

ADVANCE QUESTIONS TO SPAIN

CZECH REPUBLIC

- Does the Government consider revising the definition of torture in its national legislation with a view of bringing it in compliance with that in art 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment?
- What specific measures are in place to protect human rights of children of detainees/prisoners and of children arriving in Spain unaccompanied?
- What human rights education is provided to law enforcement and judicial officers, does it include any sensitivity training towards protection of human rights of children, women and persons of minority sexual orientation or gender identity or from ethnic minorities?
- Does the Government consider reviewing compliance of its anti-terrorism legislation, in particular of provisions allowing for incommunicado detention, with international human rights standards?

DENMARK

- In continuation of recommendations from the HR Committee we would be interested in an update on the Spanish implementation of the optional protocol on the prevention of torture. We understand a new National Preventive Mechanisms unit was established in February 2010 within the Ombudspersons Office.
- In continuation of recommendations from CAT it would be of interest to learn about the Spanish efforts regarding migrant women who are victims of gender-based violence.

NORWAY

- We would like to ask the Spanish delegation how were civil society organisations involved in the elaboration of its national report.
- How will civil society be involved when it comes to the follow-up of the recommendations of the Human Rights Council?
- In light of the high priority given by the Government of Spain to equality between women and men, what concrete measures will be taken to follow up on the Organisation Act No 3/2007 (“the Equality Act”)? More specifically, what measures will be taken to address the gender wage gap and the continued predominance of women in temporary and part-time work?
- With regard to gender based violence, Spain has developed an impressive system for protection of victims. However, we would like to ask how are women

belonging to vulnerable groups – such as drug-addicts and the mentally disabled – given the necessary protection and access to legal services. What are the measures planned to better ensure the protection of women in these categories?

SLOVENIA

- The Human Rights Committee indicated that Spain should provide information on the implementation of its recommendations with regard to the national mechanism for the prevention of torture, the length of pre-trial detention and matters of detention and expulsion of foreigners. Does Spain intend to follow up on these recommendations?
- We also note that the Government announced in its 2008 Human Rights Plan that it would introduce measures to prohibit incommunicado detention for minors. Are there any further plans to limit or eliminate incommunicado detention, as recommended by several international mechanisms?
- Does Spain intend to develop a national action plan against racism and xenophobia?
- According to the International Commission of Jurists, the definition of torture, contained in Article 174 of the Spanish Penal Code, falls short of that in Article 1 of the Convention against torture. Does Spain intend to remedy this situation?

SWEDEN

- According to reports there are concerns on the implementation of the law on Comprehensive Protection Measures to Tackle Gender-Based Violence.
- Could the Spanish Government elaborate on measures taken to reinforce the implementation of existing legislation on how to combat domestic violence including for example whether the Government is planning to develop a national plan to combat violence against women and girls?
- In its national UPR report, Spain outlined its policy with regard to asylum and refugee issues, including recently adopted provisions under Act no 12/ 2009 allowing for the granting of refugee status on the basis of maltreatment based on gender or sexual orientation. At the same time, civil society organisations have voiced concern at the risk that the new act may render applications for asylum more difficult, while measures taken to control migration flows including through restricting entry to Spain can have the practical effect of limiting individuals' right to apply for asylum.
- Could the government of Spain elaborate on how it will implement Act no 12/ 2009 as well as on other measures to ensure the right of all individuals to apply for asylum?

UNITED KINGDOM

- The UK would be grateful if Spain could elaborate on the role played by civil society in the preparation of the Government of Spain's national report.
- We would be grateful for more information on the allowed period of judicial secrecy. How does the Government of Spain respond to critics who argue that it hinders the provision of a proper defence, in some cases where such restriction is not warranted?
- Similarly, we would be interested to know whether the Government of Spain is considering further changes to practices regarding incommunicado detention. If so, will these act to restore the fundamental rights and guarantees that other detained persons have with regard to consultation with lawyers and examination by doctors of their choice?
- Please could you elaborate on the Government of Spain's assessment of the effectiveness of measures taken to ensure that state police and security officers at all levels understand and observe their duty to respect the human rights of suspects and detainees? In addition, what is the Government of Spain's assessment of the effectiveness of mechanisms to ensure accountability?
- Please could you inform us of the Government of Spain's assessment of measures taken to ensure defendants are granted timely and effective access to counsel ahead of preliminary court hearings?
- We would be grateful to learn the Government of Spain's assessment of the effectiveness of measures taken to ensure foreign detainees/defendants are granted timely access to an interpreter? On what information available to it does the Government base its assessment?
- Please could you tell us how the Government of Spain is acting to ensure that the interests of the child are always the dominant factor when considering repatriating unaccompanied foreign children? Under what guidance or procedures do those handling such cases operate?
- Please could you provide information on the cooperation between the Spanish Ombudsperson's Office and the Catalanian Ombudsperson's Office in the implementation of the National Mechanism for the Prevention of Torture mandate?
- Please could you elaborate further on the status of an independent national human rights institution in your country and whether it operates in accordance with the Paris principles designed to guide the practice of such institutions?
