



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the sixth periodic report of Spain*

Constitutional and legal framework (arts. 1 and 2)

1. With reference to the Committee's previous recommendation (CCPR/C/ESP/Q/5, para. 8), please describe the current procedure for implementing the Views adopted by the Committee under the Optional Protocol to the Covenant. Please indicate what measures have been taken by the State party to follow up on the following communications: 493/1992, *Griffin* (A/50/40); 526/1993, *Hill* (A/52/40); 701/1996, *Gómez Vásquez* (A/55/40); 864/1999, *Ruiz Agudo* (A/58/40); 986/2001, *Semey* (A/58/40); 1006/2001, *Muñoz* (A/59/40); 1007/2001, *Sineiro Fernando* (A/58/40); 1073/2002, *Terón Jesús* (A/60/40); 1095/2002, *Gomariz* (A/60/40); 1101/2002, *Alba Cabriada* (A/60/40); 1104/2002, *Martínez Fernández* (A/60/40); 1211/2003, *Oliveró* (A/61/40); 1325/2004, *Conde* (A/62/40); 1332/2004, *García et al.* (A/62/40); 1381/2005, *Hachuel*; 1351/2005 and 1352/2005, *Hens and Corujo* (A/63/40); 1122/2002, *Lagunas Castedo* (A/64/40); 1363/2005, *Gayoso Martínez* (A/65/40); 1364/2005, *Carpintero* (A/64/40); 1531/2006, *Cunillera Arias* (A/66/40); 1945/2010, *Achabal* (A/68/40); 2008/2010, *Aarrass*.

Non-discrimination, equal rights for men and women (arts. 2, 3 and 26)

2. Please provide information on the measures taken to safeguard the right to equality before the law for non-citizens. Please also indicate what measures have been taken to strengthen the Council for the Promotion of Equal Treatment and the Prevention of Discrimination on the Basis of Racial or Ethnic Origin, including, in particular, the dialogue that has been initiated by the Directorate General for Equal Opportunities.

3. Please provide information about the progress made towards the adoption of the Second Human Rights Plan and the expected date of adoption. Please also provide information on the impact of the Comprehensive Strategy on Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted in 2011, as well as on the impact of budget cuts on policies for combating racism and promoting social integration. Please provide information on the steps taken to put a stop to police checks based on racial and ethnic profiling, including the implementation of Directorate General of Police Circular No. 2/2012. Please also report on training for police officers and other law enforcement

* Adopted by the Committee at its 112th session (7–31 October 2014).



officials and on efforts to raise awareness and inform people, in particular groups subject to profiling, about their rights.

4. Please indicate what steps have been taken to ensure equal opportunities for men and women in the labour market. Please provide information on the impact of the implementation of Organic Act No. 3/2007, which provides for the implementation of affirmative action measures, and the Strategic Plan on Equal Opportunities. Also report on the pay gap between men and women and the occupational segregation of women in low-paid jobs in the public and private sectors.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment, and combating impunity (arts. 2, 6 and 7)

5. Please provide information on how access to abortion is guaranteed and on the steps taken to ensure that women are properly informed about contraception methods, to prevent unwanted pregnancies and to promote sexual and reproductive health education for young people.

6. Please provide information on the steps taken to prevent and investigate human rights violations and abuses committed by police, including torture, and to punish the perpetrators. Please also report on the reparation granted to victims of violence committed by State officials. Please provide information on the granting of pardons to police officers convicted of the crime of torture. Please indicate whether the State party intends to create an independent police oversight body.

7. Please comment on reports of cases of ill-treatment in migrant holding centres and the excessive use of force by immigration authorities. In particular, please provide information on developments in the investigation into the deaths of 15 immigrants on 6 February 2014 on Tarajal Beach, Ceuta. Please also comment on the practice of calling inmates in holding centres by their detainee numbers rather than by their names.

8. Please provide information on the Private Security Act, which entered into force on 4 June 2014, and comment on its compatibility with the provisions of the Covenant. Also comment on reports that it heightens the risk of human rights violations.

9. Please provide information on the forced sterilization of persons with disabilities.

10. In the light of the Committee's previous recommendation (CCPR/C/ESP/CO/5, para. 9), please provide information on the measures taken to remove internal legal obstacles to the investigation of past human rights violations, in particular crimes of torture, enforced disappearance or summary execution, and to the prosecution and punishment of the responsible parties. In this regard, please indicate whether or not there are plans to reconsider the validity of the Amnesty Act of 1977 and ensure that Spanish courts recognize that the statute of limitations does not apply to crimes against humanity. Please also state whether there are plans to set up a commission of independent experts to bring out the historical truth about human rights violations committed during the civil war and the dictatorship.

11. In the light of the Committee's concluding observations (CCPR/C/ESP/CO/5, para. 12), please provide information on the progress made in combating violence against women, in particular domestic violence. With reference to the last five years, please also specify: (a) the number of complaints received concerning acts of violence against women; (b) the investigations carried out; (c) the penalties prescribed; (d) the compensation awarded to victims; (e) the type of comprehensive assistance provided to victims in all jurisdictions of the State party; and (f) the number of shelters for victims of violence. Please report on the impact of the National Plan for Awareness-raising and Prevention of Gender-based

Violence and on efforts to establish an overall legal framework for the introduction and implementation of specific measures and procedures for eradicating gender-based violence (CCPR/C/ESP/6, para. 47).

Prohibition of trafficking in persons (art. 8)

12. Please provide information on the impact of the steps taken to prevent human trafficking, investigate cases of trafficking and punish traffickers, including, in particular, the Comprehensive Plan to Combat Human Trafficking for Purposes of Sexual Exploitation and the reform of Organic Acts Nos. 2/2009, 5/2010 and 10/2011 (CCPR/C/ESP/6, para. 42 and para. 61 (d)). Please furnish statistics covering the period from 2010 onward, disaggregated by the victim's sex, age and country of origin, on: (a) reports of human trafficking received; (b) investigations carried out and their outcome, including the penalties imposed on the perpetrators; (c) protective measures provided for victims, relatives and witnesses in the course of investigations into trafficking; (d) reparation awarded to victims; (e) monitoring of repatriated foreign victims of trafficking.

Right to liberty and security of person, rights of persons deprived of their liberty, right to a fair trial and due process (arts. 9, 10 and 14)

13. In the light of the Committee's previous recommendation (CCPR/C/ESP/CO/5, para. 14), please provide information on the measures taken to abolish solitary confinement, including the amendment of the Criminal Procedure Act. With regard to offences involving acts of terrorism, please comment on reports to the effect that: (a) incommunicado detention is systematically used in such cases; (b) human rights violations continue to be committed by members of the Civil Guard while persons are held in incommunicado detention; (c) persons who have been taken into custody cannot meet with a lawyer in private; (d) there is no guarantee of the right to be examined by a doctor of the detainee's choice.

14. Please provide updated information on the measures taken to improve conditions in migrant holding centres and to reduce overcrowding, ensure hygienic conditions and provide adequate medical services. Please also report on the outcome of these measures.

Non-nationals' rights and protection of children (arts. 13 and 24)

15. Please comment on reports received by the Committee of abuses committed during the expulsion of aliens, particularly of Moroccans from Ceuta and Melilla, and on reports that many of the expulsions that take place are conducted in a way that does not comply with the State party's immigration procedures.

16. In the light of the Committee's previous recommendation (CCPR/C/ESP/CO/5, para. 21), please provide information on the measures taken to protect the rights of unaccompanied children who enter Spanish territory. In particular, please provide information on the measures taken to prevent the use of irregular procedures in the expulsion of unaccompanied children, as well as on the methods used to determine their ages. Also, please provide information on the situation of unaccompanied minors living in Melilla.

Anti-terrorism measures, fair trials and due process of law (arts. 14 and 15)

17. In the light of the Committee's previous recommendation (CCPR/C/ESP/CO/5, para. 10), please comment on reports that the Spanish legal framework regarding terrorism has given rise to judicial interpretations that enlarge the scope of the concept. Please also provide information on the amendments to the Criminal Code that are being developed and indicate whether the State party intends to limit the scope of the crime of terrorism to offences that are unquestionably terrorist offences. In particular, please provide information on the amendments concerning the definitions of "criminal organization" and "terrorist group".

18. In the light of the Committee's previous recommendation (CCPR/C/ESP/CO/5, para. 17), please provide information on the measures taken to fully guarantee a second hearing in criminal proceedings. In addition, please indicate when an appeals division is to be established in the National High Court to hear appeals against judgements of the Criminal Division of that Court (CCPR/C/ESP/6, para. 132).

19. With respect to the Committee's previous recommendation (CCPR/C/ESP/CO/5, para. 18), please also provide information on the measures taken to abolish the rules on sub judice confidentiality (*secreto del sumario*) in order to fully guarantee the principle of equality of arms. Please also comment on reports that in many cases the application of the sub judice rule is extended year after year and that in some cases court decisions are not sufficiently substantiated.

20. Please provide information on Act No. 10/2012, which governs certain fees that are applicable in the area of the administration of justice and in connection with the National Institute of Toxicology and Forensic Science, and comment on this law's compatibility with the Covenant, particularly article 14. Please also provide information on the draft bill that would amend the Free Legal Aid Act.

Freedom of opinion, expression and peaceful assembly, right to life, prohibition of torture and other cruel, inhuman or degrading treatment (arts. 6, 7, 19, 20 and 21)

21. Please provide detailed information on the amendment of the Criminal Code and the draft bill on public security and their impact on the exercise of the right of peaceful assembly and freedom of expression. Please provide information on the amendments to articles 557, paragraph 2, and 559 of the Criminal Code.

22. Please comment on reports of excessive use of force by the police at demonstrations, in particular against journalists and women, and the improper use of riot equipment. Please also provide information on investigations into the excessive use of force by security officials and on the outcomes of those investigations. Please provide this information, in particular, in relation to: (a) the demonstrations held at the Plaça Catalunya in Barcelona on 27 May 2011 and at Atocha-Cercanías station in Madrid on 25 September 2012; and (b) the alleged assaults on Ángela Jaramillo in Madrid on 4 August 2011 and Paloma Aznar Fernández in Madrid on 11 July 2012. Please state whether or not security officials wear legible identity badges while on duty at demonstrations.

Rights of persons belonging to minorities (arts. 2 and 27)

23. Please provide information on the steps taken to address racial discrimination against immigrants and ethnic minorities, in particular the Roma minority, and to prevent discrimination in access to employment, education, equal pay, housing and health care. Please provide statistics on the impact of those measures. Please also report on the steps taken to strengthen the Forum for the Social Integration of Immigrants.

Dissemination of information about the Covenant and its optional protocols (art. 2)

24. Please describe the measures taken to disseminate information about the Covenant and its optional protocols and about the submission of the State party's report and the Committee's upcoming consideration of that report. Please also provide more detailed information on the involvement of civil society, non-governmental organizations and the national human rights institution in the preparation of the report.
