

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Spain must guarantee the right to freedom of assembly and expression, effective access to asylum procedures and end impunity**

#### ***Human Rights Council adopts Universal Periodic Review outcome on Spain***

Amnesty International welcomes Spain's acceptance of recommendations to guarantee the rights to freedom of peaceful assembly, association and expression.<sup>1</sup> The organization is concerned, however, that the law regulating the right to freedom of assembly does not envisage or recognize the right to hold spontaneous demonstrations, as provided for in international standards. This law, together with the Public Safety Law and the reformed Criminal Code that will enter into force on 1 July, threaten the right to freedom of assembly and expression.

Spain also accepted recommendations to ensure access to effective asylum procedures and to respect the principle of *non-refoulement*.<sup>2</sup> However, Spain continues to prevent people fleeing human rights violations access to such procedures, especially at the border with Morocco. There have been both collective and individual expulsions of asylum-seekers, who could be at risk of human rights violations, as well as cases of excessive or unnecessary use of force by the security forces at the borders.

Impunity for human rights violations committed in the past remains a grave concern. In line with the recommendation made by Switzerland,<sup>3</sup> Amnesty International calls again on Spain to guarantee the right to truth, justice and reparation for the victims of the Civil War and Francoism (1936-1975). Over the years, the judiciary has systematically failed to respond in the investigations of crimes under international law and has even closed down some of the cases.<sup>4</sup>

Despite an explicit mention in its National Report, prepared for the UPR, that the crime of enforced disappearance "has been classified as a separate offence in the reformed Criminal Code,"<sup>5</sup> the crimes of torture and enforced disappearance are still not codified in line with international standards in the reformed Criminal Code. Amnesty International calls on Spain to criminalize torture and enforced disappearance as separate crimes in the Criminal Code, within the category of crimes under international law and in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of all Persons from Enforced Disappearance.

Amnesty International also encourages the government to take immediate measures to implement the recommendations arising from this review and to continue to work closely with civil society organizations in this regard.

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Spain*, A/HRC/29/8, recommendations 131.109 (Serbia), 131.110 (Sweden), 131.111 (Chile), 131.112 (Costa Rica), 131.113 (Czech Republic) and 131.115 (Switzerland) and A/HRC/29/8/Add.1, page 2.

<sup>2</sup> A/HRC/29/8, recommendations 131.177 (Norway), 131.178 (Sweden), 131.179 (Uruguay), 131.182 (Czech Republic), A/HRC/29/8/Add.1, page 3.

<sup>3</sup> A/HRC/29/8, para 131.98 (Switzerland).

<sup>4</sup> Amnesty International, *Spain, current human rights concerns and a setback in the struggle against impunity* (Index: EUR 41/003/2014).

<sup>5</sup> A/HRC/WG.6/21/ESP/1, para 10.

**Background**

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Spain on 25 June 2015 during its 29<sup>th</sup> session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Spain:

<https://www.amnesty.org/en/documents/eur41/003/2014/en/>

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