

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: EUR 41/020/2008 (Public)
Date: 5 November 2008

Spain: Amnesty International Urges the Spanish Government to Implement Recommendations of the UN Human Rights Committee

Amnesty International calls on the Spanish government to take prompt action to implement the recommendations of the UN Human Rights Committee, which issued its concluding observations following examination of Spain's fifth periodic report under the International Covenant on Civil and Political Rights on 27 October.

Amongst other areas of concern, the Committee noted the persistence of allegations of torture and criticized the lack of adequate measures to prevent such acts. It called upon Spain to accelerate work to establish a national preventive measure against torture, in line with the Optional Protocol to the Convention against Torture.

The Committee also called for the abolition of legislation permitting the imposition of incommunicado measures for up to 13 days against detainees held on suspicion of involvement in organized crime or terrorism-related activities. The Committee called for all detainees to be guaranteed the right to consult, in private, with a lawyer of their own choice. In addition, the Committee recommended that audiovisual recording of interrogations should be applied systematically.

The Committee expressed concern at the broad definitions of terrorism-related crimes in articles 572 to 580 of the Criminal Code, and called for this legislation to be reformed to ensure that all counter-terrorism measures are in conformity with the ICCPR.

The Committee called on Spain to ensure that decision relating to the detention and expulsion of foreigners are taken in accordance with the relevant legislation and should not be arbitrary. The Committee also called on Spain to ensure that new legislation on asylum complies with the requirements of the ICCPR. In addition, the Committee expressed concern at the treatment of unaccompanied minors arriving in Spain, who may suffer ill-treatment or be forcibly returned without their best interests being adequately considered. The Committee called for the rights of unaccompanied minors to be properly respected in all procedures.

Other areas of concern highlighted by the Committee included domestic violence, racism and discrimination, and fair trial rights. The Committee's full concluding observations are available at:

<http://www2.ohchr.org/english/bodies/hrc/hrcs94.htm>

Amnesty International's briefing to the Human Rights Committee detailing its concerns, *Spain: Briefing to the Human Rights Committee* (AI Index: EUR41/012/2008), is available at

<http://www.amnesty.org/en/library/info/EUR41/012/2008/en>.