

**(English version)**

Anejo explicativo de las observaciones de España a las recomendaciones recibidas por España con ocasión del segundo ciclo del Examen Periódico Universal. (annex to document A/HRC/29/8/1)

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.1</b></p> <p><b>Ratify the International Convention on the Rights of Migrant Workers and Members of Their Families (ICRMW), as previously recommended (Indonesia 3)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>To date, the International Convention on the Rights of all Migrant Workers and Members of their Families has been ratified by 47 States, none of which belong to the European Union.</p> <p>Spain has at all times sought to guarantee the rights of foreign workers in our country. Spanish law provides ample protection for the rights of migrants, under the Constitution, in the Act passed in 2000 on the Rights and Freedoms of Foreigners in Spain and their Social Integration, and in the implementing regulations. Any decision in this regard will be taken in the framework of coordination between Member States of the European Union.</p>
<p><b>131.2</b></p> <p><b>Continue considering ratification of ICRMW (Nicaragua)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.1.</p>
<p><b>131.3.</b></p> <p><b>Consider taking specific steps towards accession to the migrant workers' rights convention or the ICRMW (Philippines)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.1.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.4</b></p> <p><b>Consider the possibility of ratifying the ICRMW of 1990, and acceding to the Convention on the Reduction of Statelessness of 1961 (Ecuador)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See the reply to the first part of recommendation 131.1.</p> <p>In relation to the Convention on the Reduction of Statelessness, the corresponding Spanish legislation addresses, in the terms included in the convention, the granting of citizenship to reduce statelessness and establishes safeguards to ensure that in the case of the renunciation of nationality, its non-conservation or withdrawal, the person in question shall not become stateless. Therefore, it is considered that the Convention referred to does not, from a legal standpoint, constitute a regulatory reform to avoid statelessness in Spain, with respect to the legislation currently in force.</p>
<p><b>131.5</b></p> <p><b>Consider ratifying ICRMW (Rwanda) (Sri Lanka)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.1.</p>
<p><b>131.6</b></p> <p><b>Ratify ICRMW, as a fundamental step towards the protection of human rights in the country</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.1.</p>

RECOMMENDATIONS	DECISION ADOPTED
(Guatemala)	
<p>131.7</p> <p>Accede to ICRMW (Sudan)</p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.1.</p>
<p>131.8</p> <p>Ratify ICRMW (Algeria) (Benin) (Côte d'Ivoire) (Gabon) (Ghana) (Honduras) (Iran) (Paraguay) (Senegal) (Sierra Leone) (Timor Leste) (Turkey) (Venezuela (Bolivarian Republic of))</p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.1.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.9</b></p> <p><b>Accede to the UN Convention on the Reduction of Statelessness (Azerbaijan) (Paraguay) (Portugal)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See the reply to the second part of recommendation 131.4.</p>
<p><b>131.10</b></p> <p><b>Promote the establishment of an Inter-ministerial Committee on Human Rights in order to further improve coordination between the various national administrations and increase the effectiveness of the Human Rights Office (Italy)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In order to supply the necessary institutional framework for a better coordination of the various areas of the Spanish administration with the international system for the promotion and protection of human rights, work has begun to identify which model of institutional structure is most appropriate.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.11</b></p> <p><b>Consider establishing an inter-ministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of the national reports to the Treaty Bodies and for organizing country visits by the Council’s Special Procedures (Portugal)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.10.</p>
<p><b>131.12</b></p> <p><b>Install a high-ranking governmental working group on human rights to ascertain the smooth cooperation and coordination of inter-</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.10.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p>ministerial work in the field of human rights (Germany)</p>	
<p>131.13</p> <p>Consider the possibility of establishing a public monitoring system of international recommendations to facilitate the systematization and follow-up of the recommendations of treaty bodies and mechanisms of the Human Rights Council (Paraguay)</p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.10.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.14</b></p> <p><b>Continue the good practice of having a national Human Rights Plan by formulating a comprehensive plan of action or strategy (Indonesia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In December 2008, Spain approved the First Human Rights Plan, to be applied during the Ninth Legislature. In December 2011, the degree of accomplishment of this Plan was assessed and a diagnostic report commissioned from a government agency, namely the Centre for Political and Constitutional Studies. The draft diagnostic document is currently being subjected to comments and queries by various ministries, which have also proposed diverse measures to be included in the new plan. The goal of the work in progress is to develop a long-term plan, one that is not subject to changes in government and therefore will last for more than four years.</p> <p>In parallel with the development of the Second Plan, the Government is continuing to implement the outstanding measures of the First Plan and, moreover, is developing and/or implementing other instruments that have a direct impact in the field of human rights.</p>



RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.15</b></p> <p><b>Proceed to the development of a new National Human Rights Plan and implement the National Strategy on elimination of violence against women (Greece)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the first part of recommendation 131.14.</p> <p>In relation to the second part of the recommendation, the National Strategy for the Elimination of Violence against Women 2013-2016 stipulates seven lines of action and includes 284 specific measures, which involve the implementation of new actions and the improvement of existing resources and services, including legislative measures to improve the response made to domestic violence and its victims, including their children, such as those set out in the amended Penal Code, the Act on the Legal Status of Victims of Crime, the Bill on Improved Legislation for the Protection of Children, the Legal Aid Bill and the Judicial Power Bill. In the third trimester of the year, the First Report on the Implementation of the 2013-2016 National Strategy for the Elimination of Violence against Women will be presented to the Council of Ministers.</p>
<p><b>131.16</b></p> <p><b>Consider developing human rights indicators as suggested by the OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Indicators already exist in areas such as gender issues. The Institute for Women and Equal Opportunities has a database, “Women: the Facts and Figures”, which is composed of a set of indicators that reflect the situation of women in various fields. The information collected is used to produce various publications, including “Women and Men in Spain”, produced by the Spanish Institute of Statistics (INE) in collaboration with the Institute for Women. Furthermore, the EPSSCO Council has drawn conclusions on the various spheres of the Beijing Platform for Action, which include a set of indicators for each sphere.</p>

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	<p>The development of additional indicators and the improvement of existing ones are among the tasks to be accomplished by the future Interministerial Commission for Human Rights.</p>
<p><b>131.17</b></p> <p><b>Pursue particular efforts to spread awareness of human rights and disseminate its principles among its citizens (Kuwait)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>One of the principles on which the Spanish education system is based is the transmission and implementation of values that favour personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice, and which help overcome all kinds of discrimination. The Spanish education system is also expected to prepare students for the exercise of citizenship and for active participation in economic, social and cultural life, with a critical and responsible attitude and with the ability to adapt to changing situations in the knowledge society.</p> <p>According to Organic Act 8/2013, on Education Quality, it is essential to prepare students for active citizenship and to transmit social and civic competences, as stipulated in the Recommendation of the European Parliament and Council of 18 December 2006 on key competences for lifelong learning. In the context of the</p>

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	<p>methodological change advocated in this Organic Act, this requirement is addressed in a cross-cutting fashion, with the incorporation of education for citizenship into all class subjects in pre-secondary education, such that the acquisition of social and civic competences is included in the everyday processes of teaching and learning, thus enhancing, through a multi-faceted approach, their transferability and character-forming nature.</p>
<p><b>131.18</b></p> <p><b>Make an assessment, by the end of 2016, of the actions undertaken in the framework of the various strategic plans on the Protection of Women and Children (France)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The different actions undertaken in the framework of the strategic plans for the protection of women and children are already being evaluated. It is emphasised that the 2014-2016 Strategic Plan for Equal Opportunities – including the area of violence against women – is designed for <i>ex post</i> evaluation. This evaluation is carried out annually through the Report of the Observatory on Violence against Women and through monitoring reports made of the 2013-2016 National Strategy for the Elimination of Violence against Women, which in 2016 will be submitted for assessment, in accordance with the schedule set out in the</p>

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	<p>Strategy. Moreover, the Second National Strategic Plan for Childhood and Adolescence is expected to be evaluated when its term of application ends in 2016.</p>
<p><b>131.19</b></p> <p><b>Intensify efforts to foster national unity and harmony, including by promoting dialogues among societies of different ethnicity and faith (Malaysia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>It is a government priority to promote dialogue and intercultural and interfaith respect, at a national level. The Foundation for Pluralism and Coexistence, a public body, promotes actions to this end. An important instrument in this respect is the Observatory of Religious Pluralism in Spain, which seeks to assist local governments address the issues arising from religious diversity. The actions of this Observatory are recognised by the EU as “good practice”. In addition, the Advisory Commission on Religious Freedom, part of the Justice Ministry, holds regular meetings with representatives of the main faiths in Spain to work for the full development of religious freedom.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.20</b></p> <p><b>Step up efforts within the framework of the Alliance of Civilizations for the promotion of the dialogue and rapprochement between religions and peoples (Morocco)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Spain is a co-sponsor of the UN Alliance of Civilisations, an initiative that regularly promotes meetings, programmes and projects for dialogue and rapprochement among religions and peoples. In this respect, intercultural projects are promoted in the fields of education, youth, the media and migration; in addition, an extensive global network has been established of youth organisations, summer schools, a programme with young leaders of different cultures, programmes aimed at media professionals, teacher training and social inclusion, as well as the “PeaceApp” programme to produce videos and mobile phone apps that foster intercultural respect.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.21</b></p> <p><b>Consider the Caribbean region among those geographical areas of priority for the overseas and international development cooperation programmes that have been newly prioritized as a consequence of Spain’s belt-tightening in face of the economic crisis (Trinidad and Tobago)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The 2013-2016 Master Plan for Spanish Cooperation states that the efforts made by the Kingdom of Spain in the field of development cooperation will be concentrated on geographic areas where Spanish Cooperation provides added value, in accordance with the guidelines established by the Development Assistance Committee, in order to combine joint efforts and take advantage of potential synergies.</p> <p>The Fourth Master Plan sets out its priorities, in terms of geographic concentration, in 23 countries, primarily in three geographic areas, of which the region comprising Latin America and Caribbean is the most significant for Spanish Cooperation.</p> <p>Although the Caribbean is not listed in itself as a priority geographic area for Spanish Cooperation, Spain highlights the importance of this region for our policies as regards development cooperation. This statement is underlined by the fact that of the twelve priority countries for Spanish Cooperation within Latin America and the Caribbean, seven are Caribbean countries, representing over 58% of the LAC countries and 30.4% of all priority countries for the EC.</p> <p>The Caribbean countries that are considered of priority in the Fourth Master Plan are Cuba, Haiti, Dominican Republic, Guatemala, Honduras, Nicaragua and Colombia.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.22</b></p> <p><b>Continue the cooperation with the UN in the area of human rights (Romania)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In recent years, Spain has cooperated closely with the UN in the field of human rights and will continue to do so in the future.</p>
<p><b>131.23</b></p> <p><b>Submit its overdue report to the Committee on the Elimination of Racial Discrimination (Sierra Leone)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Reports Nos. 21-23 by Spain to the Committee on the Elimination of Racial Discrimination were submitted in August 2014.</p>
<p><b>131.24</b></p> <p><b>Encourage closer civil society participation in the follow-up on the recommendations of the Human Rights Council (Trinidad and Tobago)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>This recommendation has been interpreted in relation to the recommendations arising from the Universal Periodic Review. Several consultations have been made with elements of civil society in relation to the response to be made and the acceptance or rejection of the recommendations made to Spain. This consultative process will continue in the future in order to make the exercise as inclusive as possible.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.25</b></p> <p><b>Implement the Strategic Plan for Equality of Opportunity 2014-2016 with the aim to eliminate any remaining gender-based discrimination (Montenegro)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Strategic Plan for Equal Opportunities has been approved by the Council of Ministers. The Government is committed to its execution.</p>
<p><b>131.26</b></p> <p><b>Continue the implementation of the Strategic Plan on Equality of Opportunity 2014-2016 to achieve equal opportunity for women and men, in particular to reduce the pay gap (Myanmar)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.25.</p> <p>Moreover, the Strategic Plan for Equal Opportunities provides for the approval of the Special Plan for Equality of Women and Men in the Workplace and to Prevent Wage Discrimination. The strategic objectives of this Plan are to ensure effective equality between women and men in access to employment, in continuing employment and in working conditions, and to prevent and eliminate the gender pay gap.</p>



RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.27</b></p> <p><b>Continue implementing the measures provided in the Strategic Plan for Equality of Opportunity 2014-2016 (Albania)</b></p>	<p>Spain <b>supports</b> this recommendation. .</p> <p>See reply to recommendation 131.25.</p>
<p><b>131.28</b></p> <p><b>Continue its efforts to implement the adopted Strategies to eliminate any remaining gender-based discrimination (Sudan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See replies to recommendations 131.15 and 131.25.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.29</b></p> <p><b>Continue with efforts for mainstreaming of gender equality into laws and policies and assign sufficient resources for the implementation of the Law on comprehensive protection measures against gender based violence (Serbia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>One focus of the Strategic Plan for Equal Opportunities is that of the instruments to be applied to incorporate the principle of equal treatment and opportunities into government policies and actions. Moreover, according to the 2013-2016 National Strategy for the Elimination of Violence against Women, the Ministry of Health, Social Services and Equality, together with the Ministries of Justice, the Interior, Public Administration and Finance, Employment and Social Security, Foreign Affairs and Cooperation, and Agriculture, as well as the Autonomous Communities (regions), will each, in its area of responsibility, take specific actions aimed at the prevention of gender violence and at ensuring assistance and protection for its victims, in accordance with the principle of mainstreaming. To do so, the necessary credit will be made available in the respective expenditure budgets.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.30</b></p> <p><b>Consider adopting a new legislation that compels public companies to reserve a quota of their non-executive board seats for women (Italy)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>On 3 December 2014, the Spanish Parliament approved Act 31/2014, amending the Corporations Act to improve corporate governance. This Act states that boards of directors should seek to ensure that their selection procedures promote the diversity of gender, experience and knowledge, and are not subject to implicit bias that might give rise to any kind of discrimination. In particular, the selection of female directors should be facilitated. The Act also states that companies must provide information on the measures taken to ensure that sufficient numbers of women are included in their boards to achieve a balanced representation of women and men.</p> <p>In addition, in February 2015, the National Securities Market Commission approved the new Code of Good Governance of Listed Companies, which urges companies to ensure that proposals for the appointment or renewal of directors are based on a prior analysis of the needs of the board and on enhancing the diversity of knowledge, experience and gender on the board. More importantly, this Code recommends that the board member selection policy should promote achievement of the goal that by 2020 the number of female directors represents at least 30% of the total members of the board.</p> <p>These measures are considered sufficient and alternative to the reservation of quotas.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.31</b></p> <p><b>Continue efforts aimed at reinforcing women access to positions of responsibility and decision-making (Morocco)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The participation of women in political, economic and social spheres is one of the pillars of the Strategic Plan for Equal Opportunities.</p>
<p><b>131.32</b></p> <p><b>Increase women in decision making process (Rwanda)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.31.</p>
<p><b>131.33</b></p> <p><b>Close gender gaps by promoting and monitoring the equal representation of women in decision-making positions (Sierra Leone)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.31.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.34</b></p> <p><b>Promote vigorously that participation of women in decision-making positions both in the public and private sectors (Ghana)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.31.</p>
<p><b>131.35</b></p> <p><b>Enhance legislations in the field of racial discrimination, racism and hatred to foreigners (Lebanon)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In Spain, the standards of the legislation on racial discrimination and incitement to hatred are very high. Therefore, although specific legislative improvements to enhance the existing structure can always be envisaged, the priority that has been established is to ensure the correct implementation of the advanced legislation currently in place. We emphasise that the development of a comprehensive law on racial discrimination is not a current goal, given the limited added value this would provide to the Spanish legal system and the need, as mentioned above, to continue working to better implement existing legislation.</p> <p>On 30 March 2015, the Organic Act on the Reform of the Penal Code was approved. This Act reviews and modifies the regulation of the incitement to hatred or violence against groups or minorities. These forms of behaviour are regulated jointly and, in accordance with Framework Decision 2008/913/JHA, more extensive than the current rules contained in Articles 510 and 607 of the Penal Code. It will enter into force on 1 July 2015.</p>

RECOMMENDATIONS	DECISION ADOPTED
	<p>The fight against discrimination, racism and xenophobia is addressed not only in criminal law but also in the Spanish Constitution, in Organic Act 4/2000 on the rights and freedoms of foreigners in Spain and their social integration, and in the 2011 Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The latter strategy takes into account the international conventions ratified by Spain in this field, as well as the relevant European and Spanish legislation and recommendations made by international organizations (the Universal Periodic Review, the Committee on the Elimination of Racial Discrimination and the Durban Programme of Action of the World Conference against racism, racial discrimination, xenophobia and related intolerance). It also considers the recommendations, reports and surveys produced by the EU Fundamental Rights Agency, the Council of Europe and its Commission against Racism and Intolerance and the OCSE Office for Democratic Institutions and Human Rights.</p>
<p><b>131.36</b></p> <p><b>Further strengthen measures, including existing legislation, to prevent and combat racism, racial discrimination, xenophobia and related forms of intolerance, and continue to improve national statistics</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>With regard to the legislative context and the existence of a Comprehensive Strategy Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, see reply to recommendation 131.35, to the effect that efforts will be focused on the better implementation of existing legislation.</p> <p>For many years, Spain has had laws criminalising hate crimes. The prosecution of this type of crime was strengthened in 2009 with the creation of prosecution offices specialising in this field. These specialist offices have now been extended to all Spanish provinces. Furthermore, hate crime statistics have been published since 2013. The recent reform of the Penal Code incorporates recent advances in legislation in this area to</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>(Brazil)</b></p>	<p>ensure an adequate response is made to this criminal activity. In addition, the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance sets out the need to work further in prosecuting hate crimes, in particular, those committed in the form of hate speech. As examples of the coordination that exists in this area, one training project has been implemented for the identification and registration of racist incidents, in collaboration with police and security forces, and another has been created, in collaboration with the Ministry of Education, Culture and Sport, to prevent and detect racism, xenophobia and related intolerance in the classroom.</p> <p>No person or group in Spain is denied access to justice in Spain. Indeed, religious groups enjoy specific protection under the Penal Code (art. 522 et seq) and are fully entitled to appear before the courts and to initiate a criminal prosecution in matters that may affect them.</p> <p>Article 16 of the Spanish Constitution guarantees the freedom of worship. This right is implemented by Organic Act 7/1980 on religious freedom and is the object of a specific provision in Act 27/2013, of 27 December, on local government rationalisation and sustainability, which facilitates the opening of places of worship (Additional Provision No. 17).</p> <p>In another area of attention, the Institute for Women and Equal Opportunities will continue to intensify actions to combat racial discrimination and hate speech and to improve our statistical knowledge of these questions.</p> <p>Putting into practice its high legislative standards in this matter, Spain is undertaking the important task of providing adequate police protection and assistance to victims or witnesses of hate crimes motivated by racism,</p>

RECOMMENDATIONS	DECISION ADOPTED
	<p>anti-semitism or other reasons related to ideology, religion or beliefs, sexual orientation, illness or disability, or other discriminatory acts.</p> <p>Spain offers such victims or witnesses the information necessary to respond to actions of this nature, specifying issues such as the definition of hate crime under Spanish law, the institutions to which they can report what has happened and the measures that could be taken by a victim or a witness of a hate crime.</p> <p>As regards the statistical system, in 2011 the Crime Statistics System (SEC, Spanish initials) was restructured under the Cooperation Agreement on Information Systems of Incidents Related to Racism and Xenophobia. One of the changes made was to include the extensive, universalist definition of racism or xenophobia proposed by the European Commission against Racism and Intolerance.</p> <p>The European Fundamental Rights Agency has acknowledged that Spain is one of only five EU countries which provides comprehensive data on these forms of intolerance.</p>
<p><b>131.37</b></p> <p><b>Strengthen legislation against discrimination by adopting a comprehensive law against racism, racial discrimination, xenophobia and related intolerance (Côte</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>In general, see reply to recommendation 131.35. Although we share the spirit of the recommendation, namely to reinforce the fight against discrimination, it is not considered appropriate to develop a comprehensive law against racism, racial discrimination, xenophobia and other forms of intolerance, given the high legislative standards already established in this respect in Spain.</p>



RECOMMENDATIONS	DECISION ADOPTED
d'Ivoire)	
<p><b>131.38</b></p> <p><b>Double its efforts in combating contemporary forms of racism, racial discrimination, xenophobia and related intolerance including criminalizing hate speech, and all forms of incitement to hatred and violence (Malaysia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.39</b></p> <p><b>Improve policies against discrimination through legislation regulating hate crimes, racism, xenophobia and anti-Semitism (Israel)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>
<p><b>131.40</b></p> <p><b>Continue efforts to enhance the work of departments in relation to hate crimes and discrimination (Qatar)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.41</b></p> <p><b>Strengthen measures taken to combat hate speech/discourse (Bahrain)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>
<p><b>131.42</b></p> <p><b>Take effective measures to curb racial hatred and religious intolerance, hate speech and xenophobic discourses (Bangladesh)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>
<p><b>131.43</b></p> <p><b>Do all its best in order to put an end to hatred speech based on xenophobia and try to do all it can in order to tackle this matter within the institutions of the entire country (Libya)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.44</b></p> <p><b>Enhance efforts to combat discrimination against minority groups in the country, by effectively investigating and adequately punishing any racially motivated conduct (Namibia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.45</b></p> <p><b>Provide full access to justice to people belonging to racial and religious minorities and to combat racial and religious profiling and strengthen anti-discrimination legislation through adoption of a comprehensive law on racism, racial discrimination, xenophobia and related intolerances which addresses hate speech and includes measures to effectively investigate and prosecute such offences (Pakistan)</b></p>	<p>Spain <b>partially supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p> <p>Spain’s support is only partial because, although we share the spirit of the recommendation, namely to reinforce the fight against discrimination, it is not considered appropriate to develop a comprehensive law against racism, racial discrimination, xenophobia and other forms of intolerance, given the high legislative standards already established in this respect in Spain.</p> <p>As regards identification procedures, Article 16.1 of Organic Act 4/2015, of 30 March, on the protection of public safety, states that “.. in the practice of identification procedures, strict respect shall be granted to the principles of proportionality, equal treatment and non-discrimination on grounds of birth, nationality, racial or ethnic origin, sex, religion or belief, age, disability, sexual orientation or identity, opinion or any other condition or personal or social circumstance”. In addition, Circular 2/2012 issued by the Directorate General of Police concerning the identification of citizens is directly applicable in police actions and in preventive operational plans to maintain public safety, designed and developed from an analysis of policy in criminal matters. These plans are aimed primarily at eradicating networks facilitating illegal immigration and trafficking. The plans also seek to enable the expulsion of illegal immigrants subject to criminal proceedings. Such actions, in all cases, are fully subject to the rule of law and judicial control.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.46</b></p> <p><b>Ensure that all racist behaviour is effectively investigated and duly punished (Togo)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>
<p><b>131.47</b></p> <p><b>Continue to strengthen the combat against racial discrimination and intolerance in all manifestations and protect the legitimate rights of the migrants and minority groups (China)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36 and 131.37.</p>
<p><b>131.48</b></p> <p><b>Strengthen the measures against discrimination, racism and xenophobia</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In November 2011, in response to a UN appeal and the recommendations of other international organisations, Spain approved the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>manifested in the field of employment, access to housing and education with regard to foreigners and minorities (Gabon)</b></p>	<p>Forms of Intolerance. The aim of this Strategy is to strengthen the instruments and policies applied to integration, the public services involved in this area and the level of participation, thus enhancing access for all citizens on an equal basis and with no loss of quality.</p> <p>The Ministry of Employment and Social Security operates annual programmes financed by the European Social Fund as part of the Operational Programme to combat discrimination against immigrants and against applicants for and beneficiaries of international protection. These programmes are based on the following main areas of application:</p> <ul style="list-style-type: none"> <li>• Employment programmes.</li> <li>• Awareness-raising programmes and the promotion of equal treatment and non-discrimination in the workplace.</li> <li>• Programmes to promote equal treatment and non-discrimination in the host society.</li> </ul> <p>In addition, the Institute for Women and Equal Opportunities will continue and intensify the fight against discrimination and hate speech.</p> <p>With respect to housing, a study group with specialists in this field will be created to overcome the information gap about possible discrimination in access to housing and to provide recommendations on how to overcome such discrimination.</p> <p>For more information on employment, housing and education, see reply to recommendations 131.116, 131.121,</p>

RECOMMENDATIONS	DECISION ADOPTED
	131.140 and 131.144.
<p><b>131.49</b></p> <p><b>Undertake measures to put an end to ethnic and racial profiling and all forms of racial discrimination (Ghana)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>With respect to identification procedures, see reply to recommendation 131.45.</p>
<p><b>131.50</b></p> <p><b>Take effective measures to put an end to ethnic and racial profiling (India)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>With respect to identification procedures, see reply to recommendation 131.45.</p>



RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.51</b></p> <p><b>Combat discriminatory behaviour by members of the law enforcement forces and ensure that any racially-motivated misconduct is effectively investigated and adequately punished (Iran)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Article 4 of Organic Act 4/2015, of 30 March, on the protection of public safety, establishes the fundamental principles for action by public authorities in relation to public safety. Specifically, it provides that the exercise by the members of the police and security forces of the powers conferred by this Act shall be governed by the principles of legality, equal treatment and non-discrimination, opportunity, proportionality, effectiveness, efficiency and accountability, and shall be subject to administrative and judicial review.</p> <p>In particular, the actions of the members of the police and security forces are subject to the basic principles set out in Article 5 of Organic Act 2/1986 of 13 March on the police and security forces. Any breaches of these rules are considered in accordance with the procedures specified in Organic Act 12/2007 of 22 October, on the disciplinary system for the Civil Guard, and those specified in Organic Act 4/2010 of 20 May, on the disciplinary system for the National Police. If such breaches of the rules were found to constitute criminal acts, the corresponding provisions of the Criminal Code would apply.</p> <p>More generally, Organic Act 1/2015, amending the Penal Code, which will come into force on 1 July 2015, reviews and modifies the regulation of conduct representing incitement to hatred or violence against groups or minorities. The former Articles 510 and 607 of the Penal Code will be regulated jointly in accordance with the requirements of Framework Decision 2008/913/JHA, which has a broader scope than the current Framework Decision.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.52</b></p> <p><b>Adopt legislative, judicial and administrative measures to ensure the right to an effective remedy for anyone who claims to have been subjected to torture or other ill-treatment and to provide the necessary administrative and judicial framework to prevent impunity for officers charged with such crimes (Netherlands)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>This recommendation is supported because it has already been met. In this regard, the measures currently available are considered effective and therefore no further action is necessary.</p> <p>Spain has legal, judicial and administrative procedures to prevent, report and prosecute any action classified as torture.</p> <p>In this regard, the currently-applicable Penal Code (Articles 173-177) matches the three cumulative criteria stipulated by the UN Convention to identify this crime, namely:</p> <ul style="list-style-type: none"> <li>• The intentional imposition of severe pain or suffering, whether physical or mental,</li> <li>• by a public official, who is directly or indirectly involved,</li> <li>• for a specific purpose.</li> </ul> <p>Allegations of torture are systematically examined by the judicial authority and by the Ombudsman. In Spain, the Ombudsman is responsible for implementing the National Mechanism for the Prevention of Torture, in application of the Optional Protocol to the Convention against Torture.</p> <p>In addition, Spain has more specific instruments to prosecute these crimes, namely mechanisms of control and inspection. Thus, independently of the judicial authorities, the Sub-Directorate General for the Inspection of Security Personnel and Services, which forms part of the Ministry of the Interior, carries out the inspection, investigation and evaluation of the actions taken by the members of the respective police and security forces in</p>

RECOMMENDATIONS	DECISION ADOPTED
	<p>the performance of their duties. Any behaviour by the members of the police and security forces considered reprehensible in relation to this criminal offence will be subjected to the corresponding disciplinary proceedings.</p> <p>In Spain, prison officials are instructed, both initially and on an ongoing basis, on issues of human rights and the prohibition of torture, as stipulated in the UN Convention against Torture and in its Optional Protocol. This instruction is provided using a practical methodological approach, with studies based on reports issued by international organisations in this respect.</p>
<p><b>131.53</b></p> <p><b>Adopt legislative, judicial and administrative measures to ensure effective remedy for torture and ill-treatment and strengthen its framework to prosecute such crimes (Australia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.52.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.54</b></p> <p><b>Ensure the diligent investigation of allegations of excessive use of force by its own security and militia (Israel)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.52.</p>
<p><b>131.55</b></p> <p><b>Ensure that all allegations of torture and other ill-treatment perpetrated by security services are subject to impartial and independent investigations by the ordinary civil justice without delay, and ensure that victims receive reparations (France)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.52.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.56</b></p> <p><b>Ensure effective monitoring of detention and custody procedures by the law enforcement forces (Poland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Spain recently approved Organic Act 4/2015, of 30 March, on the protection of public safety. This Act regulates in greater detail the powers of intervention in the field of public safety by the police and security forces and, therefore, provides greater guarantees for citizens.</p> <p>Moreover, the police and security forces have specific instructions, under Instruction 12/2007 issued by the Secretary of State for Security, about the conduct that is required of them to safeguard the rights of persons who are detained or in police custody.</p>
<p><b>131.57</b></p> <p><b>Establish a control mechanism of the police authorities with regard to signs of possible torture and ill-treatment committed by individual members (Germany)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Spain already has control mechanisms, both internal ones for the Ministry of the Interior (see reply to recommendations 131.52 to 131.56) and those corresponding to the ordinary courts or the areas of competence of national and international mechanisms to supervise compliance with human rights legislation.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.58</b></p> <p><b>Elaborate further concrete, meaningful practical measures and mechanisms that effectively prevent any ill-treatment by the police and prison guards, including the possibility of revision of the practice of <i>incommunicado</i> detention (Hungary)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the first part of recommendation 131.52.</p> <p>Regarding the last part of the recommendation, which is supported, we note that this type of detention is regulated in the Spanish legal system and constitutes a fundamental means of addressing major criminal activities such as terrorism. The Draft Law amending the Criminal Procedure Act revises the system of <i>incommunicado</i> detention, which is exceptional, adapting it to meet the requirements of European Directive 2013/48/EU of 22 October, on the right to obtain legal assistance in criminal proceedings. This reform is expected to be adopted during the present parliamentary term. The abolition of <i>incommunicado</i> detention is not foreseen.</p>
<p><b>131.59</b></p> <p><b>Abolish <i>incommunicado</i> detention, and ensure that all suspects in police custody have prompt and immediate access to a lawyer (Iran)</b></p>	<p>Spain <b>partially supports</b> this recommendation.</p> <p>See reply to the last part of recommendation 131.58. The support for this recommendation is partial because the abolition of <i>incommunicado</i> detention will not take place, although the procedure will be reviewed.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.60</b></p> <p><b>Review the <i>incommunicado</i> detention regime to ensure compliance with international human rights law (Ireland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the last part of recommendation 131.58.</p>
<p><b>131.61</b></p> <p><b>Abolish the use of <i>incommunicado</i> detention and torture and ensure that all suspects in police custody have prompt access to a lawyer at the outset of detention (Pakistan)</b></p>	<p>Spain <b>partially supports</b> this recommendation.</p> <p>With respect to the first part of the recommendation, see reply to the last part of recommendation 131.58. The support for this recommendation is partial because the abolition of <i>incommunicado</i> detention will not take place, although the procedure will be reviewed.</p> <p>The second part of the recommendation is supported. Spain is modifying its legislation on the regulation of <i>incommunicado</i> detention, including questions relating to the access of detainees to legal assistance. Moreover, in general, the Draft Bill amending the Criminal Procedure Act to strengthen procedural guarantees and to regulate measures for technological research incorporates into Spanish law EU Directive 2013/48 on the right to legal assistance in criminal proceedings and in proceedings relating to the European arrest warrant, and the right to inform a third party at the time of detention and to communicate with others and with consular authorities during the detention. In particular, Article 520 reduces the maximum period of eight hours within which the right to legal assistance must be made effective to three hours.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.62</b></p> <p><b>Review the <i>incommunicado</i> detention regime by ensuring that access to legal assistance upon detention is not delayed, that detainees have the possibility to communicate with a lawyer of their own choice in private and that they are brought in front of a judge within 72 hours (Austria)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the last part of recommendation 131.58.</p>
<p><b>131.63</b></p> <p><b>Review the compliance of its anti-terrorism legislation allowing for <i>incommunicado</i> detention with international human rights standards and consider abolishing the</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the last part of recommendation 131.58.</p>



RECOMMENDATIONS	DECISION ADOPTED
<p><i>incommunicado</i> regime (Czech Republic)</p>	
<p>131.64</p> <p>Adopt a national strategy to improve the conditions in the penitentiary system (Russian Federation)</p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>Spain has a modern, effective penitentiary system that safeguards the dignity of the conditions of detainees.</p>
<p>131.65</p> <p>Strengthen measures toward eliminating violence against women, including domestic violence (Japan)</p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the second part of recommendation 131.15.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.66</b></p> <p><b>Continue its efforts in combating gender-based violence, particularly on women with disabilities, through effective implementation of its National Strategy for the Elimination of Violence Against Women 2013-2016 (Malaysia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to the second part of recommendation 131.15.</p> <p>With regard to women with disabilities, the 2013-2016 National Strategy for the Elimination of Violence against Women has a line of action termed specific concern for women with disabilities, detailing measures to be taken to improve victims’ access to resources and services, to raise social awareness with regard to gender violence and to violence against women with disabilities, and to enhance the statistical data available with respect to persons with disabilities.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.67</b></p> <p><b>Take all necessary measures to eliminate gender-based violence, including violence against foreign women, and to assess the workings of the relevant specialized courts in this regard (Namibia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to the second part of recommendation 131.15.</p> <p>With regard to foreign women, the 2013-2016 National Strategy for the Elimination of Violence against Women has a line of action termed specific concern for foreign women, detailing measures to be taken to raise social awareness and to foster collaboration with associations representing immigrants. Furthermore, both the 2013-2016 National Strategy for the Elimination of Violence against Women and the rules and laws mentioned in the reply to recommendation 131.15 specifically consider the needs of immigrant victims.</p> <p>With respect to assessing the activity of the courts dealing with violence against women, quarterly reviews are conducted of the statistics relating both to courts dealing exclusively with cases of violence against women (106) and with those which do so non-exclusively (355). This review assesses the courts' workload in the context of the modules established by the General Council of the Judiciary (GCJ). According to the latest data published, of the 106 courts dealing exclusively with violence against women, 95 not only heard less than 100% of the maximum number of cases recommended by the GCJ, but 44 of these courts heard less than 60% of this maximum, thus demonstrating the optimum level of performance being achieved.</p> <p>In addition, the Observatory of Domestic and Gender Violence, which forms part of the GCJ, is conducting a study to analyse the judgments of courts specialised in the implementation of legislation on gender violence. This Observatory has published the following guides to good practice: Criteria for judicial action against gender violence (2013); Good practice for the preparation of psychological reports on child custody and visiting rights</p>

RECOMMENDATIONS	DECISION ADOPTED
	<p>in cases of gender violence (2013); Good practice for forensic psychological assessment of the risk of violence against women in relationships (2012).</p> <p>Finally, macrosurveys of domestic violence carried out in 2011 and 2015, in collaboration with the Centre for Sociological Research, expressly refer to the causes of non-presentation of complaints and to the percentage of women who, despite describing themselves as victims of domestic violence, do not report this situation.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.68</b></p> <p><b>Continue its efforts to eradicate gender-based violence and to ensure the advancement of women in decision-making positions in all sectors (Republic of Korea)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to the second part of recommendation 131.15.</p> <p>On the presence of women in decision-making positions, see reply to recommendation 131.31.</p>
<p><b>131.69</b></p> <p><b>Continue to adopt all legislative and executive measures against gender-based violence, with special attention to migrant victims (Sri Lanka)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to the second part of recommendation 131.15.</p> <p>The following are the most important legislative and executive measures that have been implemented:</p> <ul style="list-style-type: none"> <li>• The Penal Code, amended by Organic Act 1/2015, defines the following new crimes relating to gender violence: forced marriage, stalking and harassment, the unauthorised publication of intimate recordings or images obtained with the consent of the victim, when such disclosure seriously violates their right to privacy, and the disabling of electronic devices used to monitor compliance with judicial orders. The judge may also impose a fine, but only when it is established that there exists no economic tie between the convicted person and the victim, to ensure that in no way will the latter be harmed by the punishment of the former. This Penal Code will enter into force on 1 July 2015.</li> </ul>

RECOMMENDATIONS	DECISION ADOPTED
	<ul style="list-style-type: none"> <li>• The Act on the Legal Status of Victims, adopted on 16 April 2015. This Act extends the concept of victim and refers not only to direct victims of gender violence, but also to indirect victims. This law specifies a wide range of procedural and extra-procedural rights for victims of gender violence.</li> <li>• Legal Aid Bill. This Bill maintains the recognition of the right to free legal assistance, in general, for all victims of gender violence, regardless of their economic capacity. It includes a provision for these victims to receive specialist representation and prior counselling.</li> <li>• Adequate training for judicial personnel. The Ministry of Justice is currently developing online training courses on the subject of gender violence, to be taken by Ministry of Justice officials during 2015, in order to enhance their procedural knowledge of this issue.</li> <li>• Forced marriages. This question is addressed in the above-mentioned Penal Code.</li> </ul> <p>See also the reply to recommendation 131.67 with respect to immigrant women and the assessment of courts dealing with violence against women.</p>
<p><b>131.70</b></p> <p><b>Strengthen its protection program against sexual and sexist violence, with a focus on the availability,</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.15, 131.67 and 131.69.</p> <p>Among other aims, the 2013-2016 National Strategy for the Elimination of Violence against Women has the specific goal of raising the visibility and awareness of other forms of violence against women, including sexual</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>accessibility and quality of protection measures, and ensure the full enjoyment of sexual and reproductive rights (Switzerland)</b></p>	<p>violence. Thus, with respect to statistical data and understanding, the 2015 Macro-Survey on violence against women has improved the measurement of sexual violence within the partnership to obtain a better understanding of this form of violence, and the questionnaire includes, for the first time, questions to determine the prevalence of sexual violence outside the partnership relation and the forms it can take.</p> <p>As regards sexual and reproductive health rights, Spain has ratified all relevant international agreements, and its legal system incorporates the targets proposed in the resolutions of the UN Commission on Population and Development.</p> <p>Women’s universal right of access to sexual and reproductive health is stipulated in the current portfolio of services of the Spanish National Health System, both in terms of care during pregnancy, childbirth and postpartum, and with regard to family planning. The National Health System also guarantees access to safe and effective methods, appropriate for adults and young people, to prevent unwanted pregnancies. Emergency contraception resources are freely dispensed.</p> <p>In 2011, the National Strategy for Sexual and Reproductive Health was presented. The overall aim of this Strategy is to provide high-quality facilities to safeguard sexual and reproductive health, with accessible services that enhance these areas of experience, and guarantee the free enjoyment of sexual and reproductive rights for women and men.</p> <p>Information and education in sexual, reproductive and affective matters are also included in the formal content of the education system.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p>131.71</p> <p><b>Carry-out an evaluation into the obstacles victims of gender-based violence experience in accessing effective protection, justice and reparation and the causes which prevent them from filing a complaint (Netherlands)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.67.</p>
<p>131.72</p> <p><b>Undertake an evaluation of the operation of the specialised courts on violence against women, identify and encourage best practice (Ireland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.67.</p>



RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.73</b></p> <p><b>Ensure the effective training of the judicial bodies in charge of investigating cases of gender-based violence (Slovakia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.67 and 131.69.</p>
<p><b>131.74</b></p> <p><b>Ensure that all judicial bodies carrying out investigations into gender-based violence receive specialised training in order to meet the requirements of the Organic Law on Comprehensive Protection Measures against Gender Violence (United Kingdom of Great Britain and Northern Ireland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.67 and 131.69.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.75</b></p> <p><b>Adopt a new bill amending the Criminal Code on the issues of gender-based violence, human trafficking, sexual exploitation and forced marriage (Ukraine)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.69.</p>
<p><b>131.76</b></p> <p><b>Foster strong coordination among the Ministries of Health, Justice and Interior through a formal mechanism to combat gender-based violence and ensure judicial, law enforcement, and other officials are properly trained on all forms of gender-based violence and discrimination (United States of America)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In relation to the first part of the recommendation, there currently exists a body – the State Observatory on Violence against Women – that is responsible for coordinating departments among the ministries mentioned, as well as their relations with specialised organisations within civil society. Furthermore, the Observatory on Domestic and Gender Violence, which forms part of the General Council of the Judiciary, performs coordination functions in the judicial field between the Ministry of Justice, the Ministry of Health, Social Services and Equality and the Ministry of the Interior, which all participate in this Observatory.</p> <p>Together with these existing coordination structures, and in accordance with the provisions of the 2013-2016 National Strategy for the Elimination of Violence against Women, which contains an area of attention termed coordination, networking and operational excellence, various actions are undertaken to enhance coordination mechanisms between government administrations and to interconnect systems and resources to foster the</p>

RECOMMENDATIONS	DECISION ADOPTED
	<p>safety of victims and optimise the response to their situation.</p> <p>In addition, there is effective coordination between the police and security forces and other significant agencies. Thus, the Ministry of the Interior trains members of the police and security forces in two relevant areas: generic training on the various forms of discrimination and gender violence against women; and specific training for units specialising in attending to victims and investigating this type of crime.</p> <p>The Secretariat of State for Security, which forms part of the Ministry of the Interior, is continuing work to develop a comprehensive system for monitoring cases of gender violence, in a project involving various institutions and researchers.</p> <p>Regarding the second part of the recommendation, see also the reply to recommendations 131.67 and 131.69.</p>
<p><b>131.77</b></p> <p><b>Strengthen the measures to combat violence against women (Timor Leste)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the second part of recommendation 131.15 and to recommendations 131.66 to 131.76.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.78</b></p> <p><b>Implement fully its National Strategy for the eradication of violence against women (2013-2016) (Australia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the second part of recommendation 131.15.</p>
<p><b>131.79</b></p> <p><b>Apply stronger measures to combat violence against women, as a follow-up to the National Strategy for the Elimination of Violence against Women 2013-2016 (Cuba)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the second part of recommendation 131.15 and to recommendations 131.65 to 131.76.</p>
<p><b>131.80</b></p> <p><b>Strengthen the measures on combating domestic and</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.15 and to recommendations 131.65 to 131.76.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>other forms of gender-based violence (Azerbaijan)</b></p>	
<p><b>131.81</b></p> <p><b>Strengthen the measures to combat violence against women, especially domestic violence (India)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the second part of recommendation 131.15 and to recommendations 131.65 to 131.76.</p>
<p><b>131.82</b></p> <p><b>Ensure the allocation of adequate resources for the implementation of Organic Law 1/2004 on measures of protection against gender</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.29.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p>violence, giving special attention to its accessibility through a national action plan (Chile)</p>	
<p>131.83</p> <p>Re-double efforts aimed at combating violence against women and children especially those with disabilities (Ghana)</p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to the second part of recommendation 131.15, to recommendations 131.65 to 131.76 and to recommendations 131.84 and 131.87.</p> <p>Particularly noteworthy in this respect is the Second National Strategic Plan for Children and Adolescents (2013-2016), which is intended to provide a comprehensive, inclusive framework for cooperation among all areas of government.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.84</b></p> <p><b>Continue efforts aimed at promoting rights of children, in particular migrant children and victims of sexual violence and abuse (Ukraine)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Organic Act 1/2015, amending the Penal Code, which will come into force on 1 July 2015, introduces a number of provisions in order to transpose Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children, and child pornography. This reform toughens the criminal penalties for these offences and also, pursuant to a recommendation by the Committee on the Rights of the Child, raises the age of sexual consent from 13 to 16 years.</p> <p>The protection of vulnerable groups has been a priority in the political agenda of the Ministry of the Interior since the beginning of the Tenth Legislature. One such vulnerable group is that of children, and the Ministry of the Interior dedicates special efforts to protect their sexual integrity and to enhance their safety in schools, in places of leisure and, especially, in the context of internet and new technologies.</p>
<p><b>131.85</b></p> <p><b>Combat effectively violence against children resulting from the sexual abuse of minors (Iran (Islamic republic of))</b></p>	<p>Spain <b>supports</b> this recommendation. .</p> <p>See reply to recommendation 131.84.</p>

RECOMMENDATIONS	DECISION ADOPTED
<p><b>131.86</b></p> <p><b>Step up efforts to fight unlawful treatment of and violence against children, including sexual abuse (Russian Federation)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.84.</p>



<p><b>131.87</b></p> <p><b>Continue improving combating of trafficking in persons (Lebanon)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Ministry of Justice is developing various legislative initiatives, which are at different stages of evolution. These initiatives are intended to improve the safeguards available for the protection of victims of trafficking in human beings, and to include definitions and/or concepts that had been applied elsewhere in the judicial system. They are as follows.</p> <p><u>Organic Act 1/2015, amending the Penal Code</u>, which will come into force on 1 July 2015. As concerns trafficking in human beings, the Act amends the Penal Code in the articles listed below:</p> <ul style="list-style-type: none"> <li>• Article 177b. This article completes the transposition of Directive 2011/36/EU on preventing and combating trafficking in human beings and on protecting victims, a transposition that began with the reform of Organic Act 5/2010 of 22 June. This amendment affects the definition of the offence, and incorporates the giving or receiving of payments or benefits to achieve the consent of the person with control over the victim; it addresses the form of exploitation, by adding the use of exploitation to commit criminal acts; and it defines vulnerability as a situation in which the victim has no real or acceptable alternative but to submit to the abuse. It also includes in the scope of legal protection, by increasing the penalties for certain aggravated subtypes of offence, those in need of special protection such as pregnant victims and other particularly vulnerable groups, by reason of age, illness, disability or personal situation or because the life or physical or psychological integrity of the victim is endangered. Finally, the possibility of allowing probation for offenders has been introduced.</li> <li>• Article 132.1. In order to transpose Article 9.2 of the Directive as regards the prosecution of offences</li> </ul>
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	<p>after the victim has reached the age of majority, the crime of trafficking in human beings is specifically included.</p> <ul style="list-style-type: none"><li>• Article 127. The reform introduces legal instruments to promote the recovery of assets obtained from the crime of trafficking in human beings, by expanding the scope of confiscation to crimes of trafficking in human beings. Thus, confiscation is extended to other cases in which criminal activity is commonly sustained over time, during which significant economic benefits can be derived; such is the case with trafficking in human beings or prostitution, among other related offences that are addressed in Article 127b.</li><li>• Article 311b. With respect to crimes against the rights of workers, this Article makes it an offence to employ or provide employment to foreign nationals or to minors not in possession of a work permit.</li><li>• Articles 187 and 188 address offences relating to prostitution, making a clearer separation between the exploitation of prostitution involving adults and that of minors or persons with disability. New, aggravated sub-classes of offence are defined for the latter case, taking into account the special vulnerability of the victim, undue influence, endangering the life or integrity of the victim, and the joint commission of the offence by two or more persons. These measures are designed to combat the most serious cases of child prostitution. The possibility of imposing probation measures on offenders is also enabled.</li><li>• Article 318b. This Article modifies the penal code regarding crimes against foreigners. A clear definition is now given of conduct that constitutes illegal immigration and the penalties are adjusted in accordance</li></ul>
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	<p>with the criteria established by EU regulations, reserving imprisonment for the most serious cases (offences committed as part of the activities of a criminal organisation or which endanger the person who is the object of the infringement). The possibility of probation for offenders is introduced.</p> <p><u>Victim Status Act.</u> With special attention to particularly vulnerable victims.</p> <p><u>Legal Aid Bill.</u> Recognises the right to free legal assistance to all victims of trafficking, regardless of their economic resources.</p> <p>Work is continuing on the development of the Second Comprehensive Plan Against Trafficking in Women and Children for Sexual Exploitation.</p> <p>Finally, we should again note the creation of the post of National Rapporteur on Trafficking in Human Beings, as part of the Ministry of the Interior. The aim of this initiative is to improve the coordination of different institutions working in Spain and elsewhere to combat trafficking in human beings. The work that is coordinated by the National Rapporteur, to continue improving the measures taken to combat this social scourge, was recently recognised by the European Anti-Trafficking Coordinator during her visit to Spain in February 2015, when recommendations were made to improve actions taken in this area and to better implement EU legislation.</p>
<p><b>131.88</b></p> <p><b>Increase international and regional cooperation with regard to the issue of</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Spain welcomes this recommendation and reiterates its conviction of the strategic importance of international cooperation to combat trafficking in persons. Spain’s main efforts in this area are carried out in the framework of EU policies. In addition, the Ministry of the Interior, through the Intelligence Centre against Terrorism and</p>

<p><b>trafficking in persons (Qatar)</b></p>	<p>Organised Crime and through its network of embassy attachés and advisors, maintains close coordination with countries of origin and transit of trafficking in persons.</p>
<p><b>131.89</b></p> <p><b>Continue to combat trafficking in human beings (Romania)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.87.</p>
<p><b>131.90</b></p> <p><b>Improve the procedures used to identify victims and to address the special needs of child victims of trafficking (Albania)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The aim of this recommendation is one of the priorities of the National Rapporteur on combating trafficking (see reply to recommendation 131.87). In February 2014, the National Rapporteur proposed the creation of a working group to study and develop a Joint Instruction by the Secretariat of State for Security and the General Secretariat for Immigration and Emigration (both of which are part of the Ministry of the Interior) to regulate the processing of work and residence permits to be issued in exceptional circumstances to victims of trafficking in persons. In this Joint Instruction, the procedures used to identify victims are considered of the utmost importance.</p> <p>A protocol for identifying Underage Victims of Trafficking in Persons is currently being developed by a specific task force set up by the Childhood Observatory.</p>

<p><b>131.91</b></p> <p><b>Continue to take measures to combat trafficking of persons (Armenia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.87.</p>
<p><b>131.92</b></p> <p><b>Implement a new plan against people trafficking for sexual exploitation as soon as possible (Australia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Second Plan Against Trafficking in Women and Children for Sexual Exploitation is currently under preparation.</p> <p>On 17 April 2013, the Ministry of the Interior published the Police Plan to Combat Trafficking in Human Beings, the second phase of which began in February 2015, and Directive 40/2009 on the Civil Guard, dated 11 November 2009, to combat trafficking in persons. Both of these instruments, among other objectives, seek to more actively pursue the members of criminal gangs, to better protect victims and to enhance international cooperation.</p>

<p><b>131.93</b></p> <p><b>Continue its efforts regarding human trafficking for sexual exploitation, and consider drafting a new version of the comprehensive plan to fight trafficking for sexual exploitation (France)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.87 and 131.92.</p>
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<p><b>131.94</b></p> <p><b>Strengthen efforts to promote a transparent political system by streamlining judicial procedures to investigate and prosecute corruption expeditiously (United States of America)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>As well as legislative changes and improvements, special emphasis has been placed on strengthening the judicial bodies that hear cases of corruption. Thus, Royal Decree 918/2014, of 31 October, created 112 new posts for magistrates in collegiate bodies, 167 new posts for judges in regional courts and three new criminal courts in order to adapt judicial resources to present needs. This Royal Decree, moreover, takes into account, among other priorities, the requirements of the courts that hear cases of corruption, throughout the country, and creates two more posts for magistrates in the Criminal Justice Division of the National Court. This measure is intended to provide support for the Government’s measures to combat corruption, and to ensure that justice procedures become more rapid, diligent and effective, with particular reference to this judicial body, which is responsible for the investigation and prosecution of particularly serious offences related to corruption.</p> <p>Furthermore, on 6 February 2015, the Council of Ministers created 66 new posts for public prosecutors, in compliance with the Government’s commitment to improving the functioning of the justice department and to fight against corruption, by strengthening human resources, paying special attention to strengthening the capabilities of the Special Prosecution Office against Corruption and Organised Crime, and those of the provincial prosecutors in areas where this phenomenon is most acute. Specifically, of the 66 new positions, four are assigned to the Special Prosecution Office against Corruption, another four to the State Prosecution Service, two to work on issues related to computer crime and another two to do so with respect to international cooperation in criminal prosecution.</p> <p>As well as these reforms, the Ministry of Justice systematically responds to all requests to reinforce judicial bodies, presented by the General Council for the Judiciary with respect to courts hearing cases of corruption.</p>
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	<p>In addition, the Draft Bill amending the Criminal Procedure Act will expedite criminal justice procedures, strengthen procedural guarantees and regulate technological research in this field. This legislation is expected to be adopted in 2015.</p> <p>Organic Act 1/2015, amending the Criminal Code, also includes the following new penal measures to combat corruption:</p> <ul style="list-style-type: none"><li>• A new crime is defined, that of the illegal financing of political parties, which will be punished with imprisonment from 1 to 5 years.</li><li>• Sentences of disqualification from public office for those convicted of crimes related to corruption are extended. Special disqualification from the right to stand for election is introduced, as a measure of democratic regeneration.</li><li>• The statute of limitations for crimes related to corruption is extended.</li></ul>
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<p><b>131.95</b></p> <p><b>Review the reform of the national justice system of early 2014 in particular with the aim of ensuring and enforcing the principle of universality of international human rights law (Germany)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>The reform of the system of universal justice, which is at the heart of a Bill introduced by the Popular Party parliamentary group in 2014, is not considered to generate impunity and this new regulation is comparable to that of other countries in our context.</p> <p>This reform, indeed, will bring about a strengthening of the principle of legality (extending the jurisdiction of our courts to crimes committed outside national territory, to the extent that it addresses acts committed in the territory of another State, is permissible only when international law or an international treaty authorise it) and that of legal certainty (the delimitation of the jurisdiction of the Spanish Courts, outside national borders, must be determined on the basis of a decision by the legislature, based on a rule of international law or of European Union law; it may not be left solely in the hands of jurisprudence).</p> <p>Moreover, the catalogue of crimes committed outside the country and which are liable to prosecution by the Spanish judicial authorities, such as crimes of violence against women, crimes against sexual integrity and against child victims, or corruption in international business transactions, has been expanded.</p> <p>What is really important is to have an advanced, effective system that is fully respectful of international law and which ensures that even if a State does not have jurisdiction to prosecute certain actions, it does have the necessary mechanisms to facilitate their prosecution by those who should do so (namely, the State with the corresponding jurisdiction under international law), thus preventing any possibility of impunity.</p>
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<p><b>131.96</b></p> <p><b>Consider adopting the principle of restorative justice, with its alternative sentencing, in the juvenile justice system (Indonesia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Victims’ Rights Act, adopted on 16 April 2015, regulates the general principles of restorative justice.</p>
<p><b>131.97</b></p> <p><b>Continue the implementation of the Historical Memory Act despite the economic crisis (Lebanon)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Historical Memory Act has not been repealed and therefore all of its provisions except those which have expired in accordance with the pre-determined schedule or which have already fulfilled the objectives established remain in force. As an example of the second of these cases, the economic forecasts on pensions and other financial benefits have now been met, while in the first case, the deadlines to apply for Spanish nationality have expired. In addition, the Historical Memory Documentation Centre has been created and access facilitated to judicial and military archives, which has enabled the identification of numerous missing persons. Special mention should be made of the computerisation of the archives of the Valley of the Fallen (the Civil War Memorial), which has shed light on the origin and identity of the bodies interred there. Another action taken in this respect is the removal of symbols and public monuments within the aegis of the General State Administration commemorating or exalting the military uprising in 1936.</p> <p>The Ministry of Justice continues to perform an important public information role with respect to the Historical Memory Act, and continues to supply the certificates referred to in Article 4 on the Declaration of Reparation</p>

	<p>and Personal Recognition.</p> <p>Budgetary restrictions do not allow, at present, full compliance with the provisions of the Act relating to cooperation with individuals and associations to locate and identify victims. A study is currently being conducted regarding the future use to be made of the Valley of the Fallen.</p>
<p><b>131.98</b></p> <p><b>Develop a comprehensive and inclusive strategy to deal with the past, based on the rights of victims and the obligations of States, namely justice, reparation and</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.97.</p>

<p><b>guarantees of non-repetition (Switzerland)</b></p>	
<p><b>131.99</b></p> <p><b>Continue its efforts in addressing historical injustices and protecting the rights of the victims of such injustices both at the national and international levels (Armenia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.97.</p>

<p><b>131.100</b></p> <p><b>Use comparative studies to address the challenges posed by the investigation of international law crimes committed during the Civil War and the Franco regime, in line with the recommendations of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (Chile)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>In general, see reply to recommendation 131.97. As regards the investigation of crimes committed during the civil war and the Franco regime, Spain has maintained an intense dialogue in this respect not only with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, but also with the Working Group on Enforced Disappearances and the Committee against Enforced Disappearances. As stated in the responses provided to these bodies, the criminal proceedings system in Spain does not have powers of investigation of the facts, but only to identify those responsible and determine their punishment. Therefore, the impossibility of identifying the perpetrators of the crimes in question is a factor that must be taken into account, together with the principles of legality and non-retroactivity of criminal law, the statute of limitations and the 1977 Amnesty Law, by Spanish judges in ruling on the possibility or otherwise of resorting to criminal proceedings to investigate events that occurred during the 1930s and 1940s. This does not mean that no investigation may be made into the whereabouts of people who disappeared during the Civil War. Thus, rulings 75/2014 and 478/2013 handed down by the Madrid Provincial Court confirm that the initiation of criminal proceedings is not the appropriate way to satisfy the purposes of the plaintiffs, but at the same time make it clear that the contentious-administrative procedure is the correct approach, according to the Spanish procedural system, and also as is stipulated in the Historical Memory Act of 2007. The time elapsed since the commission of the facts in question is also instrumental in the jurisprudence established by the European Court of Human Rights (ECHR), which in its decision of 27 March 2011 (in the case <i>Gutiérrez Dorado and Dorado Ortiz vs. Spain</i>) declared inadmissible a lawsuit presented in connection with the disappearance of the socialist deputy Luis Dorado Luque, who had been missing since his arrest in 1936. The ECHR also held that it was of</p>
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	<p>crucial importance that the complaint had not been filed until 25 years after Spain’s recognition of the jurisdiction of the ECHR and over 70 years since the disappearance had taken place.</p>
<p><b>131.101</b></p> <p><b>Take all necessary measures in order to make sure that cases of enforced disappearance be only addressed by the civilian courts and not special ones such as military courts (Libya)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Organic Act 1/2915, amending the Criminal Code, already stipulates the crime of enforced disappearance as a separate offence. The Victim Status Act also regulates some aspects related to the victims of such crimes. It should also be observed that the prosecution of this conduct will be heard by the ordinary criminal courts. In all cases, crimes of forced disappearance will be heard by civil courts.</p>

<p><b>131.102</b></p> <p><b>Adopt legislative or other necessary measures to establish a definition of victim consistent with Article 24, paragraph 1 of the Convention against Enforced Disappearances and ensure that any person who has suffered a direct harm as a result of an enforced disappearance can receive all compensation and redress measures established under the law, even if criminal proceedings have not been initiated (Panama)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.101.</p>
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<p><b>131.103</b></p> <p><b>Fully address the issue of enforced disappearances in close cooperation with human rights mechanisms (Republic of Korea)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.101.</p>
<p><b>131.104</b></p> <p><b>Adopt appropriate legislative or judicial measures to criminalize enforced disappearance, in accordance to the provisions of ICPPED and promote changes in the internal order which enable enforced disappearances to be investigated thoroughly and impartially (Argentina)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.101.</p>



<p><b>131.105</b></p> <p><b>Ensure the minimum age of marriage for children disallows early marriage (Sierra Leone)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Voluntary Jurisdiction Bill contains a provision to raise the minimum age for marriage.</p>
<p><b>131.106</b></p> <p><b>Eliminate child marriages and increase the minimum age for marriage under exceptional circumstances (Azerbaijan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.105.</p>
<p><b>131.107</b></p> <p><b>Guarantee that the right to worship of minorities, including Muslims, is fully respected in practice (Iran (Islamic Republic of))</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.36.</p>

<p><b>131.108</b></p> <p><b>Decriminalize defamation and place it within the civil code in accordance with international standards (Estonia)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>The Spanish Penal Code only classifies as an offence actions or expressions that harm the dignity of another person, undermine their reputation or attack their self-esteem when such actions are viewed in the public sphere as serious. Moreover, defamation consisting in the imputation of facts will not be considered a serious offence, unless such defamation was carried out in full knowledge of its falsity or with reckless disregard for the truth.</p>
<p><b>131.109</b></p> <p><b>Strengthen the Government's commitment to ensuring fundamental rights of freedom of expression, peaceful assembly and association and continue its cooperation with civil society, particularly with human rights defenders, by investing further efforts in creating a favourable environment for the members of the CSOs</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The Spanish Constitution (Articles 20, 21 and 22) guarantees the freedom of expression, assembly and association, and no legal provision has produced any limitation of those rights.</p> <p>On 30 March, Organic Act 4/2015 on the protection of public safety, was approved, following a favourable report by the General Council of the Judiciary and by the Council of State. It should be emphasised that in Spain the right to demonstrate does not depend on prior authorisation, but merely on a communication to the Government authorities, which may prohibit such demonstrations in exceptional cases as specified by law, or place conditions on their materialisation (for example, by changing the time or the itinerary) in order to protect other fundamental rights. Therefore, only demonstrations that are not previously communicated will be subject to sanction.</p> <p>The new Organic Act on the protection of public safety is intended to punish actions that are violent, aggressive, coercive, etc. arising from the exercise of the right to conduct a public demonstration, or which affect public safety. The main priority of the Act is to protect the exercise of meetings and demonstrations, to</p>

<p><b>(Serbia)</b></p>	<p>prevent them from endangering public safety and from disrupting the normal development of such meetings and demonstrations.</p> <p>One of the priorities of Spain’s foreign policy on human rights is precisely to support the work of human rights defenders. The Ministry of Foreign Affairs and Cooperation is in close contact with civil society organisations that specialise in human rights issues, and since 1998 has participated in a programme to provide temporary asylum for human rights defenders at risk, in accordance with what is considered good international practice.</p>
<p><b>131.110</b></p> <p><b>Avoid any legislative amendments which would disproportionately limit the exercise of the right to freedom of assembly (Sweden)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.109.</p>
<p><b>131.111</b></p> <p><b>Ensure the adjustment of the Public Safety Act, in order not to limit freedom of expression and the right to peaceful assembly (Chile)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.109.</p>

<p><b>131.112</b></p> <p><b>Take measures to ensure that all legislation, in particular laws concerning the right of all persons to peaceful assembly and demonstration, upholds international human rights obligations (Costa Rica)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.109.</p>
<p><b>131.113</b></p> <p><b>Ensure the full enjoyment of the rights to freedom of assembly and freedom of expression, facilitate the holding of peaceful rallies and revise existing laws or refrain from adopting new laws placing undue restrictions and deterrents on the exercise of freedom of assembly and freedom of</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.109.</p>

<p>expression (Czech Republic)</p>	
<p><b>131.114</b></p> <p><b>Adopt legislation that defines the necessity and proportionality of the use of force by police during acts of protest of the civil population (Russian Federation)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to recommendation 131.109. The recommendation is accepted because the recently adopted legislation (the Organic Act on the protection of public safety) expressly incorporates the principles of legality, equal treatment, non-discrimination, timeliness, proportionality, effectiveness, efficiency and accountability, which must govern the actions of security and police forces (see reply to recommendation 131.51).</p>

<p><b>131.115</b></p> <p><b>Increase awareness of security forces on the respect for human rights during demonstrations, to ensure the right to peaceful assembly and freedom of expression and association (Switzerland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Training in human rights is a constant element in the activities of the police and security forces, regarding both formal education and also the approval and updating of operative procedures.</p>
<p><b>131.116</b></p> <p><b>Step up measures to improve employability and access to employment, especially among young men and women, and ensure equal opportunities between them (Malaysia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.26 and 131.48.</p>

<p><b>131.117</b></p> <p><b>Put more emphasis on employment, especially on reducing the unemployment rate of young people (China)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.48.</p>
<p><b>131.118</b></p> <p><b>Address the youth unemployment and combat effectively the existing discrimination against migrants in terms of their working conditions and requirements governing access to employment (Iran (Islamic republic of))</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.48.</p>

<p><b>131.119</b></p> <p><b>Ensure laws regarding discrimination with respect to employment or occupation are enforced and that members of the Romani community have the same inclusive legal protections, wages and working conditions as others (United States of America)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Under the Spanish Constitution, all persons are equal before the law. There may be no discrimination on grounds of birth, race, sex, religion, opinion or any other condition or personal or social circumstance. Accordingly, members of the Roma community are entitled to the same work conditions as the rest of the Spanish population and enjoy the same legal protection. Judges and courts will always condemn situations of discrimination. Furthermore, in the field of employment, the 2012-2020 National Strategy for the Social Inclusion of Roma aims to improve access to mainstream employment and to reduce job insecurity among the Roma and to improve the professional skills of this population group.</p>
<p><b>131.120</b></p> <p><b>Fully ensure the safety and economic and social rights of migrant workers, in particular in irregular situation (Bangladesh)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121, 131.122, 131.125 and 131.126.</p>



<p><b>131.121</b></p> <p><b>Review and modify, in the light of the recommendations of this review, those measures that may obstruct access to basic rights such as health, education and housing for migrants, particularly women and children (Nicaragua)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In Spain, there is absolutely no obstruction to the basic healthcare rights of immigrants, which are guaranteed by law. The coverage provided is adequate and in accordance with the international standards that have been ratified by our country.</p> <p>In fact, immigrants who are legally resident in Spain enjoy the same protection as the Spanish population, while even those without legal residence enjoy basic, high-quality healthcare, and special protection is provided to pregnant women and children.</p> <p>Specifically, the following public healthcare cover is guaranteed to all:</p> <ul style="list-style-type: none"> <li>• Urgent healthcare in cases of serious illness or accident, whatever their cause, until hospital discharge;</li> <li>• Care during pregnancy, childbirth and the postpartum period;</li> <li>• Foreigners aged under 18 years receive healthcare under the same conditions as the Spanish population;</li> <li>• All persons, regardless of their administrative status, are entitled to receive, without charge, the benefits of disease-prevention and public health programmes, such as the diagnosis and treatment of communicable diseases (for example, tuberculosis or HIV), vaccinations and the regional governments’ programmes for the prevention and control of communicable diseases.</li> </ul> <p>To further enhance this ample level of protection in Spain, work is continuing to extend the cases in which primary healthcare is provided free of charge for immigrants, whatever their administrative situation. However, it</p>
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	<p>should be understood that among comparable countries, according to an analysis of comparative law, Spain provides the highest level of health cover to immigrants. No other country offers more cover, in quantity or quality. In Spain, healthcare is provided to all those who need it, regardless of their administrative situation. Nevertheless, payment of the cost of service may be required of persons not entitled to free healthcare or when there are third parties with the obligation to make this payment.</p> <p>The right to education is guaranteed in Article 27 of the Spanish Constitution. Education is inclusive, free of charge and compulsory up to the age of sixteen. Rates of investment per pupil in public education, student-teacher ratios and the percentage of spending on pre-school education all compare favourably with other EU countries. In December 2013, Parliament approved the Education Quality Act, the main aims of which are to reduce the rate of early school leaving, to improve education outcomes in accordance with international standards and to improve students' employability and entrepreneurial spirit.</p> <p>According to Article 13 of the Organic Act on the Rights and Freedoms of Foreigners, "foreign residents have the right to access public housing assistance systems under the terms established by law and the competent authorities. Permanent foreign residents are entitled to such assistance under the same conditions as apply to the Spanish population".</p> <p>The measures taken by Spain since 2012 to address situations of insolvency, with special attention to the most disadvantaged sectors of society, were recently complemented by Royal Decree-Law 1/2015 of 27 February, on the second-chance mechanism, the reduction of financial burdens and other measures of social benefit.</p> <p>Royal Decree-Law 1/2015, on bankruptcy, regulates various mechanisms for improving the extra-judicial settlement of debt and introduces a "second-chance" mechanism for individuals to enable them to escape from</p>
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	<p>the burden of outstanding debt. Thus, even after business or personal economic failure, persons will have the chance to redirect their life and even to undertake new initiatives without being weighed down by former debts.</p> <p>In addition, Royal Decree-Law 1/2015 broadens the subjective scope of the Code of Good Practices for Financial Institutions, allowing a wider segment of the population to benefit from the measure and to restructure their mortgage debt directly with the corresponding credit entity. Moreover, to help families struggling to cope with repayments, those at risk of social exclusion will be permanently exempted from the application of minimum-payment clauses in their mortgage agreements.</p> <p>Another measure included in Royal Decree-Law 1/2015 is the extension of the suspension of eviction from the family home for an additional period of two years (until May 2017). In addition, the population sector eligible to benefit from this measure has been widened.</p> <p>As well as the new measures contained in Royal Decree-Law 1/2015, work continues on improving the Social Housing Fund. This is periodically monitored to assess its performance and to identify opportunities for improvement. Thus, it was recently decided to prolong the existence of the Social Housing Fund until 2016.</p> <p>The above measures are part of the Government's policy to alleviate the effects of the economic crisis on the population, in particular as regards protecting the right to decent housing, and reflect the grave concern that such situations of vulnerability have generated within the Government since the beginning of the crisis.</p> <p>Joint action will be taken, in coordination with the Autonomous Communities, to detect possible obstacles to access to housing assistance, particularly for women and children.</p>
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<p><b>131.122</b></p> <p><b>Make an impact assessment of any negative consequences of budgetary adjustments with regard to universal access to health and education, particularly their impact on vulnerable groups such as migrants, women, people with disabilities, the elderly and children (Norway)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Studies have been made to analyse the impact of certain aspects of the health reform introduced by Royal Decree-Law 16/2012 of 20 April.</p> <p>Thus, with respect to notifiable diseases, studies have compared the situation existing in 2011, before the reform, with that observed from 2012, and have concluded that there were no increases in the incidence of the most significant diseases (tuberculosis, gonococcal infection and syphilis). As for the most vulnerable groups, such as children, there is no possibility that this health care reform may have worsened their healthcare situation, because in Spain all migrant children receive the same treatment as their Spanish counterparts. This is equally true of women during pregnancy, childbirth and the postpartum period.</p> <p>It can be concluded that the adjustments made have affected the field of healthcare management, as budget allocations have been reduced. Nevertheless, the level of healthcare provision has been maintained and the standard of public health is unaffected.</p> <p>Regarding access to education, Royal Decree 1635/2009, of 30 October, on the admission of students to public and to state-aided private schools, states that "during the period of compulsory schooling, all students are entitled to free schooling and high quality education" and that "the only requirements made of students shall be those corresponding to their age or those required by the academic framework established for a particular type of teaching or course for which a place is applied".</p> <p>In addition, the budget for the general system of grants and study assistance has been increased by almost 250 million euros, from 1,168,225,600 euros in 2011 to 1,411,024,600 euros in 2014.</p>
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	<p>The 2013-2016 National Action Plan for Social Inclusion details over 240 activities in response to the consequences of the financial crisis, to benefit society in general and the underprivileged in particular. This Plan includes a system of indicators to assess its effectiveness and the evolution of social indicators, together with a cross-cutting objective, namely the fight against child poverty. It also calls for the provision of free medicines for persons most in need, for income guarantee programmes and for responses to cases of social emergency. In addition, it includes measures to provide assistance to people with difficulties in paying their housing costs. The Plan will be evaluated by an interim report in 2015, covering the years 2013 and 2014, and by a final report in 2017.</p> <p>Regarding the effects of budget cutbacks on persons with disabilities and on their assessment, in 2009, with the collaboration of the Ministry of Health, Social Services and Equality, the Spanish Centre for Documentation on Disability (CERMI) published a study entitled "The impact of the economic crisis on persons with disability and on their families", which is available at the following link: <a href="http://sid.usal.es/libros/discapacidad/23209/8-1/el-impacto-de-la-crisis-economica-en-las-personas-con-discapacidad-y-sus-familias.aspx">http://sid.usal.es/libros/discapacidad/23209/8-1/el-impacto-de-la-crisis-economica-en-las-personas-con-discapacidad-y-sus-familias.aspx</a>. This study highlights the main needs, difficulties and special vulnerability of people in this sector, which have been taken into account in the measures introduced since 2012. The document illustrates situations in various areas, such as employment, income and other benefits, qualifications and training, access to resources, health status, accessibility and participation.</p> <p>In drafting the National Disability Action Plan 2014-2016, policymakers took account of the needs that had been identified and of those requiring further analysis for future action to be taken. Thus, a study is expected to be conducted during 2015 to help design a special plan for people with disabilities in rural areas (Measure 3 of the</p>
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	<p>Action Plan), as it is in these areas where the vulnerability of people with disabilities is most acute.</p> <p>Furthermore, with respect to budget cuts and their impact on agencies in the voluntary sector, even during the worst moments of the crisis, budgetary allocations to non-profit institutions were maintained and these were increased, albeit only slightly, last year.</p>
<p><b>131.123</b></p> <p><b>Proceed to systematically assess the impact of austerity measures on the most vulnerable social groups, especially children (Algeria)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.122.</p>
<p><b>131.124</b></p> <p><b>Consider prioritizing measures to mitigate the impacts of the economic crisis (Sri Lanka)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Royal Decree 1/2015 and the reply to recommendation 131.122.</p>

<p><b>131.125</b></p> <p><b>Take steps to ensure that the measures of austerity do not negatively impact economic, social and cultural rights, specially the rights to adequate housing, health, food and education (Brazil)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Royal Decree 1/2015, and the reply to recommendation 131.122.</p> <p>One of the outcomes of the Government’s healthcare reform is that many people who previously had to pay up to 40% of the price of medicines now receive them free of charge. This is the case, for example, of unemployed persons whose entitlement to unemployment benefits has expired. In addition, people with severe or chronic illnesses need only contribute 10% of the cost of their medication, and moreover this sum is capped at a current maximum of 4.23 euros. The same benefits are available to the elderly and to pensioners, who, depending on their economic situation, have different contribution caps, ranging from 8.23 to 61.75 euros per month. The budget adjustments made in the public healthcare system have been the unavoidable minimum to ensure its present and future sustainability, and have taken into account criteria for promoting the social integration of citizens. In fact, some of the measures taken are currently being reviewed, such as the financial contribution for the dispensing of medicines that are only available through hospital pharmacies.</p>
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<p><b>131.126</b></p> <p><b>That any austerity measures adopted by the Government should be minimal, temporary, proportional, non-discriminatory, and take into account the needs of the poorest and most disadvantaged citizens (Egypt)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to recommendation 131.121 in relation to Royal Decree 1/2015, and to recommendations 131.122 and 131.125.</p> <p>As was made clear during the interactive dialogue of 21 January, the measures taken in the context of the economic crisis took into account the criteria established by the Committee on Economic, Social and Cultural Rights, as mentioned in this recommendation.</p> <p>Furthermore, besides the above-mentioned 2013-2016 National Action Plan for Social Inclusion, the Government has also drawn up its 2013-2016 Second National Strategic Plan for Children and Adolescents and the 2013-2020 National Strategy for the Social Inclusion of Roma, and is currently preparing a 2015-2020 Comprehensive National Strategy for the Homeless and a Comprehensive plan for Family Support. Spain also has a new 2012-2020 Action Plan for Persons with Disability.</p>
<p><b>131.127</b></p> <p><b>Resume the measures of social protection and care for the most disadvantaged affected by the international economic and financial crisis (Cuba)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Real Decree 1/2015, and to recommendations 131.122, 131.125 and 131.126.</p>



<p><b>131.128</b></p> <p><b>Resume as soon as possible, measures of social protection and care for those most affected by the severe effects of the crisis (Venezuela (Bolivarian Republic of))</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Real Decree 1/2015, and to recommendations 131.122, 131.125 and 131.126.</p>
<p><b>131.129</b></p> <p><b>Give priority to the improvement of situation of those living in severe poverty when restoring the social protection measures and assistance (Slovenia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Real Decree 1/2015, and to recommendations 131.122, 131.125 and 131.126.</p>

<p><b>131.130</b></p> <p><b>Continue its efforts to fully ensure economic and social rights for all vulnerable groups, including immigrants and persons with disabilities (Republic of Korea)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121, 131.122, 131.125 and 131.126.</p> <p>The healthcare system takes into account the situation of persons with disability, providing the attention they need and, in the situations stipulated in the relevant legislation, exempting these persons from payment for medicines.</p>
<p><b>131.131</b></p> <p><b>Pursue actions targeted at enforcing access to health care services and legal aid to vulnerable groups, including migrants regardless of their migration status (Republic of Moldova)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121.</p>

<p><b>131.132</b></p> <p><b>Introduce reforms to protect economic, social and cultural rights including the right to development and eradicate poverty, tackle unemployment and social inequalities (Pakistan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation, 131.121 in relation to Real Decree 1/2015, and to recommendations 131.122, 131.125 and 131.126.</p> <p>The above-mentioned 2013-2016 National Action Plan for Social Inclusion is based on the view that poverty and social exclusion are part of a multidimensional problem, requiring action based on active inclusion, integrating social and employment policies. Our goal is to create strategies that combine support for labour market insertion with support for disadvantaged groups, by maintaining adequate levels of social protection and providing efficient public services.</p> <p>As regards the right to development mentioned in the recommendation, Spain views this as an individual right, to be addressed in the context of human rights in general.</p>
<p><b>131.133</b></p> <p><b>Consider the adoption of a comprehensive policy to address forced evictions of owners who can no longer pay their mortgages (Slovakia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Royal Decree 1/2015.</p>

<p><b>131.134</b></p> <p><b>Promote the relevant legislative review to encourage agreements between individuals and financial institutions in order to avoid evictions (Venezuela (Bolivarian Republic of))</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Royal Decree 1/201 and the reply to recommendation 131.133 in relation to evictions.</p>
<p><b>131.135</b></p> <p><b>Consider adopting comprehensive measures that provide adequate guarantees to the protection of the rights of migrant persons, particularly in relation to the right to housing (Ecuador)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.121 in relation to Royal Decree 1/201 and the reply to recommendation 131.133 in relation to evictions.</p>

<p><b>131.136</b></p> <p><b>Ensure access to healthcare and effective health coverage for all individuals without discrimination (Thailand)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.131.</p>
<p><b>131.137</b></p> <p><b>Provide health care coverage for all persons residing in Spain, regardless of their administrative status (The former Yugoslav Republic of Macedonia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.131.</p>
<p><b>131.138</b></p> <p><b>Ensure access to basic health care and medical assistance to all people living in Spain without discrimination, including</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.131.</p>

<p><b>migrants with an irregular situation (Uruguay)</b></p>	
<p><b>131.139</b></p> <p><b>Review the health reforms to ensure health-care services for migrants (India)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.131.</p>

<p><b>131.140</b></p> <p><b>Facilitate the access of children belonging to the most vulnerable groups to health services and education (Algeria)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In Spain, as indicated in the reply to recommendation 131.121, children are guaranteed comprehensive health cover, without limitations and or restrictions, regardless of their administrative status.</p> <p>Moreover, the 2013-2016 National Action Plan for Social Inclusion seeks, among other strategic objectives, to ensure the provision of basic services, including education, to the entire population, with particular attention to the most disadvantaged groups, in order to fight child poverty and social exclusion.</p> <p>One of the strategic programmes of the education system is that of compensatory education, which aims to prevent and compensate for social, economic, cultural, geographical and ethnic handicaps, or other such factors. This programme was operational until December 2013. The Education Quality Act seeks to make the system more flexible and adapted to the abilities of the students, so that difficulties are compensated in general, rather than through specific plans with a limited lifespan.</p> <p>The arrival of foreign students in the classroom is a factor of cultural enrichment for the school. The biggest challenge facing these young people is their integration and adaptation to the Spanish education system. Their arrival also requires the educational institutions to adapt. In the case of non-Spanish speakers, this integration begins with immersion in Castilian and/or one of the other languages recognised by the Constitution as official in Spain. For pre-school students, the adaptive processes are usually similar for native and foreign-born children. In primary and secondary education, factors such as the individual's age, country of origin, level of previous education and mother tongue may all influence the results achieved.</p> <p>The Ministry of Education, Culture and Sports plays a notable role in this respect, with its participation in the</p>
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	<p>2011-2014 Second Strategic Plan for Citizenship and Integration, which builds upon the first such Plan and responds to a new migratory cycle. The Plan is intended to contribute to the economic, social, cultural and institutional development of all citizens residing in Spain and is also a key element in the fight against racism and xenophobia and in strengthening social cohesion.</p> <p>See also the reply to recommendations 131.35 in relation to the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance.</p> <p>In relation to the specific case of the Roma population, see the reply to recommendations 131.147 and 131.151.</p> <p>According to the 2008 Survey on Disability, Personal Autonomy and Dependency, there were then 138,700 children aged under 15 years who had a limitation or disability. Among other measures, the 2012-2020 Spanish Disability Strategy promotes the early detection of special education needs and aims to reduce the rate of early school leavers in this population to below 15%. According to the Ministry of Education, Culture and Sport, 97.4% of these students are enrolled in regular schools. The Action Plan on Disability has five strategic goals, one of which refers to education, as follows: "To reduce school dropout rates and to increase the proportion of persons with disability who continue into higher education". To obtain the latter goal, operational targets and 13 specific measures will be implemented at diverse administrative centres.</p>
<p>131.141</p>	<p>Spain <b>supports</b> this recommendation.</p>



<p><b>Consider incorporating sexual and reproductive health education into the school curriculum (Slovenia)</b></p>	<p>The curriculum set out in the Organic Act on Quality in Secondary Education includes the following target: "To understand and accept the functioning of one's own body and that of others, to respect differences, to consolidate good habits of health and body care and to take part in physical education and sport in order to favour personal and social development. To understand and value the human dimension of sexuality in all its diversity". These aspects are studied and assessed specifically in the subjects of Biology and Geology, Plastic and Visual Education (in secondary education) and in the subject of Psychology in high school education. The specific contents relating to sex education are studied in the first and third years of secondary education, in the subject of Biology and Geology. According to this legislation, which stipulates a common core curriculum for all the Autonomous Communities, the content taught and evaluated must include the following areas: human reproduction; anatomy and physiology of the reproductive system; physical and psychological changes during adolescence; the menstrual cycle; fertilisation, pregnancy and childbirth; an analysis of the various contraceptive methods: assisted reproduction; sexually transmitted diseases and their prevention; human sexual response; sex and sexuality and sexual health.</p>
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<p><b>131.142</b></p> <p><b>Continue its efforts to increase the education budget to ensure adequate remuneration of teachers and adopt the necessary measures to guarantee education of quality and under equal conditions regardless of the ethnic origin, gender, and disability of students (Mexico)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to recommendations 131.121 and 131.140.</p> <p>In Spain, the remuneration of teachers is above the OECD average. According to the 2014 OECD Education at a Glance Report, despite the budgetary constraints imposed by the economic crisis, in 2012, the average salary of teachers was higher in Spain than the average level in 34 countries, especially for those at the beginning of their teaching careers, at all levels of education. Teachers' salaries were also higher than the average salary of other workers with university studies in Spain.</p>
<p><b>131.143</b></p> <p><b>Protect the primary school education sector by maintaining adequate and appropriate budgets (Bahrain)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Primary education in Spain is universal and free of charge. The Ministry of Education, Culture and Sport, in collaboration with the Autonomous Communities, has carried out budgetary adjustments to maintain this situation for all students in Spanish schools, regardless of their origin or economic status.</p> <p>According to the OECD 2014 Education at a Glance Report, funding for the Spanish public education system is slightly higher than the OECD average and the UE21 average. In 2011, spending on public education in Spain was \$9,285 per year per pupil, about 4% higher than the OECD and EU-21 averages of \$8,952 and \$8,909, respectively. In the previous year, spending on public education was 15% higher than these international</p>

	<p>averages. By education levels, average public spending on preschool, primary and secondary education in the EU-21 countries was slightly higher than in Spain, but in further education, the situation was reversed. If we compare the Spanish figures with those for the OECD, public spending on primary and secondary education is higher in Spain, while in tertiary education it is slightly below the OECD average.</p>
<p><b>131.144</b></p> <p><b>Continue its efforts to reduce early dropouts from education and training (Myanmar)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Despite the budgetary cutbacks made, during the period 2007-2012 the Ministry of Education, Culture and Sport invested 202 million euros in the Territorial Cooperation Programme to reduce the dropout rate from education and occupational training. This initiative has contributed to reducing this dropout rate significantly, from 26.3% in 2011 to 21.9% in 2014.</p> <p>In December 2013, Parliament approved the Education Quality Act, one of whose main objectives is to reduce the rate of early school leaving.</p> <p>The Ministry of Education, Culture and Sport, in collaboration with the Autonomous Communities, has undertaken numerous actions to reduce the school dropout rate. In 2008, this figure was 31.9%. By 2013 it had fallen to 23.6% and currently (2015) it is 21.9%. In addition, enrolment in Vocational Training (VT) and Dual VT has greatly increased: thus, the number of students enrolled in VT has risen from 610,860 in 2011-2012 to 793,034 in 2014-2015; meanwhile, enrolment in Dual VT rose from 4,292 students in 2013 to 9,555 in 2014.</p> <p>The Education Quality Act proposes various measures to accelerate the reduction in the school dropout rate, among all students, including flexible timetabling, the early detection of learning difficulties and entry into basic VT from 15 years. The provision of basic VT will be mandatory, and provided free of charge to students. This</p>

	<p>programme will have a duration of two years and is designed to ensure the acquisition of basic skills. It will allow access to intermediate-level VT and the possibility of obtaining the Certificate in Compulsory Secondary Education (ESO).</p>
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<p><b>131.145</b></p> <p><b>Take the necessary measures to reduce the early school leaving rate (Turkey)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.144.</p>
<p><b>131.146</b></p> <p><b>Continue to take action to guarantee equal access to basic quality education for all children in the country, including children of migrants (Philippines)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.140 and to recommendations 131.142 to 131.144.</p> <p>The Government considers that the efforts made to date are in no case insufficient and that they can be considered as good practice.</p>
<p><b>131.147</b></p> <p><b>Ensure equal education opportunities for migrants' children and Roma in particular (Poland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see replies to recommendations 131.121, 131.140, to recommendations 131.142 to 131.144, and to recommendation 131.146.</p> <p>Considerable progress has been made with respect to education of the Roma population, especially in primary education schooling, with rates close to 100%. In addition, more than half of Roma children now start school at</p>

	<p>the age of three years; in 90% of cases, Roma students start school in the school year that corresponds to their age; and an increasing number of Roma families are taking the initiative to educate their children. Moreover, advances have been achieved regarding continued class attendance, and in improving social interactions in school between Roma students and their peers and teachers. The universalisation of education and of inclusive education that has taken place in recent decades can be considered a notable achievement, which has been termed the "Spanish model for the inclusion of Roma". Collaboration between public administrations and Roma associations is ever closer and more effective. Nevertheless, we must not lose sight of the need to continue working, both inside and outside the education community, to improve and advance the level of education attained by Roma youth, as this is still far below that obtained by the school population in general. The 2012-2020 National Strategy for the Social Inclusion of Roma aims to increase enrolment in secondary education of the Roma population aged 13-15 years to 85% in 2015 and to 90% by 2020, as well as reducing dropout rates from compulsory education and increasing the percentage of Roma students graduating from secondary education.</p> <p>For more information on access by the Roma population to education, see reply to recommendation 131.151.</p> <p>The Government considers that the efforts made to date are in no case insufficient and that they can be considered as good practice.</p>
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<p><b>131.148</b></p> <p><b>Continue efforts with a view to guaranteeing the right for an inclusive education to all children, including children belonging to minorities or immigrant children (Senegal)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.140, to recommendations 131.142 to 131.144 and to recommendation 131.146.</p> <p>The Government considers that the efforts made to date are in no case insufficient and that they can be considered as good practice.</p>
<p><b>131.149</b></p> <p><b>Take measures to further improve access to education for children with immigrant backgrounds (Bangladesh)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.140, to recommendations 131.142 to 131.144 and to recommendation 131.146.</p> <p>The Government considers that the efforts made to date are in no case insufficient and that they can be considered as good practice.</p>

<p><b>131.150</b></p> <p><b>Take necessary measures to improve access to education for children belonging to minorities and for children from immigrant families as well as to develop programmes to reduce school drop-out rate (The former Yugoslav Republic of Macedonia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.121 and 131.140, to recommendations 131.142 to 131.144 and to recommendation 131.146.</p> <p>The Government considers that the efforts made to date are in no case insufficient and that they can be considered as good practice.</p>
<p><b>131.151</b></p> <p><b>Develop the necessary initiatives in order to prevent and combat any school segregation of Gypsy students (Venezuela (Bolivarian Republic of))</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>One of the main issues affecting the Roma population is the high concentration of Roma students in certain schools, a proportion that is much higher than in others in the same area. The Education Quality Act strengthens admission procedures to schools supported with public funds in order to avoid school segregation (Chapter III, articles 84-88) and section 3 of Article 84 states, "In no case shall there be any discrimination on grounds of birth, race, sex, religion, opinion or any other condition or personal or social circumstance." To ensure that schools with a high percentage of Roma students do not become focuses of absenteeism and failure, the Ministry of Education, Culture and Sport, in collaboration with the Autonomous Communities and the Education Working Group of the State Council of the Roma People, is studying actions taken based on</p>



	<p>evidence from the international scientific community and on cases in which school failure and dropout of Roma children have been overcome. An increasing number of schools are implementing educational activities in this respect, improving learning outcomes and enhancing coexistence. Some of these schools are reducing absenteeism to a very significant degree, retaining secondary students, increasing enrolment and improving educational results.</p> <p>One of the cornerstones of the National Strategy for the Social Inclusion of Roma 2012-2020 is the question of education. One measure adopted in this respect is to prevent the concentration of Roma students in certain schools or classrooms. In general, both the strategy and its operational plan, covering the period 2014-2016, include specific measures to encourage attendance, permanence and educational excellence.</p> <p>The Ministry of Education, Culture and Sport has examined the issue of the possible concentration of Roma students in certain schools, and has liaised with the Education Working Group of the State Council of the Roma People, concluding that in schools supported with public funds, the student admissions process respects the principles of equality and non-discrimination; the possible existence of schools with a relatively high percentage of Roma students has to do with residential issues, such as the greater presence of Roma families in certain neighbourhoods. With respect to possible educational segregation, according to data provided by the regional ministries of education, which have competences in this field, for the various education levels, only 8% of all students fail to enter the school chosen as their first option when the enrolment application was made. In addition, the Ministry of Education, Culture and Sport has been working on a plan of action, as part of the Plan for Coexistence and Human Rights, which has been created in conjunction with the Autonomous Communities and which will consider all types of issues relating to the education of the Roma population. This plan will make</p>
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	<p>it possible to monitor the actions of the Ministry and of the Autonomous Communities in this field.</p> <p>See also the reply to recommendations 131.140, 131.146 and 131.147</p> <p>The Government considers that the efforts made to date are in no case insufficient and that they can be considered as good practice.</p>
<p><b>131.152</b></p> <p><b>Ensure that all persons with disabilities enjoy protection against discrimination, and have access to equal opportunities irrespective of their level of disability (Jordan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Royal Legislative Decree 1/2013 of 29 November approved the revised text of the General Act on the rights of persons with disabilities and their social inclusion. Article 1 a) of this Act guarantees the right to equality of opportunity and treatment, and the real and effective exercise of their rights by persons with disabilities, on an equal footing with all other citizens, through the promotion of personal autonomy, universal accessibility, access to employment, inclusion in the community, independent living, and the eradication of all forms of discrimination, in accordance with Articles 9.2, 10, 14 and 49 of the Spanish Constitution and with the UN Convention on the Rights of Persons with Disabilities.</p> <p>One of the main innovations of this text is the inclusion, for the first time, of definitions of direct and indirect discrimination, discrimination by association and harassment, thus completing the legal framework and seeking to eliminate all expressions of discrimination. Furthermore, special attention is paid to the concept of "multiple discrimination", in order to guarantee the rights of people who are in a situation of special vulnerability; in other words, persons who are likely to be discriminated against for more than one reason. Thus, special protection is</p>

	<p>defined for girls, children and women with disabilities.</p> <p>This law also calls for measures of legal protection against discrimination to be applied irrespective of the existence or otherwise of official recognition of disability status.</p> <p>This general legislation also influences regional laws in this respect. Thus, the specific policies and programmes implemented at the regional level will generally take the same form.</p> <p>The Action Plan on Disability, approved by the Council of Ministers on 12 September 2014, to be implemented during the period 2014-2016, includes a series of measures to help prevent discrimination against this population group, in some cases directly and in others indirectly. For example, among other objectives, the Plan seeks to combat multiple discrimination and to eradicate all forms of discrimination by measures such as commissioning studies of the issues, and incorporating disability issues into the training of professionals involved in the prevention of and response to situations of violence against women.</p> <p>In addition to the above, specific or general resources are also provided directly by organisations of persons with disabilities, which receive state or regional funding, mainly in the form of grants from the Ministry of Health, Social Services and Equality and/or from other administrations. The conditions underlying this funding are based on the principles set out in the UN Convention on the Rights of Persons with Disabilities, which are also included in Spanish legislation.</p>
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<p><b>131.153</b></p> <p><b>Create wide-range protection against the denial of rights to persons with disabilities to facilities and equal rights (Libya)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.152.</p>
<p><b>131.154</b></p> <p><b>Continue measures to ensure the full participation of civil society representing persons with disabilities in the current reform processes of the civil code and the law of civil procedure regarding the matter of legal capacity, in accordance with CRPD (Mexico)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Associations representing people with disabilities participate in all the regulatory projects promoted by the Ministry of Justice.</p>

<p><b>131.155</b></p> <p><b>Intensify their efforts to further improve the situation concerning the protection of rights of persons with disabilities (Cyprus)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.152.</p>
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<p><b>131.156</b></p> <p><b>Ensure that persons with disability have the right to vote (Ghana)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Regarding the voting rights of persons with disabilities in Spain, the possible dispossession to which reference is made only occurs in cases in which the legal capacity of the person with disability is modified by a judicial process.</p> <p>The seventh additional provision of Act 26/2011, of 1 August, on the incorporation into Spanish law of the UN Convention on the Rights of Persons with Disabilities, calls on the Government to submit to Parliament a Bill transposing legislation in order to comply with Article 12 of the latter Convention, as regards the legal capacity of persons with disabilities, on an equal basis with other citizens in all aspects of life. This Bill will define the changes to be made in the judicial process to ensure the necessary support is provided so that people with disabilities are able to take decisions freely. The need for legislative reform has also been noted by the UN Committee on the Rights of Persons with Disabilities, which recommended that Spain should "review the laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace regimes of substitute decision-making by supported decision-making, which respects the person's autonomy, will and preferences". To contribute to achieving this objective, the Ministry of Justice is working on a proposal to reform the Civil Code and the Code of Civil Procedure, to adapt them to the requirements of Article 12 of the Convention.</p> <p>Moreover, the Ministry of Justice and the Interior Ministry are working to ensure that the withdrawal of voting rights from people with disabilities should be an exception and not the rule.</p>
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<p><b>131.157</b></p> <p><b>Take further action as to ensure the full participation of persons with disabilities in the country's political and public life and their access to equal opportunities (Greece)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.152 and 131.156.</p>
<p><b>131.158</b></p> <p><b>Continue and strengthen the efforts aimed at the full integration of the Gypsy community and other minorities (Montenegro)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Non-discrimination and the promotion of equal treatment form part of the 2012-2020 National Strategy for the Social Inclusion of Roma, and the Government funds annual programmes to promote intercultural awareness and harmony, equality of treatment, non-discrimination of the Roma population and assistance to victims of discrimination. There exists a network of centres to provide assistance to victims of discrimination; this network forms part of the Council for the Elimination of Racial or Ethnic Discrimination and has two organisations of Roma associations that provide independent support and assistance to victims of discrimination and contribute to raising awareness in this area. At present, the network is working to develop a map of discrimination in Spain so that this reality may be better understood and so that anti-discrimination policies may be improved.</p> <p>In 2014, the first Operational Plan (2014-2016) of the National Strategy for the Inclusion of Roma was approved. This Plan, in addition to specific actions to achieve the targets and implement the measures set out</p>

	<p>in the Strategy itself, stipulates the frameworks for future work by public authorities, in particular, by the national administration and by the Autonomous Communities. The Government will also continue to collaborate with the Autonomous Communities through agreements for technical and financial cooperation. Such agreements have already co-funded far-reaching social intervention projects aimed at Roma families, to a value of 1,412,500 euros in 2014. The Government is also providing technical and financial assistance to organisations working to promote the social development of the Roma population, and contributed 7.7 million euros in this respect in 2014.</p> <p>The Strategy includes a complementary line of action to promote equal treatment and non-discrimination. At all levels of government, measures are being applied to combat discrimination in the four key areas of education, employment, health and housing. Some are specific measures to combat discrimination against the Roma population, and others, of a general nature, are intended to ensure that the principles of equality and non-discrimination are respected in the context of policies and services for citizens. A notable initiative in this respect was Spain's participation in the 2013 campaign "Dosta! Stop Prejudice" organised by the Council of Europe. In addition, a pilot training course on equality and non-discrimination was given to public sector workers, studies have been made and periodic reports issued on non-discrimination, and specific questions on Roma issues were included in the survey "Perceptions of discrimination" carried out by the Centre for Sociological Research (in a joint initiative with the Institute for Women and Equal Opportunities).</p> <p>On a more general note, the Ministry of Employment and Social Security promotes programmes and measures to facilitate the reception and integration of immigrants into Spanish society.</p>
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<p><b>131.159</b></p> <p><b>Implement the National Strategy for the Social Inclusion of Roma community in order to achieve the objectives provided for their social community (Albania)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.158.</p>
<p><b>131.160</b></p> <p><b>Make enhanced efforts to combat discrimination against the Roma population to improve their access to education, housing, health and employment (India)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.119, 131.140, 131.144, 131.147 and 131.158.</p>

<p><b>131.161</b></p> <p><b>Increase measures to eradicate discrimination against the immigrant population, as well as to improve the situation of Gypsies and integration into Spanish society (Azerbaijan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36, 131.37, 131.48, 131.119, 131.121, 131.122, 131.140, 131.143, 131.144 and 131.158.</p>
<p><b>131.162</b></p> <p><b>Continue to strengthen the cooperation with countries of origin, transit as well as destination in dealing with irregular migration (Thailand)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Cooperation with countries of origin and transit is one of the fundamental pillars of Spanish strategy to combat illegal immigration, together with prevention at source, improving border management and fighting against the criminal networks that traffic in human beings.</p>
<p><b>131.163</b></p> <p><b>Guarantee, explicitly, equal rights before the law for non-citizens (Israel)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The principle of equality before the law is explicitly guaranteed in the Constitution and in Spanish laws. The principle is also extended to foreigners who are legally resident – and thus are regarded by the Government as "non-citizens" – with certain exceptions, as provided by the law, such as the right to vote.</p>

<p><b>131.164</b></p> <p><b>Ensure equal treatment before the law for non-citizens (Honduras)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.163.</p>
<p><b>131.165</b></p> <p><b>Observe the right of individuals to consular access (India)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Organic Act 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, and its implementing regulations, regulates the right to consular assistance during repatriation procedures.</p>

<p><b>131.166</b></p> <p><b>Adopt effective measures to stabilize the situation in the area of rights of migrants, including the end of the practice of unauthorised forced repatriation of migrants (Russian Federation)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The actions of the police and security forces are respectful of the rights of migrants. It is important to note that Spain does not carry out unauthorised forced repatriations. The procedures for the repatriation of illegal immigrants in Spain are conducted in full accordance with the guarantees established in Organic Act 4/2000 of 11 January on the rights and freedoms of foreigners in Spain, and its implementing regulations.</p>
<p><b>131.167</b></p> <p><b>Strengthen measures to ensure the full enjoyment of the rights of migrants, and the investigation and punishment of statements that incite to hate and other acts of discrimination against them, particularly those coming from officials of police, judicial and penitentiary organs as well</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to recommendations 131.35, 131.36, 131.37, 131.48, 131.121, 131.122, 131.140, 131.143 and 131.144.</p> <p>With regard to the police and security forces, Organic Act 2/1986 regulates their operation and establishes general principles for their action. These principles, in turn, follow those set out in the Declaration on the Police and the European Code of Police Ethics, both issued by the Council of Europe, and are in accordance with the UN Code of Conduct for Law Enforcement Officials. Any breaches of these rules are examined under the procedures stipulated in Organic Act 12/2007 of 22 October, on the disciplinary system for the Civil Guard and in Organic Act 4/2010 of 20 May, on the disciplinary system for the National Police. If the behaviour in question were considered to constitute a crime, the provisions of the Criminal Code would apply. Spain will at all times</p>

<p><b>as from immigration services (Argentina)</b></p>	<p>uphold and safeguard the rights of migrants.</p>
<p><b>131.168</b></p> <p><b>Continue its efforts to ensure that treatment of migrants and asylum-seekers is in accordance with relevant international standards (Japan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>On the one hand, our country meets all the provisions on immigration set out in international treaties to which it is party.</p> <p>On the other, Spain is a member of the European Union, and therefore actively participates in the development and adoption of Community law, and scrupulously complies with all the rules issued in this respect. EU Member States are part of the European Convention on Human Rights and in the EU foreigners enjoy the rights recognised under the Convention. The EU Charter of Fundamental Rights also recognises a number of rights and freedoms that also apply to foreigners. In short, one of the fundamental pillars of the EU is the protection of human rights, of all people, and the prevention of any kind of discrimination.</p> <p>Act 12/2009 of 30 October, regulating the right to asylum and subsidiary protection, contains provisions to</p>

	<p>ensure international protection is extended to persons addressed by this Act. The regulations implementing this Act will be approved in the near future. The draft Regulation includes the following innovations, among others: the protection of the right to information, access to the international protection procedure, the establishment of an enhanced catalogue of rights for asylum seekers, and their families when appropriate, during the processing of the application, including in particular the right to legal aid (which, indeed, is mandatory in border procedures and in aliens' detention centres) and to an interpreter, maintaining family unity by recognising the right of family reunion, improved treatment for applicants in situations of special need and/or vulnerability, the regulation of classifications, guarantees and asylum conditions for applicants for international protection, and the institutionalisation of the concept of refugee resettlement.</p>
<p><b>131.169</b></p> <p><b>Continue with its efforts to safeguard the rights of migrants, and provide adequate funding for migrant's integration policies (Jordan)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.35, 131.36, 131.37, 131.48, 131.121, 131.122, 131.140, 131.170 and 131.172.</p>

<p><b>131.170</b></p> <p><b>Take further measures to enhance the rights of regular and irregular migrants alike (Turkey)</b></p>	<p>Spain <b>takes note</b> of this recommendation. The Spanish legislation on the rights of immigrants, which is expressed mainly in the Organic Act on the Rights and Freedoms of Foreigners, provides that foreigners, regardless of the regularity or otherwise of their situation, are entitled to the following rights:</p> <ul style="list-style-type: none"><li>a) Right to documentation (Article 4)</li><li>b) Freedom of assembly and demonstration (Article 7)</li><li>c) Freedom of association (Article 8)</li><li>d) Right to education (Article 9)</li><li>e) Freedom to unionise and strike (Article 11)</li><li>f) Right to health care (Article 12)</li></ul> <p>Aliens are entitled to health care under the terms established in current legislation in this respect.</p> <ul style="list-style-type: none"><li>g) The right to basic social services and benefits (Article 14)</li></ul>
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	<p>h) The right to effective legal protection (Article 20)</p> <p>i) The right to legal aid (Article 22)</p> <p>However, to enjoy other rights it is essential to have legal residence in Spain. Such rights include free movement, public participation, work and social security, housing assistance and family reunification.</p>
<p><b>131.171</b></p> <p><b>Carry-out measures so that, especially when treating with migrants and other vulnerable persons, all actions that are taken are respectful of the guarantees and protections established under international human rights instruments (Costa Rica)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>All actions with respect to immigrants are performed in accordance with the guarantees established under Spanish law, and in compliance with Spain's international obligations on human rights.</p> <p>The Institute for Women and Equal Opportunities and, in particular, its Council for the Elimination of Racial and Ethnic Discrimination, provides assistance to victims of racial or ethnic discrimination and carries out or participates in training activities to ensure the effective implementation of the principles of equal treatment and non-discrimination.</p>



<p><b>131.172</b></p> <p><b>Adopt more appropriate measures to improve the integration of migrants in society and eradicate poverty among vulnerable groups, especially children (Angola)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The 2013-2016 National Action Plan for Social Inclusion, in the section devoted to actions in favour of population groups in situations of special vulnerability, section E, entitled "Immigrants, asylum seekers and beneficiaries of international protection", describes the measures to be implemented during the term of the Plan.</p> <p>For more information about this Action Plan, see reply to recommendations 131.122, 131.132 and 131.140.</p> <p>Furthermore, the EU Structural Funds for the period 2014-2020 and, especially, the European Social Fund, play a notable role in this respect.</p>
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<p><b>131.173</b></p> <p><b>Ensure respect for procedural guarantees, including access to a lawyer and an interpreter, for migrants that are detected entering irregularly the autonomous cities (Israel)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>The procedures for repatriation of immigrants who are irregularly present in Spain are carried out in accordance with the guarantees laid down in Organic Act 4/2000 on the rights and freedoms of foreigners in Spain, and its implementing regulations, including the right to legal assistance and an interpreter.</p> <p>A draft Organic Bill is currently being prepared to amend the Criminal Procedure Act and Organic Act 6/1985 of 1 July on the Judiciary, in order to transpose Directive 2010/64/EU of 20 October 2010 on the right to interpretation and translation in criminal proceedings, Directive 2012/13/EU of 22 May 2012 on the right to information in criminal proceedings and Directive 2013/48/EU of 22 October 2013, on the right to legal assistance in criminal proceedings and in proceedings relating to the European arrest warrant, and on the right to have a third party informed at the moment of detention, to communicate with others and to communicate with consular authorities during the period of detention. The draft Organic Bill also includes new regulations to strengthen procedural guarantees at all times.</p>
<p><b>131.174</b></p> <p><b>Ensure that all migrants in detention have access to basic services and adequate living conditions (Canada)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Royal Decree 162/2014, of 14 March, on the rules for the operation and internal governance of detention centres for aliens, puts into effect the provisions of the third additional provision of Organic Act 2/2009, amending Organic Act 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, and incorporates some aspects of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008, on common standards and procedures in Member States for returning third-country nationals in an irregular situation. This Royal Decree addresses aspects such as basic services and</p>

	<p>living conditions within such detention centres, and stipulates measures to be adopted regarding health care, social, legal and cultural assistance, and internal rules and regulations.</p>
<p><b>131.175</b></p> <p><b>Further strengthen the protection of the rights and dignity of foreigners when subjected to identity controls or expulsion procedures (Tunisia)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendations 131.45 and 131.173.</p>
<p><b>131.176</b></p> <p><b>Ensure prompt investigation of allegations of mistreatment by security forces of migrants at the border to ensure that they are treated in accordance with international human rights obligations (Canada)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.51.</p>

<p>131.177</p> <p><b>Ensure access to effective asylum procedures in line with international law and that migration policies respect the principle of <i>non-refoulement</i> and EU legislation (Norway)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.168.</p>
<p>131.178</p> <p><b>Ensure access to effective asylum procedures in line with international law and to ensure that migration policies fully respect the principle of <i>non-refoulement</i> and are in line with EU-legislation (Sweden)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.168.</p>

<p><b>131.179</b></p> <p><b>Fully respect the principle of <i>non-refoulement</i> and ensure effective access to asylum procedures for those fleeing human rights violations (Uruguay)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>See reply to recommendation 131.168.</p>
<p><b>131.180</b></p> <p><b>Review the current deportation practices for migrants in Ceuta and Melilla as well as the proposed amendment of Spain’s national security law to ensure the right of an individual to seek asylum (Austria)</b></p>	<p>Spain <b>partially supports</b> this recommendation.</p> <p>It is not considered necessary to revise the procedures for the repatriation of illegal immigrants who are in Ceuta and Melilla, because these persons, as in the rest of Spain, are treated in full compliance with all the guarantees stipulated in Organic Act 4/2000 of 11 January on the rights and freedoms of foreigners in Spain, and its implementing regulations.</p> <p>With respect to the amendment which establishes a special regime for Ceuta and Melilla for cases of immigrants who enter illegally and are detected in Spanish territory, it should be noted that the text finally adopted and which entered into force on 1 April 2015 is substantially different from the initial version of the amendment, following the parliamentary debate on its content, and after meetings were held with representatives from various organisations and institutions, including the European Commissioner for Migration, Home Affairs and Citizenship, the Council of Europe Commissioner for Human Rights and the Official Representative of UNHCR in Spain. The final text stipulates guarantees of compliance with international</p>

	<p>rules on human rights and, specifically, with those regulating the right of asylum and subsidiary protection. Despite the rejection of those attempting to enter Spain illegally, they may apply, when appropriate, for recognition of refugee status or for subsidiary protection at the places provided for this purpose at border crossings, in accordance with the rules governing applications for international protection at the border.</p>
<p><b>131.181</b></p> <p><b>Ensure that the Spanish legal framework concerning migrants, refugees and asylum seekers, with particular attention to the autonomous cities of Ceuta and Melilla, complies with its</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In general, see reply to recommendation 131.168. In relation to the specific case of Ceuta and Melilla, see reply to recommendation 131.180.</p>

<p><b>international human rights obligations, including with regard to procedural safeguards (Canada)</b></p>	
<p><b>131.182</b></p> <p><b>Ensure that the immigration law and its proposed amendments are in compliance with the principle of <i>non-refoulement</i> and the prohibition of inhuman or degrading treatment, most importantly the provisions allowing for summary return of migrants and refugees without due process (Czech Republic)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>Organic Act 4/2000 of 11 January on the rights and freedoms of foreigners in Spain, including the recently-introduced special regime for Ceuta and Melilla, and all other aspects of Spanish law, are fully respectful of the principle of <i>non-refoulement</i>, of the prohibition of inhuman and degrading treatment and of all Spain's international obligations regarding human rights. It should also be noted that Spain does not conduct the repatriation of immigrants without due process.</p>

<p><b>131.183</b></p> <p><b>Take appropriate measures to ensure that the framework protocol for the protection of migrant children is consistent with international standards and that it is effectively implemented and monitored (Philippines)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>A recent milestone in the protection of under-age immigrants in Spain is the approval of the Framework Protocol on certain actions in relation to unaccompanied foreign minors, adopted on 22 July 2014. The aim of this Protocol is to coordinate the intervention of all institutions and authorities concerned, from the localisation of foreign minors, to their identification, the determination of their age, the provision of care and protection by the public child protection agency, and documentation. The actions stipulated in this Protocol are based on seeking to protect the child’s best interests, and take into account the Convention on the Rights of the Child, and General Comment No. 6 (2005) by the UN Committee on the Rights of the Child on the treatment of unaccompanied and separated children outside their country of origin.</p> <p>In conjunction with the autonomous cities of Ceuta and Melilla, the Ministry of Employment and Social Security co-finances an annual programme of shelter and care for unaccompanied foreign minors.</p>
<p><b>131.184</b></p> <p><b>Adopt legislative measures strengthening the protection of unaccompanied foreign minors (Iran (Islamic Republic of))</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.183.</p>



<p><b>131.185</b></p> <p><b>Take legislative and administrative measures to better protect unaccompanied migrant children (Togo)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.183.</p>
<p><b>131.186</b></p> <p><b>Adopt legislative measures in order to strengthen the protection of unaccompanied foreign minors (The former Yugoslav Republic of Macedonia)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>See reply to recommendation 131.183.</p>

<p><b>131.187</b></p> <p><b>Take the appropriate measures so that international standards and the principle of the best interests of the child are observed in cases of repatriation of unaccompanied children, and adopt legislative measures to prevent that they become victims of trafficking (Honduras)</b></p>	<p>Spain <b>partially supports</b> this recommendation.</p> <p>See reply to recommendation 131.183.</p>
<p><b>131.188</b></p> <p><b>Finalise a National Action Plan on business and human rights in order to implement the UN Guiding Principles on Business and Human Rights (United Kingdom of Great Britain and Northern Ireland)</b></p>	<p>Spain <b>supports</b> this recommendation.</p> <p>In 2012, in accordance with the Guiding Principles on Business and Human Rights, Spain began the process of drafting its National Plan for Business and Human Rights, an open, inclusive exercise in which all stakeholders were invited to participate, including government agencies, civil society and businesses. After several meetings and the production of successive draft texts, we are now in the final stage of inter-ministerial consultations on this subject.</p>

<p><b>131.189</b></p> <p><b>Contribute, with Spanish civil society stakeholders, to carry out initiatives on the elaboration of an international legally binding instrument on transnational corporations and human rights in the framework of the Human Rights Council, considering that the issue of corporations is one of the six Spanish foreign policy priorities in the area of human rights (Ecuador)</b></p>	<p>Spain <b>takes note</b> of this recommendation.</p> <p>In the current context, Spain believes there is a risk that the process of developing an international legal instrument may negatively affect the parties' commitment to implement the Guiding Principles, and may tend to highlight differences rather than promote the unity of the international community with respect to business and human rights. In any case, its ultimate form and effect are subject to ratification by the States concerned.</p> <p>Furthermore, we believe there is no justification for limiting the material scope of the proposed instrument to transnational corporations, as issues relating to human rights arise in relation to all types of businesses. While the focus should be appropriately qualified in each case, no company should be excluded.</p> <p>Before embarking on a new initiative of this kind, the implementation of which will require considerable time and effort, and whose results are uncertain, we consider it necessary to allow the implementation of the Guiding Principles, mainly through the adoption of national action plans, to develop their full potential.</p>
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