



International Covenant on Civil and Political Rights

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Summary record of the 3174th meeting

Held at the Palais Wilson, Geneva, on Monday, 6 July 2015, at 3 p.m.

Chairperson: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Sixth periodic report of Spain

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant *(continued)*

Sixth periodic report of Spain (CCPR/C/ESP/6, CCPR/C/ESP/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Spain took places at the Committee table.*

2. **Ms. Menendez** (Spain) welcomed the opportunity to continue her delegation's dialogue with the Committee and report on recent measures to give effect to the Covenant. In response to the Committee's concerns regarding violence against minority groups, she said that, under the Comprehensive National Strategy to Combat Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (2011), more than 20,000 civil servants had received training since 2012 in the identification and registering of racist incidents. In December 2014 a protocol for action by the security forces and law enforcement bodies in response to hate crimes and conduct that violated anti-discrimination laws had been introduced. The position of Special Prosecutor for enforcement of equality provisions and combating discrimination had been established. Furthermore, Organic Act 1/2015 had amended the Criminal Code to criminalize any type of incitement of discrimination, hatred or violence against any group or minority.

3. Recent measures to promote equality of opportunity for women and men included adoption of the Strategic Plan on Equality of Opportunity (2014–2016) and the soon-to-be adopted Special Plan for Equality between Women and Men in the Workplace and against Wage Discrimination (2015–2017). At the end of 2014 the Public Companies Act had been amended to require enterprises to promote equal representation of women. In February 2015 the Code of Good Governance for Listed Companies, which required that by 2020 at least 30 per cent of directors should be women, had been adopted.

4. She recalled that, in response to the recommendation made in the Committee's previous concluding observations, pursuant to Organic Act 1/2009 the Ombudsman had been designated as the national preventive mechanism for the prevention of torture.

5. She was pleased to report that currently two thirds of police stations had audiovisual recording facilities for the questioning of suspects and a working group had been established to standardize infrastructure in detention centres with a view to the installation of video-surveillance systems. Regulations governing migrant holding centres had been adopted in 2014; they defined detainees' legal status and rights and responsibilities and strengthened protection of their rights. In that context she underscored the important role played by the due process judge. In 2014 the Ministry of the Interior had also signed an agreement with the Spanish Red Cross on the provision of assistance in the holding centres, which in recent years had operated at approximately 40 per cent of capacity.

6. A National Strategy for the Eradication of Violence against Women 2013–2016 had been adopted in 2013. In 2011 the Organic Act concerning the rights and freedoms of foreigners in Spain had been amended to allow foreigners who were irregular residents to register a complaint of sexual violence without fear of administrative sanctions related to their irregular status. Victims of gender violence had been guaranteed legal aid pursuant to Royal Legislative Decree 3/2013, a guarantee to be maintained in the Free Legal Aid Bill currently before parliament. Under Organic Act 1/2014 acts of gender violence committed outside the national territory were prosecutable in Spain. Organic Act 1/2015 added new types of gender-related violence

as well as forced marriage to the Criminal Code. Lastly, she underscored the importance of the System for Comprehensive Monitoring of Cases of Gender-based Violence (VioGén System).

7. With regard to the prohibition of trafficking in persons, she said that the 2009 comprehensive plan for combating human trafficking for purposes of sexual exploitation would soon be updated and a human trafficking database had been established. In addition, a central office to combat human trafficking had been established in the Office of the Commissioner-General for Foreigners and Borders.

8. A draft organic act amending the Code of Criminal Procedure to strengthen procedural guarantees and regulate technological investigation measures had been tabled in parliament in March 2015. That act incorporated into Spanish law European Union Directive 2013/48 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. It amended the previous regimen relating to *incommunicado* detention with a view to strengthening the rights of detainees. She stressed that *incommunicado* detention was an exceptional measure to be approved by a judge only in the conditions set out in European Union Directive 2013/48, when there was an urgent need to avert serious adverse consequences for the life, liberty or physical integrity of a person or when there was an urgent need to prevent a situation where criminal proceedings could be substantially jeopardized. As a result of that reform, since 2013 only 8 per cent of persons detained for terrorism-related offences had been subject to *incommunicado* detention. *Incommunicado* detainees had access to medical care as needed and at least every 24 hours.

9. Turning to the issue of asylum, she said that international protection offices had been opened at the Ceuta and Melilla border crossings in September 2014 with a view to facilitating access to the international protection procedure. As for the protection of unaccompanied minors she said that in July 2014 the Prosecutor-General's Office and various ministries had signed a Framework Protocol on Measures Relating to Unaccompanied Foreign Minors based on the principle of the best interests of the child. Furthermore a draft bill amending the child and adolescent protection system guaranteed foreign minors the same rights to education, health care and basic social services as Spanish nationals and required the public authorities to protect unaccompanied foreign minors.

10. With regard to the right to appeal she said that a bill to amend the Code of Criminal Procedure would streamline criminal proceedings and strengthen procedural guarantees and guarantee the right to review of a conviction by a higher tribunal, in accordance with article 14 (5) of the Covenant. In addition, Organic Act 5/2015 had amended the Code of Criminal Procedure and the Judiciary Organization Act to incorporate the provisions of European Union Directive 2010/64 on the right to interpretation and translation in criminal proceedings and European Union Directive 2012/13 on the right to information in criminal proceedings. As a result, use of the *sub judice* rule had been limited.

11. She noted that Royal Legislative Decree 1/2015 had amended Act No. 10/2012 to increase the number of exemptions from the payment of certain legal costs. Lastly, she said that the Victims of Crimes Statute, adopted in April 2015, gave victims the right to seek compensation in a criminal proceeding and also guaranteed them access to counselling.

12. **Mr. Rodríguez-Rescia**, welcoming the on-time submission of the report, recommended that the delegation consider adopting the Committee's simplified reporting procedure for its next periodic report. Turning to paragraph 1 of the

Committee's list of issues, he stressed the State party's commitment under the Optional Protocol to the Covenant to implement the Committee's views and recommendations arising out of communications and wondered whether that commitment would be confirmed in the context of the future Second Human Rights Plan. He requested clarification on the interpretation and application of that commitment by the Supreme Court and the Constitutional Court, especially in the light of their view that the Committee was not vested with any judicial power. In that regard he recalled for example that articles 40 to 42 of the Covenant provided for the creation by the Committee of a Conciliation Commission to resolve disputes between States parties relating to the implementation of the Covenant. The Committee did therefore have a judicial power and it was in the context of that same power that it issued its views and recommendations concerning communications.

13. As for paragraph 12 of the Committee's list of issues on the prohibition of trafficking in persons, he noted that Spain was a country of origin for trafficking as well as a transit and destination country. He welcomed progress made to combat trafficking in persons, for example the creation of international protection centres at entry ports but wondered if the many measures adopted had had any effect in practice. Disaggregated statistics should be provided on the number of investigations undertaken as well as on prosecutions and condemnation of perpetrators, including in the area of trafficking within Spain; on the number of persons repatriated and any follow-up measures to monitor their situation; on trafficking for the purposes of commercial or sexual exploitation; on the situation of child victims of trafficking; and on any cases where state agents or civil servants had been implicated in the trafficking of persons.

14. He welcomed the State party's efforts to provide training on the issue of trafficking to civil servants, including judges and the police, but asked how many had received training and stressed that all judges, not only those directly involved in trafficking cases, should receive training. The State party should establish a focal point for the coordination of anti-trafficking efforts and every effort must be made to identify victims of trafficking, in particular children, and to anticipate and prevent trafficking. It was likewise important to provide every assistance to victims, for example through the establishment of shelters and the provision of essential services.

15. **Ms. Jelić**, with regard to paragraph 2 of the Committee's list of issues, said that there were numerous provisions and measures on the prevention of discrimination but asked whether the State party envisaged the adoption of a comprehensive instrument to eliminate all types of discrimination. She requested more information on the results achieved by the Council for the Promotion of Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin, in particular whether it was still a subsidiary of the Ministry of Health and whether there were any plans to make it an independent body and strengthen it. She had information according to which the President of the Council had resigned in protest at the Council's lack of authority and asked whether a new President had been appointed.

16. With regard to paragraph 3 of the Committee's list of issues, she requested more information on the content of the Second Human Rights Plan and on when it would be adopted. She noted that the Ombudsman seemed to deal with few cases relating to discrimination and equal treatment, in particular with regard to marginalized communities, for example the Roma, who most often suffered discrimination, and wondered if the State party envisaged strengthening the role of the Ombudsman in the area of discrimination. She wondered what funding was available to assist victims of discrimination, including for legal aid.

17. Turning to paragraph 4 of the Committee's list of issues, she requested information on projects and measures envisaged for the second half of the Strategic

Plan for Equal Opportunities 2014–2016 to eliminate gender-based discrimination as well as on the results obtained to date. More information would also be welcome on the synthetic indicator of the gender pay gap mentioned in paragraph 12 of the State party's replies, on any affirmative action measures to reduce workplace inequality and on the number of cases involving more than one type of discrimination against women.

18. With regard to domestic violence and paragraph 11 of the list of issues, she welcomed the State party's efforts to combat domestic violence and increase awareness of the phenomenon, given the importance of prevention. It was particularly important to reduce the rate of gender violence in lower social classes and marginalized communities, specifically the Roma or Gypsy minorities, where women were often victims of violence by spouses or other male family members. She welcomed the statistics available through the System for Comprehensive Monitoring of Gender-based Violence (VioGén), which seemed to indicate a downward trend overall between 2010 and 2014, but requested more statistics on girl victims of domestic violence.

19. **Mr. Politi** requested further information about proposed changes to Act No. 2/2010 governing access to abortion in Spain. He sought confirmation that a new draft law on abortion, more restrictive than the existing Act, was no longer before parliament. He also asked the delegation to comment on the possible negative impact of a recently proposed amendment to the Act whereby girls aged between 16 and 18 would have to get parental approval before terminating a pregnancy whereas they were currently required only to inform their parents or legal guardian. He commended the fact that Spain was eager to interpret the conditions for accessing abortion under the Act in the manner most favourable to women and asked the delegation to provide examples showing how that principle had been applied in practice. He wished to be provided with statistics on the number of abortions carried out in public hospitals and health centres over recent years and wondered what qualifications teachers of sexual education were required to have. What role did the national health system have in ensuring access to safe methods of contraception?

20. According to information available to the Committee, the practice of depriving persons with disabilities of their legal capacity had increased by more than 150 per cent since 2005. He asked the delegation to provide statistics in that regard, particularly in light of concerns expressed by the Committee on the Rights of Persons with Disabilities that deprivation of legal capacity could lead to institutionalization and possible sterilization without consent. What guarantees did persons subject to such measures enjoy?

21. **Mr. de Frouville** said that he was grateful for responses concerning the measures taken to prevent and investigate abuses committed by the police, including torture, and he recalled that in recent concluding observations the Committee against Torture had asked Spain to ensure that law enforcement officers could be properly identified at all times when performing their duties. There were reports suggesting that medical services for persons in detention, particularly those being held incommunicado, were insufficient and could mask ill-treatment, and he asked the delegation if it was aware of a complaint in that regard presented to the World Medical Association by a group of Argentine doctors. Certain cases of delay and failure to act against torture had been condemned by the European Court of Human Rights and he asked what procedures had been followed in the cases of Juan Ignacio Otaño Labaka and Tomás Madina Etxebarria. He asked why a pardon had been granted to three police officers convicted of torture in 2010 and expressed concern that such a pardon could create a sense of impunity among other public officials.

22. The Private Security Act of 2014 sought to regulate that sector but it also delegated certain coercive prerogatives of the State to private actors and, according to information received, did not contain sufficient guarantees against possible human rights abuses. He was concerned that private security personnel needed only to show that they had not been charged with any serious criminal offence over the preceding four years, and he wondered what measures were in place to prevent and punish violations pending the publication of a code of ethics. He wished to know how public surveillance powers given to private security firms under the Act were governed and what safeguards accompanied their power to make arrests. Were they under the authority and supervision of the police and how did they interact with the official law enforcement agencies of the State?

23. Spain defended its Amnesty Act of 1977 and Historical Memory Act No. 52/2007, which favoured national reconciliation and provided reparation for victims. However various treaty bodies, including the Working Group on Enforced or Involuntary Disappearances and the Committee against Torture, had concluded that those measures were insufficient vis-à-vis the State party's international obligations. According to the conclusions of those treaty bodies, the Amnesty Act should not be an obstacle to criminal proceedings regarding crimes of the past, and enforced disappearance in particular was a continuing crime to which the statute of limitations could only begin to be applied when the disappearance ended. The Historical Memory Act did not adequately address the issue of mass graves and placed too great a burden on the shoulders of victims. The treaty bodies had also underlined the importance of acting with due urgency because many family members of victims and witnesses of the events in question were very elderly. It was important to break the deadlock between the position of the State party and the shared stance of the treaty bodies. A commission of national and international independent experts could be created and tasked with finding juridical and practical solutions, and he would be interested to hear the delegation's view in that regard.

24. **Ms. Cleveland** said that the Committee recognized the pressures Spain was facing in dealing with the influx of migrants but it was important to have systems in place to ensure that they were treated humanely. She expressed her appreciation of a new law under which detainees in holding centres had to be addressed by name and asked for confirmation that it was being fully implemented. She expressed concern over a recent report by the European Committee for the Prevention of Torture which mentioned abuses by staff at migrant holding facilities, inter-detainee violence and the excessive use of force by the Civil Guard and Moroccan Auxiliary Forces at the autonomous cities of Ceuta and Melilla.

25. She wished to know what measures were in place to establish a violence prevention protocol at migrant holding facilities, including appropriate training for law enforcement officials and others who worked with migrants. She wondered whether any inspections of the facilities had been carried out by the police or international NGOs and whether detainees were able to access information in a language they could understand concerning procedures and recourses available to them. Was Spain contemplating alternatives to detention for potential asylum seekers by facilitating their access to the relevant procedures?

26. She wished to know what remedies were available to persons who made allegations of mistreatment in the autonomous cities of Ceuta and Melilla, how many reports of abuse had been received, what investigations had been initiated and what the results of those investigations were. She wondered whether any steps had been taken to prevent abuses by Moroccan Auxiliary Forces on Spanish soil.

27. She asked for further information about legal proceedings taken in respect of the deaths of 15 immigrants on Tarajal Beach in Ceuta in 2014. Had the Spanish border

guards on duty at the time been identified, and was it true that a parliamentary inquiry into the incident had been blocked?

28. **Mr. Shany** asked the delegation to provide information about the declassification of archives relating to crimes committed during the civil war and the dictatorship, which had been classified since 1968. The Committee understood that the Government had mapped the possible locations of mass graves but that any exhumations would be conducted by local authorities and voluntary associations, and he wished to know how that fitted in with the Government's commitment to greater accountability concerning events of that era. He wished to know whether any DNA-based identification of remains was taking place and whether it was being administered by Government or the private sector.

29. **The Chairperson**, speaking as a member of the Committee, noted that the views adopted by the Committee in communication No. 1945/2010 Achabal and communication No. 2008/2010 Aarrass had not been implemented and hoped that the delegation would be able to provide further information in that regard. The Committee was particularly concerned about the two cases in question because they came under article 7 of the International Covenant on Civil and Political Rights.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

30. **Mr. Viada** (Spain) said that, according to the 2005 Constitutional Court judgement, international human rights treaty bodies did not form part of the domestic legal structure. Final judicial decisions on human rights issues could not be amended by any domestic or international body. The sole exception arose where an international court, such as the Court of Justice of the European Union, was accorded jurisdiction under article 93 of the Constitution through an organic act. According to article 96 of the Constitution, international treaties formed part of the domestic legal order but the decisions adopted by treaty bodies were not legally binding. The Committee's Views might thus require an international political response but they were not directly enforceable. The Constitution had primacy over international treaties, the provisions of which were not parameters of constitutionality. The Constitutional Court had the last word in terms of human rights when it interpreted the law applicable in cases of *amparo* petitions and other appeals.

31. The Committee had found in the cases of Aarraas and Achabal Puertas that Spain had violated the Covenant. In the former case, the National High Court had approved the extradition of Mr. Aarraas to Morocco since it considered that the evidence provided in support of his claim that he might be subjected to torture or ill-treatment was not convincing. The Spanish authorities had subsequently been informed that Mr. Aarraas had indeed been subjected to ill-treatment and the Committee had adopted its Views in that regard. Spain had complied with the Views by repeatedly contacting the Moroccan authorities, who claimed that he was receiving medical treatment and that he had not been ill-treated. With regard to the allegations by Ms. Achabal Puertas that she had been subjected to ill-treatment during incommunicado detention, he pointed out that the incommunicado detention regime had since been reformed.

32. The 1977 Amnesty Act had been adopted by democratically elected parliamentarians. It was not a "full-stop" law enacted by a dictatorship to relieve itself of guilt. The requests for extradition filed by the Argentine justice system had been denied because the international agreement on extradition between the two countries specified that a person could not be extradited when the statute of limitations for the alleged offence had expired. The Amnesty Act had terminated criminal responsibility in the cases concerned. The inapplicability of the statute of limitations to crimes against humanity had been recognized in Spain under a law enacted in 2010, which did not have retroactive effect. The European Court of Human Rights had not

condemned Spain in 2014 for the retroactive application of a law but for the discriminatory retroactive application to prison inmates of rules concerning remission and benefits. On the one hand, the Committee was asking the State party to try people retroactively for crimes allegedly committed about several decades previously. On the other hand, the European Court of Human Rights had condemned Spain for applying retroactive measures to persons who had committed crimes of terrorism in 2004 and 2005.

33. **Ms. Martínez Arrieta** (Spain) said that Act No. 4/2015 on the status of victims of crime had been adopted on 27 April 2015 with a view to providing comprehensive compensation to all victims, regardless of their status. It established procedural and non-procedural rights based on a broad definition of the concept of victim. Pursuant to article 13 of the Act, victims would be entitled to challenge decisions concerning the manner in which a sentence would be served, to provide relevant information to judges and courts, and to request protective measures when a detainee was released on parole. It provided for the establishment of a system of information, assistance, protection and support for victims of all crimes, particularly human trafficking, discrimination and torture. Special protection was provided for minors and persons with disabilities, and for victims of sex crimes and terrorist acts.

34. With regard to the forced sterilization of persons with disabilities, an amendment to the Criminal Code adopted in 2015 had sought to align the terminology used in the Code with that contained in the Convention on the Rights of Persons with Disabilities. Circular 4/2008 issued by the Public Prosecution Service provided for the establishment of a database to record investigations into cases of discrimination against persons with disabilities. Article 156 of the Criminal Code sought to enhance existing safeguards and to establish objective grounds for sterilization. The sterilization of a person with serious mental disabilities was not punishable if the person was unable to express consent and if the sterilization was authorized by a court. The next legislative session would discuss legislation whereby persons with mental disabilities could not be sterilized if they understood the meaning of maternity and paternity and did not wish to be sterilized.

35. The pardons granted to the members of the Mossos d'Esquadra police force in 2012 was an exceptional case. No further pardons for torture had been granted since then. Stricter and more rational criteria were being applied to the discretionary exercise of such powers. The relevant organic act required a senior official of the Ministry of Justice to report every six months to the Congress of Deputies on pardons granted. The Romanian citizen who had been a victim of torture had received €15,770 in compensation for the assault on his physical and moral integrity.

36. The amended Criminal Procedure Act required forensic doctors to pay visits to prisoners in incommunicado detention on a regular basis. The Ministry of Justice was developing recommendations concerning such detention based on the Istanbul Protocol.

37. **Mr. Sola Barleycorn** (Spain) said that discussions concerning the draft law on equal treatment and non-discrimination had been discontinued in 2011 but anti-discriminatory legislation nonetheless existed. Awareness-raising campaigns would be launched to inform potential victims of discrimination of their rights and training courses would be organized for lawyers and members of NGOs.

38. The Council for Equal Treatment, formerly the Council for the Promotion of Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin, was attached to the Ministry of Health, Social Services and Equality through the Institute for Women and Equal Opportunities. It had been reformed by a law on rationalization of the public sector to ensure easier access for potential victims

of discrimination to independent assistance. The Council was also required to prepare studies and recommendations. Its connection with the Institute for Women and Equal Opportunities facilitated interaction with a view to addressing gender-based and other forms of discrimination. Links with a network of NGOs guaranteed the Council's independence and enhanced its potential. For example, it had recommended during the recent municipal and local election campaign that political parties should refrain from using discriminatory discourse.

39. According to a recently undertaken assessment of the Strategic Plan for Equality of Opportunity 2014–2016, 192 of the 224 proposed measures had already been implemented. They included support for women entrepreneurs through microcredit and promotion of women's involvement in emerging economic sectors. A study of gender wage gaps and contributory factors was currently being undertaken and action was being taken to bridge such gaps. For example, a diagnostic tool had been developed for use by companies.

40. It was difficult to measure multiple discrimination. Gender-disaggregated data was frequently produced in areas where discrimination was likely to occur. For example, according to the most recent statistics of the Ministry of the Interior on hate crimes, 692 of the 1,263 victims were women, which was equivalent to about 54.4 per cent. According to the service that provided assistance to victims of discrimination, 48 per cent of the 389 cases referred to it in 2014 involved women. The Strategic Plan made special mention of vulnerable groups, which included immigrant women, women with disabilities and elderly women.

41. **Mr. Rubio Agenjo** (Spain) said that the legislation currently applicable to the voluntary termination of pregnancy was Organic Act No. 2/2010. A preliminary draft organic law, which had been prepared by a parliamentary group that was not part of the Government and which consisted of just one article, was currently being discussed in Parliament. It provided for paternal consent or consent on the part of the legal guardian for voluntary termination of pregnancy in the case of women under the age of 18. The aim was to enable legal guardians or parents to safeguard the basic educational and other interests of minors, in accordance with the provisions of the Civil Code.

42. Royal Decree No. 1030/2006 regulated termination of pregnancy services under the National Health System. There had been a number of judicial decisions on the implementation of the Organic Act. Only two concerned failure to provide adequate information to the woman concerned. The others focused on issues such as conscientious objections.

43. The figure of 108,690 for voluntary terminations of pregnancy in Spain in 2013 constituted a decline compared with previous years. During the period from 2004 to 2013, the number of terminations for women under the age of 19 was, on average, 12 or 13 for every 1,000 cases. The National Health System guaranteed access to safe and effective contraceptive methods.

44. **Mr. García Jiménez** (Spain) said that the Government Delegation on Gender-based Violence and the Ministry of Employment and Social Security implemented projects in support of women victims of trafficking for purposes of sexual exploitation. In 2014 assistance had been provided to 76,736 women at risk and 33,251 measures involving counselling, awareness-raising and assistance had been implemented. In addition, resources had been allocated for housing, social welfare, psychological support, health-care and interpretation services. As at 31 December 2014, there were 40 housing centres in 14 autonomous communities and 120 health-care centres in 16 autonomous communities.

45. The Ministry of Health, Social Services and Equality, the Ministry of Justice, the Ministry of Employment and Social Security, the Ministry of Defence, and the Ministry of Foreign Affairs and Cooperation had provided information in the fourth report on implementation of the Comprehensive Plan to Combat Human Trafficking for Purposes of Sexual Exploitation on action taken in a number of different areas. The report could be consulted on the web page of the Ministry of Health, Social Services and Equality.

46. For many years the Government had been carrying out a broad range of projects to raise awareness about gender-based violence and to identify and assist victims. Those projects included media campaigns targeting the general public, including specific campaigns focusing on elderly women and women in rural areas, as well as campaigns targeting professionals in specific sectors who were in a position to detect cases of gender-based violence. Recent surveys showed that the vast majority of the population found gender-based violence to be unacceptable. The Government would continue its efforts to prevent such violence, especially against women from vulnerable groups. Studies had recently been conducted on the prevalence of gender-based violence among women 16 years of age or older and among women with disabilities, elderly women and immigrant women.

47. **Ms. Ruiz Bautista** (Spain) said that for the past 10 years the Ministry of Health, Social Services and Equality had published reports on discrimination against the Roma. It was true that a low percentage of Roma victims of discrimination actually filed complaints, which was often due to a lack of information about their rights and a lack of trust of the authorities. The Ministry carried out a policy on the advancement of the Roma population by financing, inter alia, awareness-raising campaigns and legal assistance for Roma victims of discrimination. Statistics on gender-based violence disaggregated by ethnic origin were not available, as that data was protected. However, the State financed a number of projects that encouraged Roma victims of violence to file complaints and exercise their rights.

48. **Ms. Díaz Bernárdez** (Spain) said that, as part of the process of adopting the Second Human Rights Plan, an assessment of the human rights situation in Spain had been drawn up and submitted to various ministries for their input. Those ministries had then proposed actions to be included in the new plan. While it was true that the drafting of the plan was taking some time, that was because the aim was to develop a long-term plan that would not be affected by any changes in government. Her country had accepted all the recommendations made regarding the plan during the recent universal periodic review of Spain.

49. **Mr. Rodríguez-Salmones** (Spain) said that 70 per cent of State financing for public employment agencies was results based and that one indicator used was the effectiveness of measures taken to ensure women's access to employment and their integration in the labour force. According to a 2013 study, 0.3 per cent of workers experienced wage-based discrimination, most of whom were women.

50. **Mr. Zurita Bayona** (Spain) said that incommunicado detention was used only in very exceptional cases. Since 2013, only 8 per cent of persons detained on terrorism charges had been placed in solitary confinement or incommunicado detention. Those who were placed in such detention received daily visits from a doctor. All police forces in Spain had rigorous internal systems in place to monitor and punish any abuses by police officers. The State Secretariat for Security conducted periodic inspections of all police-operated places of deprivation of liberty and reported to the national preventive mechanism on the conditions of detention there and the conduct of police officers. The police forces provided all the necessary assistance to judicial authorities conducting investigations into police conduct.

51. He could not provide information on the legal proceedings under way against Juan Ignacio Otaño Labaka and Tomás Madina Etxebarria, both of whom were members of the Euskadi Ta Askatasuna (ETA) terrorist organization, as those proceedings were in the hands of the judicial authorities. Pursuant to the Private Security Act, private security forces were auxiliary and subordinate to State security forces, and their members underwent rigorous selection procedures. Any private security officers who engaged in unlawful conduct would have their licence withdrawn and would be subject to criminal proceedings if necessary. There were currently about 224,000 accredited private security officers, of whom only some 82,000 were active.

52. **Mr. Coria Rico** (Spain) said that the operation of migrant holding centres was regulated by a royal decree issued in 2014. The police were responsible for ensuring the safety of the migrants held in those centres, while health, social, cultural and legal services were provided to them by separate organizations or entities, subject to cooperation agreements. In 2014, the national preventive mechanism had recommended that migrants in the holding centres should be called by name rather than by number, and instructions to that effect had subsequently been issued to all officials working in the centres. All complaints of ill-treatment in the centres were investigated by the judicial authorities, who acted impartially and independently. The Government recognized that the operation of the centres could be improved and was working with various international human rights bodies to prevent violence in the centres. No asylum seekers were currently being detained in Ceuta and Melilla, and all asylum applications received were currently being processed. Asylum seekers who were refused entry to Spain at border posts, such as airports, were held in special rooms in accordance with national and Schengen Area regulations; that practice should not be referred to as detention.

53. **Mr. González Pacheco** (Spain) said that law enforcement and security forces throughout the national territory acted in accordance with the principles of consistency, appropriateness and proportionality. The State forces stationed in Ceuta and Melilla were responsible not only for patrolling the borders but also for protecting the country's citizens. They carried out their duties under very difficult circumstances, all the while making proportionate use of coercive measures and respecting human rights. He could not comment on the deaths of the 15 immigrants in February 2014, as the relevant legal proceedings were still under way.

54. **Ms. Lameiras Montero** (Spain) said that all foreign victims of human trafficking were given the option of voluntary return. Victims who chose that option were assisted by the General Secretariat for Immigration and Emigration, and the relevant body in the victim's country of origin was informed of the return so that it could continue to provide assistance. An agreement had been signed with Romania that called for monitoring of the situation of victims after their return to that country.

55. **Mr. Sánchez-Covisa Villa** (Spain) said that 50 prosecutors working throughout the country were directly involved in the fight against human trafficking and that another 60 prosecutors worked in collaboration with them on the issue. The Attorney General's Office took various actions to prevent human trafficking, prosecute the perpetrators and protect victims. In many cases, human trafficking was carried out by organized crime networks, which complicated the investigation and required a coordinated response. The number of prosecutions and convictions for human trafficking had increased almost exponentially in recent years. Such offences carried heavy penalties of at least 8 years' imprisonment.

56. The Attorney General's Office published detailed statistics on an annual basis to help monitor and assess the situation regarding human trafficking, which must be tackled using a differentiated approach. Human trafficking was a widespread

phenomenon involving sums of money almost as large as those involved in drug trafficking in Spain. The Attorney General's Office would take into consideration the Committee's recommendations on ways to improve its annual reports on human trafficking.

57. In April 2015, guidance had been issued to prosecutors who made visits to migrant holding centres. It was important for prosecutors to ensure that migrants were informed of their rights and had access to interpretation and other services and that no excessive force was used against them. In 2014, prosecutors had initiated criminal proceedings against security officials working in such centres, who had been charged with the ill-treatment of migrants and found guilty by the courts.

The meeting rose at 6 p.m.