to comprehensive assistance to survivors of gender-based violence lies with the Autonomous regions. However, there is a lack of state-wide legislation on minimum standards on availability, accessibility and quality of these services<sup>33</sup>. Thus, in a context of economic crisis and austerity measures, the lack of guarantee in terms of minimum standards have resulted in the reduction of funding and the suspension of essential services in some regions.

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<sup>28</sup> Concluding observations of the CEDAW on the combined seventh and eighth periodic reports of Spain, 24 July 2015, CEDAW/C/ESP/CO/7-8, paragraphs 20 and 21.

<sup>29</sup> Human Rights Committee Concluding observations on the sixth periodic report of Spain, 14 August 2015, CCPR/C/ESP/CO/6, paragraph 12.

<sup>30</sup> Committee against Torture. Concluding observations on the sixth periodic report of Spain, 29 May 2015, CAT/C/ESP/CO/6, paragraph 21.

<sup>31</sup> Amnesty International's submission to the Committee on the Elimination of Discrimination against Women. EUR 41/1807/2015, page 8.

<sup>32</sup> On 29 July 2005, the Council of Ministers established a fund aimed at supporting the Autonomous regions work on comprehensive assistance to survivors of gender-based violence of €10,000,000 for 2005 and €12,000,000 for 2006. On 22 April 2015, with the same aim, the Ministry of Health, Social Policy and Equality agreed to grant, with the same aim, €4,180,000, plus an additional grant of €1,000,000 for 2015:

[http://www.msssi.gob.es/ssi/violenciaGenero/laDelegacionInforma/pdfs/DGVG\\_INFORMA\\_Conferencia\\_Sectorial\\_Igualdad.pdf](http://www.msssi.gob.es/ssi/violenciaGenero/laDelegacionInforma/pdfs/DGVG_INFORMA_Conferencia_Sectorial_Igualdad.pdf)

<sup>33</sup> ESCR Committee. General Comment 14, the right to the highest attainable standard of health. E/C.12/2000/4 (2000), Committee on the Elimination of Discrimination against Women. General Recommendation 19: Violence against women, Eleventh session (1992).

## 6. TEMPORARY MIGRANT HOLDING CENTRES (ARTICLE 11 AND 12)

In its Concluding Observations to Spain, the Committee Against Torture expressed its concern about the continuing high level of overcrowding in the centres holding migrants and asylum seekers who enter Spain through the Spanish enclaves of Ceuta and Melilla in Africa, and the appalling condition of the facilities, which in the Committee's view poses a threat to the safety and physical and psychological integrity of those housed there. In particular, the Committee urged Spain to step up its efforts to reduce overcrowding in those temporary migrant holding centres and take all necessary measures to improve the material conditions of the facilities there, particularly those designed for people with special needs such as single women and women with children, and to ensure the physical and psychological integrity of all individuals in those centres.<sup>34</sup>

Since October 2014, Amnesty International has carried out three visits to the temporary migrant holding centre at Melilla and has visited the centre in Ceuta once. During its visits, in which Amnesty International also interviewed migrants and asylum seekers, the organisation observed deeply inadequate reception conditions. The centre in Melilla, with a formal capacity for 480 people, has held about 1700 people<sup>35</sup>. Due to the overcrowded conditions, there are not enough rooms for all of them, and mostly men must sleep in tents. Some of the testimonies gathered by AI expressed complaints because the tents get wet by rain and also because of insecurity problems, such as recurrent robberies and thefts. Although many of the asylum seekers are families, centres are not equipped with family units. As a consequence, families are broken up and women are obliged to sleep in two attached bunk beds with all their children, sharing the room with other women and their children who must sleep on the bed on the top. Amnesty International observed that this was also the case even when spare beds were available, by not allowing them to use empty beds in the room or even by closing empty rooms, although the centre is overcrowded. For instance, during our last visit in January 2016, the centre had 812 inhabitants, most of them asylum seekers, of which 123 were women, 129 boys and 100 girls. Some of the rooms were however closed. Asylum seekers reported to Amnesty International that there was a lack of hot water even in winter time and also a lack of heating. People only get thin blankets and do not receive sheets. Although it is mandatory by law, the organization is concerned about the lack of schooling for children asylum seekers, inasmuch as only entertainment activities and Spanish lessons are available for them, even for those who have been in the centre for many months. There are no special provisions for particularly vulnerable people and there is no specific procedures to identify people with special needs.

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<sup>34</sup> *Ib*, paragraph 16.

<sup>35</sup> See in this regard the article "Centenares de sirios hacinados en el CETI de Melilla exigen su traslado a la Península", published in the news portal "20 Minutos", on 22 September 2015, which is available here: <http://www.20minutos.es/noticia/2562233/0/refugiados-sirios-melilla/exigen-traslado/peninsula-europa/>

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