

AMNESTY INTERNATIONAL

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Spain: Government must act against torture and ill-treatment

Amnesty International today called on the Spanish government to take immediate action to implement the recommendations of the (UN) Committee against Torture, which called on the Spanish authorities to take action to remove conditions facilitating torture and ill-treatment, to act against racism or xenophobia, and to investigate promptly and impartially all reports of torture.

The Committee, which examined Spain's fourth periodic report on its implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, expressed its particular concern about reports of rape and sexual abuse, ill-treatment of unaccompanied children during expulsion procedures and other acts of ill-treatment against immigrants.

Noting that Spain has become an important point of entry into Europe for immigrants, the Committee urged the authorities to include "discrimination of any kind" among the purposes by which torture is defined in the Spanish Criminal Code. The Committee also expressed its "profound concern" that people can be held in incommunicado detention for up to five days. While aware of the difficulties for a government facing "grave and frequent acts of criminal violence and terrorism", the Committee stated that torture and ill-treatment were facilitated by the incommunicado regime.

The Committee also drew attention to the excessive length of investigations into complaints of torture and ill-treatment, the reluctance of the authorities to initiate disciplinary proceedings against officers, and the harsh conditions to which some prisoners were subjected.

Amnesty International notes the Committee's recommendation that police interrogations should in general be recorded on video as a means both of protecting the detainee and officers who could be falsely accused of torture; that medical examinations of detainees held incommunicado should be held jointly by a forensic doctor and a doctor who had the trust of the detainees; and that disciplinary proceedings involving public officials accused of torture or ill-treatment should be initiated irrespective of the status of the judicial proceedings against the accused police officers.

"Regrettably, the government's assertion in its report to the Committee against Torture that cases of torture or ill-treatment are 'very isolated' in Spain is far from true," Amnesty International said. The human rights organization has documented a large number of detailed allegations of torture and ill-treatment, many of these arising out of police identity checks based on racial profiling.

In a briefing it submitted to the Committee, Amnesty International also highlighted that rape or serious sexual assault committed by or with the consent or acquiescence of public officials should always be treated as a form of torture and that the definition of torture in the Spanish penal code should be

widened in a manner consistent with the Convention, which prohibits such acts committed for any reason based on any kind of discrimination.

Amnesty International has urged the Spanish authorities to introduce strict rules for the registration, transfer and custody of detainees by public officials, to protect detainees from the criminal intent of police officers or Civil Guards; and the initiation of an active policy of employing women police officers or Civil Guards to supervise women detainees.

The human rights organization took the opportunity to welcome recent reports that expulsions and ill-treatment of unaccompanied foreign children have diminished in recent months. "However, we will continue to investigate allegations of ill-treatment, including sexual harassment, in some reception centres for children," Amnesty International said.

Background

Amnesty International has repeatedly urged the Spanish authorities to comply with international standards on the care and protection of unaccompanied foreign children - particularly in view of recent allegations about the ill-treatment and unlawful expulsion of Moroccan children in Ceuta and Melilla.

In April 2002, the organization published a report on race-related torture and ill-treatment by public officials. The report, "*Crisis of identity*", is available on the web at:
<http://www.web.amnesty.org/ai.nsf/index/eur410012002>

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