



# General Assembly

Distr.: General  
12 November 2019  
English  
Original: Spanish

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fifth session**  
20–31 January 2020

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Spain**

---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.



## **I. Introduction and process for the preparation of the report**

1. Spain is of the view that the universal periodic review is a fundamental mechanism whose two key pillars are universality and dialogue. As a 2018–2020 member of the Human Rights Council, Spain has pledged to continue participating actively in the Council and to support initiatives aimed at making it more robust and effective.

2. After its most recent universal periodic review, in 2015, Spain followed up thoroughly on the 189 recommendations it received. In December 2018, it submitted a midterm report covering the implementation of the recommendations from 2015 to June 2018.<sup>1</sup>

3. This report builds on the midterm report, summarizing the steps that were taken from 2015 to June 2018 and describing in detail the main developments from that point to September 2019. In accordance with the guidance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the preparation of reports for the third cycle of the universal periodic review,<sup>2</sup> a table including the recommendations Spain received in 2015 and the status of implementation of each recommendation is attached as annex 1. As a token of its commitment to the 2030 Agenda, Spain has brought the recommendations into line with the Sustainable Development Goals.<sup>3</sup>

4. The Human Rights Office of the Ministry of Foreign Affairs, the European Union and Cooperation was responsible for compiling the information and drafting this report. The description of the national human rights situation as presented here is the result of the contributions of the relevant ministries,<sup>4</sup> various agencies<sup>5</sup> and the Attorney General's Office,<sup>6</sup> as well as consultations with the national human rights institution<sup>7</sup> and civil society.

5. Civil society organizations had a role in the preparation of this report. From 7 June to 12 July 2019, consultations with the organizations with an interest in the universal periodic review were held. To facilitate the consultations, there was a section on the website of the Ministry of Foreign Affairs<sup>8</sup> in which civil society organizations were invited to make submissions on specific issues.<sup>9</sup> A briefing on the main themes of the report was held on 7 October 2019.

6. In accordance with Human Rights Council resolution 35/29<sup>10</sup> and the report of OHCHR on the contribution of parliaments to the work of the Council,<sup>11</sup> and with a view to enhancing the role of parliaments in the promotion and protection of human rights at the national level, Spain was of the view that the participation of its parliament in the submission of this report was important. The document entitled *El Congreso de los Diputados y la protección de los derechos humanos (diciembre 2018–junio 2019)* (The Congress of Deputies and the protection of human rights (December 2018–June 2019)) is attached as annex 2 and is intended to supplement the document attached to the midterm report.

## **II. Implementation of recommendations from the previous cycle**

7. From December 2015 to October 2016 and from April 2019 to the date of submission of this report, Spain had caretaker Governments, a situation that meant that there was no follow-up to some legislative proposals. On 24 September 2019, the legislative chambers were dissolved and the thirteenth legislative term came to an end. New elections were called for 10 November 2019.

8. Spain, taking the aforementioned midterm report as its starting point, wishes to make the following observations<sup>12</sup> on the recommendations that were made in the second cycle of the universal periodic review.<sup>13</sup>

## A. International instruments and the National Human Rights Plan

### International instruments<sup>14</sup>

9. The Convention on the Reduction of Statelessness (1961) entered into force in Spain on 24 December 2018. Spain decided to accede to the Convention as an expression of its support for the efforts made by the United Nations to combat the problem of statelessness.

### Cooperation with international mechanisms and institutions<sup>15</sup>

10. Spain is current on its obligations to submit periodic reports to the various treaty bodies. Since 2015,<sup>16</sup> it has submitted periodic reports to the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of Persons with Disabilities and the Committee against Torture.<sup>17</sup> It is currently preparing reports for the Committee on Enforced Disappearances, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women.<sup>18</sup>

11. In May 2019, on the twenty-fifth anniversary of the Declaration, Spain submitted its report on its implementation of the Beijing Declaration and Platform for Action.

12. Spain has extended a standing invitation to all special procedure mechanisms established by the Human Rights Council. Since 2015, it has been visited by the Working Group of Experts on People of African Descent (2018) and the Special Rapporteur on minority issues (2019). In January and February 2020, it will receive a visit from the Special Rapporteur on extreme poverty and human rights. Spain also responds promptly to the communications sent by the special procedure mechanisms and follows up on the recommendations that are made after their visits.

13. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made its first visit to Spain in October 2017.

14. Under Royal Decree No. 1044/2018,<sup>19</sup> and with a view to facilitating the organization of and follow-up to the recommendations made by the treaty bodies whose competence to consider individual communications has been accepted by Spain, the Ministry of Justice was given the power to propose regulatory measures or administrative practices to deal with the problems highlighted in the decisions transmitted to Spain.

15. Spain provides OHCHR with political and financial support. From 2015 to 2018, Spain contributed €4,004,004.<sup>20</sup> A voluntary contribution of €1 million was approved in July 2019.

16. The country's ministries and other institutions have channels for the participation of civil society. Consultations are held to provide information on and collect submissions for the reports that are submitted to treaty bodies and other mechanisms and for the development of national plans.

### National Human Rights Plan<sup>21</sup>

17. Spain is developing its second National Human Rights Plan, although work is currently on hold as a result of election proceedings. In December 2018, the Council of Ministers adopted a preliminary report on the development of the Plan. There was later an initial phase during which recommendations were submitted and civil society was consulted. The Plan is expected to include a national coordinating and monitoring body and human rights indicators.<sup>22</sup>

## B. Rights of specific persons or groups

### Non-discrimination on the basis of gender<sup>23</sup>

#### *Legal framework*

18. The Government of Spain is firmly committed to promoting gender equality and eliminating all forms of violence against women and girls. The legal framework as it pertains to gender-based violence includes Organic Act No. 1/2015,<sup>24</sup> under which forced marriage, harassment, unauthorized disclosure of recordings or private images obtained with the consent of the victim but disclosed without the victim's knowledge and the disabling of electronic devices used to enforce sentences were made specific offences.

19. Beginning with the entry into force of Organic Act No. 8/2015, the minor children of female victims of gender-based violence were considered direct victims of such violence.<sup>25</sup> Royal Decree-Law No. 9/2018,<sup>26</sup> for its part, strengthened access to effective judicial protection for victims and made it possible to certify a person's status as a victim of gender-based violence in other ways.

20. Under Organic Act No. 4/2018,<sup>27</sup> it became compulsory to determine whether proposed appointments to positions of higher rank in the judiciary were compatible with the Equality Act.<sup>28</sup> In accordance with Organic Act No. 5/2018,<sup>29</sup> relevant training in this field was promoted in both civil service examinations and in-service learning for judicial officials.<sup>30</sup> Providing training on gender perspectives to prosecutors is one of the central components of the Prosecution Service's 2019 In-Service Learning Plan.

21. The adoption of Royal Decree-Law No. 6/2019,<sup>31</sup> which reinforced the right of working people to equal pay, was a noteworthy step towards full equality of treatment and opportunity for men and women in work and employment. Under the Decree-Law, measures to promote reconciliation of family life and work were also taken. Paternity leave (which was renamed childbirth and childcare leave), for example, will be lengthened to ensure that in 2021 it will be as long as maternity leave is now.

22. Under Royal Decree-Law No. 18/2017,<sup>32</sup> the obligation to disclose non-financial information, including information related to gender matters, was imposed on some companies. A law to ensure that companies do not have a disproportionately large number of either men or women has been announced.

23. Royal Decree No. 259/2019<sup>33</sup> has led to progress in interministerial coordination and required an equality unit of every government agency.

24. A gender equality perspective, involving co-education and learning about real equality between men and women, the prevention of gender-based violence and respect for sexual diversity, informs the bill on an organic act on education.<sup>34</sup>

25. The draft amendment to the Royal Decree regulating the portfolio of common services of the National Health System has been submitted for prior consultation with a view to enabling lesbian and single women to regain access to assisted reproduction in the public health system.

26. The General Commission on Codification submitted a report analysing the definitions of the offences of sexual assault and molestation to determine whether those definitions are useful and technically correct; a linked document on the elimination of sexual molestation as a defined offence punishable by a fine accompanied the report.

#### *Tools and practices*

27. Eighty-seven per cent of the measures planned as part of the National Strategy for the Elimination of Violence against Women 2013–2016, one of the tools used to combat gender-based violence, were carried out.<sup>35</sup>

28. The year 2017 was a turning point for Spain in respect of violence against women, as it was the year of the adoption of the first National Covenant on Combating Gender-based Violence 2018–2022.<sup>36</sup> The Covenant covers legislative reforms, training, the

promotion of the work of the comprehensive forensic assessment units, the recognition of the right to free legal aid and the empowerment of the agencies providing assistance to victims.<sup>37</sup>

29. Instruction No. 4/2019<sup>38</sup> established a new protocol for assessment by the police of the risk of gender-based violence, victim safety and case follow-up through the VioGén System.<sup>39</sup> Instruction No. 7/2019<sup>40</sup> established the procedure to be followed by the police in informing foreign women who are victims of gender-based violence of their right to apply for temporary residence and work permits.

30. Records of the number of women killed as a result of gender-based violence have been kept since 2003, and since January 2019 data have been collected on women killed as a result of other forms of violence. A study on the time it takes women victims of gender-based violence to report their situation has been published.<sup>41</sup>

31. The Strategic Plan on Equal Opportunities 2014–2016, a gender equality tool, was evaluated and submitted to the Council on Women’s Participation for review. Work on the next version of the Plan is currently under way.

32. One of the main components of the second Women and Peace and Security Plan 2017–2023 is to ensure the participation of women in decision-making processes in all phases of a given conflict. At the seventy-fourth session of the United Nations General Assembly, Spain, together with Finland, submitted the declaration entitled Commitment 2025 on Women’s Inclusion in Peace Processes.

33. Narrowing the wage gap is a priority for the Spanish Government. The Master Plan for Decent Work 2018–2020 contains a series of measures to identify and combat this form of discrimination.<sup>42</sup> A report on women in the labour market, women pensioners and migrant women in the twenty-first century was presented in March 2019.<sup>43</sup>

34. With regard to the public sector, a report on follow-up to the second Plan for Equality between Women and Men has been produced. Since 2015, there has been a protocol for the mobility of female public employees who are victims of gender-based violence and, since 2018, an agreement to facilitate their moves from one administrative agency to another.<sup>44</sup>

35. Spain has developed the Plan for Gender Equality in the Fishing and Aquaculture Sector 2015–2020. Women’s involvement in associations and women’s leadership have been given a boost with the emergence of the National Association of Fishing Women and the award of subsidies.

36. With a view to making progress towards budgets informed by a gender perspective, each year’s national budget is accompanied by a gender impact report.

37. The Observatory on Women, Science and Innovation has begun operations in order to help ensure that real equality in the participation of women and men in all areas and levels of science, technology and innovation is achieved. The report *Científicas en Cifras 2017* (Female scientists in figures 2017)<sup>45</sup> and a report on women in technology were presented in 2019.<sup>46</sup>

38. The Institute for Women and Equal Opportunities takes measures to promote equality of opportunity in the private sector by providing advice on drafting equality plans or awarding “Equality in Business” certificates. It also provides training and advice to women who are in senior management or are prospective senior managers.

39. The National Institute of Statistics conducts time-use surveys to shed light on the amount of unpaid work done in the home and the way family responsibilities are shared. The next survey is planned for the period 2021–2022.

40. Gender equality policies are also a strategic priority for the Spanish Agency for International Development Cooperation,<sup>47</sup> as reflected in its fifth Master Plan. The priorities in the Agency’s Humanitarian Action Strategy 2019–2026 include specific measures to combat gender-based violence. The Agency finances projects for the protection of women at risk and survivors of gender-based violence, the empowerment of women and the consolidation of women’s sexual and reproductive rights.<sup>48</sup>

*Institutional progress*

41. After the most recent general elections,<sup>49</sup> the percentage of female deputies in Congress rose from 39.4 to 47.4 per cent, while the percentage of female senators rose from 39.9 to 40.4 per cent. A majority of the ministers (11 out of 17) of the caretaker Government are women. The Ministry of Equality,<sup>50</sup> led by the Deputy Prime Minister, is also headed by a woman. Other positions in institutions established by the Constitution, such as the President of the Congress of Deputies and the Attorney General, are held by women. The ratio of men to women in positions of seniority in government, of which 57.32 per cent are occupied by men and 42.68 per cent by women, is not disproportionately high. Women occupy 44 per cent of senior executive positions and 56 per cent of junior executive positions.

42. With regard to the State security forces, a national bureau for gender equality was made part of the national police force. In 2019, the Civil Guard published its first equality plan and a protocol for responding to sexual harassment and gender-based harassment.

43. As far as the armed forces are concerned, the visibility of the Military Observatory on Equality between Women and Men has been heightened, and it has been given additional responsibilities. The increase in the amount of training on equality policies it provides is also noteworthy.<sup>51</sup>

44. The post of Ambassador-at-Large for the Promotion of Gender Equality and Reconciliation Policies<sup>52</sup> was created and filled in August 2018, and in June 2019 a post for a coordinator of efforts to respond to violence against women abroad was created.<sup>53</sup>

**Combating racism, racial discrimination, xenophobia and other forms of intolerance<sup>54</sup>***Legal framework*

45. New developments with regard to the legal framework for combating racial discrimination, xenophobia and other forms of intolerance<sup>55</sup> include the adoption of Organic Act No. 1/2015 and Act No. 4/2015.<sup>56</sup>

46. Under Organic Act No. 4/2015,<sup>57</sup> the State security forces are to be guided in their actions by a number of principles, include the principle of equal treatment and non-discrimination. Disciplinary proceedings are opened for any discriminatory conduct by members of the State security forces, and the persons responsible will, where appropriate, be prosecuted.

47. The Government has pledged to adopt the Comprehensive Act on Equal Treatment and Non-Discrimination. In addition, work is under way on a new amendment to the Criminal Code that, to ensure protection from discrimination on such grounds as age, physical appearance or lack of financial means and a home (thus including fear of poor people), will increase the number of circumstances that aggravate an offence.

48. Other legislative initiatives left pending in the wake of the dissolution of the Cortes are the draft bill on an amendment to Act No. 3/2007, under which the requirements for registering a change of sex would be loosened, and the draft bill on combating discrimination on grounds of sexual orientation, gender identity or expression and sexual characteristics and on the social equality of lesbian, gay, bisexual, transsexual, transgender and intersex persons.

*Tools and practices*

49. The monitoring and assessment report on the Comprehensive Strategy to Combat Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance was published in 2015. The Strategy involved taking measures in the sphere of education.<sup>58</sup>

50. With respect to the State security forces, the protocol for responding to hate crimes and conduct that violates anti-discrimination laws was updated in 2015, and the Plan of Action to Combat Hate Crimes was adopted in 2019. Acts of hatred motivated by fear of the poor are recorded in an annual report.<sup>59</sup>

51. The Spanish Centre for Monitoring Racism and Xenophobia holds courses for public employees with a view to preventing and detecting racism, xenophobia and other forms of intolerance.<sup>60</sup> The contents of the Anti-Discrimination Resource Centre website were updated in 2018.<sup>61</sup>

52. The midterm progress report on the National Strategy for the Social Inclusion of the Gypsy Population 2012–2020 was published in 2017. The Operational Plan 2018–2020, a new plan, has five lines of action.<sup>62</sup>

53. The declaration of the Day of the Gypsy People and the recognition of their symbols were approved in 2018.<sup>63</sup> The *Samuradipen*, the Romani genocide, is commemorated, with public financial support, every July. In the most recent general elections, four Gypsy candidates won seats in the Congress of Deputies and one in the Senate.

54. In 2018, to eliminate medical causes of denial of access to public employment, such as being HIV positive, instructions on updating the calls to appear for examinations for the selection of civil servants, including contractual civil servants, public health workers and military personnel, were adopted.<sup>64</sup> A social covenant on non-discrimination and equal treatment associated with HIV was also adopted.<sup>65</sup>

#### *Institutional progress*

55. The National Bureau for Combating Hate Crimes, at which the State security forces identify and keep records of hate crimes and work to raise awareness and provide greater support to victims, was established in 2017. In addition, the National Human Rights Bureau of the National Police was established in September 2019 in a bid to foster a commitment to the defence of human rights.

56. The Directorate General for Equal Treatment and Diversity was established in 2018 and made part of the Ministry of the Presidency, Relations with the Cortes and Equality. In addition, the normal functions of the Council for the Elimination of Racial or Ethnic Discrimination, which has a unit for victim support, were restored to it.

57. In the same year, the Government signed an institutional cooperation agreement to combat racism, xenophobia, negative attitudes towards lesbian, gay, bisexual, transgender and intersex persons and other forms of intolerance.<sup>66</sup> In 2019, the commission that monitors the implementation of the agreement adopted the text of the framework agreement on measures to combat online hate speech.

58. The work of the chief divisional prosecutor responsible for coordinating efforts to combat hate crimes and discrimination and the country-wide network of prosecutors responsible for those efforts are noteworthy.<sup>67</sup> Circular No. 7/2019, which contains interpretive guidelines in respect of hate crimes, was adopted in 2019.<sup>68</sup>

#### **Rights of the child<sup>69</sup>**

##### *Legal framework*

59. The main legal reforms in this area include Organic Act No. 8/2015<sup>70</sup> and Act No. 15/2015, under which the minimum age for marriage was raised to 16.<sup>71</sup> Under Act No. 3/2019,<sup>72</sup> the children of victims of gender-based violence and other forms of violence against women are entitled to the benefits to which orphans are entitled, thereby improving their situation.

60. Under Act No. 26/2015,<sup>73</sup> the duty of the public authorities to take action against any form of child abuse was made the guiding principle for administrative action. In 2019, for the first time, the general budget contained a report on its impact on children, adolescents and families.

61. Work is under way on a draft bill for the comprehensive protection of children from violence, an area in which Spain will be a pioneer. The aim is to prevent violence and to protect children and adolescents from any violence that does occur. In addition, the General Commission on Codification has been made responsible for drafting a public legal code on minors that sets out their rights and duties.

*Tools and practices*

62. The executive report on the final assessment of the second National Strategic Plan for Children and Adolescents was published in 2017.<sup>74</sup> The third National Strategic Plan (2019–2023) is in development.

63. In 2017, an agreement was reached on the annex to the Framework Protocol for the Protection of Victims of Trafficking in Persons. It concerns the steps to be taken to detect trafficking in children and the support to be provided to the victims thereof and applies to all child victims of trafficking, regardless of the reason for which they were trafficked.

64. Internet Segura for Kids (IS4K) is an Internet safety centre for minors in Spain. A handbook on the safe and responsible use of the Internet, meant for child protective services personnel, was published in 2019.<sup>75</sup>

65. In view of the increase in the number of unaccompanied child and adolescent migrants, the inter-territorial coordinating committee for matters related to unaccompanied minors met in September 2018. The committee agreed on a review of the model of care for unaccompanied minors and an assessment and review of the 2014 framework protocol on specific actions in relation to unaccompanied foreign minors. A working group was set up to ensure that those actions were supervised and coordinated optimally in each of the country's autonomous communities. It was agreed to begin having the country's cities and autonomous communities share the burden of receiving these minors. A €40 million subsidy for the host jurisdictions was approved; the approval took concrete form on the adoption of Royal Decree No. 1340/2018.<sup>76</sup> A comprehensive strategy for the reception, protection and inclusion of unaccompanied migrant and refugee children is currently being developed.

**Rights of persons with disabilities<sup>77</sup>***Legal framework*

66. Organic Act No. 2/2018,<sup>78</sup> guaranteeing the right to vote for all persons with disabilities, entered into force in December 2018. Other noteworthy developments were the adoption of Organic Act No. 1/2017,<sup>79</sup> which ensured that persons with disabilities could serve on juries in trials by jury, and Act No. 4/2017,<sup>80</sup> which removed the restrictions on marriage to which persons with disabilities had been subject.

67. Under Act No. 9/2017,<sup>81</sup> any company with 50 or more employees that failed to comply with the requirement for at least 2 per cent of the persons on its payroll to be workers with disabilities was prohibited from contracting with public sector entities. In addition, Act No. 11/2018<sup>82</sup> states that companies must disclose, as non-financial information, the measures that they have taken to combat discrimination against persons with disabilities, promote the inclusion of such persons and encourage universal accessibility.<sup>83</sup>

68. Under Royal Decree No. 1112/2018,<sup>84</sup> the accessibility of the websites and applications for mobile devices of public sector bodies was ensured. Spain has been one of the main proponents of Directive (EU) 2019/882,<sup>85</sup> leading the initiative to ensure that accessibility requirements apply to emergency calls. The development of the second National Accessibility Plan is planned.

69. The bill on an organic act on education<sup>86</sup> includes measures to ensure that minors with disabilities will be able to exercise their rights to education, autonomy and participation. The bill provides for the development of a plan to ensure that educational centres have the resources they need to be able to attend to students with disabilities under the best conditions possible.

70. The agreement taking note of the preliminary draft amendment to article 49 of the Spanish Constitution, which contains obsolete terms and language that is discriminatory in respect of persons with disabilities, was adopted in December 2018. In addition, work is under way on the draft bill on amendments to civil and procedural legislation on disability.

*Tools and practices*

71. The report on the Plan of Action of the Spanish Strategy on Disability 2014–2020, which covered the first phase (2014–2016) of the implementation of the Plan, was presented and adopted by the National Council on Disability.

72. The National Strategy for the Elimination of Violence against Women 2013–2016 led to a closer focus on specialized care for women with disabilities who are victims of gender-based violence and improved accessibility.<sup>87</sup> The third pillar of the National Covenant on Combating Gender-based Violence provides for a series of measures for the protection of women with disabilities.

73. A new survey on disability, personal autonomy and situations of dependency, which will provide a larger amount of information, will be taken as part of the National Statistics Plan 2017–2020.

74. Under the Strategic Plan of the Labour and Social Security Inspectorate 2018–2020, whose focus has been redirected by the Master Plan for Decent Work 2018–2020, the effectiveness of the Inspectorate's work will be heightened by the use of information and database cross-checks in the planning of specific campaigns designed to monitor compliance with compulsory quotas.

75. Civil society organizations are actively involved in the promotion and protection of the rights of persons with disabilities.<sup>88</sup> Spain nominated a woman with a disability for election to the Committee on the Elimination of Discrimination against Women in 2016 and 2018. In 2018, when she was elected, she became the first person with a disability to become a member of a human rights treaty body other than the Committee on the Rights of Persons with Disabilities.

76. The Spanish Agency for International Development Cooperation has partnered with the Global Action on Disability Network, which is involved in the international coordination of the efforts made by donors, development agencies, the private sector and foundations that work to advance the inclusion of people with disabilities.

*Institutional progress*

77. In 2019, 3 May was declared the National Day of the Convention on the Rights of Persons with Disabilities.

78. A position was created for a divisional prosecutor responsible for coordinating the provision of specialized services for the protection of persons with disabilities and older persons.

79. The work of the General Council of the Judiciary's Justice and Disability Forum, the first European forum on justice and disability in which issues related to women and minors with disabilities have been discussed, is worthy of note.

80. Standing legislative committees have been formed in Congress and the Senate to work on comprehensive policies on disability. A working group has been set up to analyse the scope, under criminal law, of the consent of persons with disabilities in connection with the legal proceedings conducted with a view to ordering sterilization or termination of pregnancy.

**Migrants, refugees and asylum seekers<sup>89</sup>***Legal framework*

81. Spain participates in the negotiation of the Common European Asylum System, the aims of which include seeking to ensure that there are stronger safeguards for applicants for international protection. The amendment introduced by Organic Act No. 4/2015 provides for a special regime for the autonomous cities of Ceuta and Melilla.

82. Organic Act No. 5/2015<sup>90</sup> transposed Directives 2010/64/EU and 2012/13/EU into national law to ensure that persons subject to repatriation proceedings receive legal aid and have access to the services of an interpreter.<sup>91</sup>

83. Act No. 2/2017<sup>92</sup> guaranteed free legal aid, expressly including information on mediation and other extrajudicial means of conflict resolution. For victims of gender-based violence, terrorism and trafficking in persons, and for minors and persons with disabilities, free legal aid also includes free advice and orientation immediately prior to the submission of a report or complaint.

*Tools and practices*

84. In 2018 and 2019, the Asylum and Refuge Office strengthened staff capacities with a view to improving the support and assistance offered to asylum seekers. The number of cases resolved every month has increased substantially, from 1,000 in July 2018 to 6,000 in June 2019.

85. Representatives of the Government, together with immigrant and refugee associations and support associations, serve as members of the Forum for the Social Integration of Immigrants, which is the main body advising the Government on the social integration of immigrants.

86. There are humanitarian assistance programmes aimed at meeting the housing and subsistence needs of immigrants at risk of social exclusion. Projects in which the focus is on the integration of immigrants in the labour market and combating discrimination are ongoing.<sup>93</sup>

87. The fifth Master Plan of the Spanish Agency for International Development Cooperation includes a component on institutional capacity-building. It takes an approach centred on human rights and personal safety and seeks to encouraging safe, orderly, regular and responsible migration.

## C. Civil and political rights

### **Freedom of opinion, religion and worship<sup>94</sup>**

*Legal framework*

88. There have been legislative developments that expand the scope of religious freedom. Act No. 15/2015 made it possible for the marriages performed by religious institutions with deep roots in Spain to be valid for civil purposes. Royal Decree No. 593/2015<sup>95</sup> governs the procedure for declaring a religion deeply rooted in Spain and provides for the possibility of an agreement with the State, while Royal Decree No. 594/2015<sup>96</sup> established the rules for the maintenance of the register of religious entities.<sup>97</sup>

*Tools and practices*

89. The Religious Freedom Advisory Commission is the Government's highest advisory body on issues related to the development and exercise of religious freedom. The public foundation Pluralismo y Convivencia, for its part, is a management tool for both religious minorities and local authorities, to which it provides advice through the Observatory on Religious Diversity.

90. Since 2017, courses on antisemitism and the Holocaust have been taught in schools. Agreements on the prevention of antisemitism have also been developed.<sup>98</sup> A workshop on synergies and good practices in addressing racism and discrimination against Muslims was held in 2019.

91. Spain has continued to disseminate the results of the International Conference on the Protection of Victims of Ethnic and Religious Violence in the Middle East and, in particular, the Madrid Priorities Document.

*Institutional progress*

92. Spain is a member of the group of friends of the United Nations Alliance of Civilizations and in 2019, after having contributed more than €8 million to the Alliance since its founding, it was still the world's second largest financial contributor to the

Alliance. Spain has helped heighten the effectiveness and visibility of the Alliance.<sup>99</sup> The Alliance has expanded its work to include areas such as gender equality, the social inclusion of migrants and the fight against extremist ideologies, and the United Nations Secretary-General has commissioned the Alliance to develop a plan of action to protect religious sites from extremist violence.

### **Freedom of expression, assembly and demonstration<sup>100</sup>**

#### *Legal framework*

93. Under Organic Act No. 1/2015, injurious behaviour was made a non-criminal matter, except when it occurs in the domestic sphere. Work on the regulation and proportionality of the penalties for hate speech offences is being done in preparation for legislative action.

94. Violent, aggressive and coercive actions that interfere with the rights to freedom of expression, assembly and demonstration are punishable under Act No 4/2015, which is mentioned above.<sup>101</sup>

#### *Tools and practices*

95. The aim of Instruction No. 13/2018<sup>102</sup> is to improve the performance of police and security officers in their attempts to ensure police safety. In their operations, the State security forces must, for example, abide strictly by the principle of interfering as little as possible, including in respect of people's privacy and dignity.

96. The courses of study that are required for access to and promotion in the State security forces have been changed to place greater emphasis on human rights training, awareness and sensitization. In addition, several conferences and workshops have been held to promote knowledge of human rights.

97. From 1995 to June 2019, 349 human rights defenders were afforded protection under the Protection Programme for the Temporary Stay in Spain of Human Rights Defenders at Risk, considered a good practice internationally. The scope of cooperation with a number of national temporary reception programmes has also been broadened.

98. The Spanish Agency for International Development Cooperation has a network of 19 centres for Spanish culture,<sup>103</sup> which serve as a venue for the exercise of freedom of expression and the provision of support for creativity. The network received around €40 million in the period from 2015 to 2018.

### **Administration of justice<sup>104</sup>**

99. Under Organic Act No. 13/2015<sup>105</sup> and Act No. 41/2015,<sup>106</sup> provision was made for multiplying the means of investigation and detection of crime and streamlining procedures. These measures are aimed in particular at complex cases in which several persons are implicated, as is typical of many corruption cases.

100. Organic Act No. 42/2015<sup>107</sup> established that victims of gender-based violence, terrorism and trafficking in persons are entitled to free legal aid regardless of their economic means, as are minors and persons with intellectual disabilities or mental disorders who are victims of abuse or ill-treatment. Act No. 3/2018<sup>108</sup> states that, in efforts to ensure that the right to legal aid can be exercised, consideration must be given to the specific needs of vulnerable persons.

101. The principle of restorative justice has been incorporated into the juvenile justice system.<sup>109</sup> In accordance with Royal Decree No. 1109/2015,<sup>110</sup> the Offices for the Assistance of Crime Victims are to inform the victim that it is possible to take restorative justice measures, suggest that the court or other judicial body turn to mediation when it is of the view that doing so would be to the victim's advantage and take steps to provide support for out-of-court mediation services.

102. Reform of the Spanish system of universal jurisdiction, which would involve bringing more matters under Spanish jurisdiction for the effective prosecution of the most

serious transnational crimes, is being studied. The aim is to combat impunity for the perpetrators of crimes against humanity.

### **Detainee rights<sup>111</sup>**

#### *Legal framework*

103. Under Organic Act No. 5/2015, detainee rights in Spain were brought into line with detainee rights under European law. The Act refers to the right of access to materials about the case, the right to be assisted by an interpreter, free of charge, and the right of a suspect or accused person to be informed of the maximum period for which he or she may be deprived of liberty before being brought before a judicial authority and of the procedure by which he or she may challenge the lawfulness of his or her detention.

104. The rules governing incommunicado detention or imprisonment were amended pursuant to Organic Act No. 13/2015, under which those rules were aligned with the requirements established in Directive 2013/48/EU.<sup>112</sup> Unlike the previous rules, under which the fundamental rights of detainees were necessarily suspended during incommunicado detention, the aforementioned amendments provided for the possibility of not suspending those rights.<sup>113</sup> The Act also introduced the right to have a third party informed upon deprivation of liberty and the right of a detainee to communicate with third parties, including consular authorities, while deprived of liberty.

#### *Tools and practices*

105. The Inspectorate of Security Personnel and Services takes steps to promote the professional and ethical integrity of members of the State security forces and ensures that those forces are in compliance with national and international standards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

106. In 2017, criteria for the conduct of operations by the Criminal Investigation Service were adopted. The criteria include the guidelines to be followed by the Service when investigating crime and detaining the perpetrators. Instructions No. 4/2018<sup>114</sup> and No. 1/2017<sup>115</sup> establish a protocol for action in the places of deprivation of liberty of the State security forces.<sup>116</sup>

107. There is a database into which the State security forces enter all reported violations of the human rights of persons in police custody. Instruction No. 8/2019<sup>117</sup> involved the publication of a handbook on good practices with regard to complaints and suggestions, while Instruction No. 3/2018<sup>118</sup> entailed equipping all cells in which mechanical restraints are used with video surveillance cameras.

### **Trafficking in persons<sup>119</sup>**

#### *Legal framework*

108. The set of legislative reforms that have been put in place since 2015<sup>120</sup> has complied with the requirements of Directive 11/36/EU.<sup>121</sup> Act No. 4/2015 provided for a catalogue of procedural and extra-procedural rights, including the right to free legal aid. Under Organic Act No. 1/2019,<sup>122</sup> the provisions on the crime of trafficking in human organs were filled out, thereby strengthening the prevention and prosecution system.

109. The adoption of legislative measures for the criminalization of procuring in general, as well as the use of sexual services with the knowledge that the person providing them is a victim of trafficking, is currently under study. In addition, the initial steps to ratify the Council of Europe Convention against Trafficking in Human Organs have been taken.

#### *Tools and practices*

110. The Comprehensive Plan to Combat Trafficking in Women and Girls for the Purpose of Sexual Exploitation 2015–2018 reached its end date in December 2018. The fourth assessment of the Plan was published in September 2019.

111. The eighth pillar of the National Covenant on Combating Gender-based Violence provides for measures to raise awareness of and respond to other forms of violence against women, including sexual violence, trafficking in women and girls for the purpose of sexual exploitation, female genital mutilation and forced marriage. It also includes proposals for legislative amendments in the area of trafficking for a comprehensive law on combating trafficking in persons for the purpose of sexual exploitation.

112. In 2017, the Centre for Intelligence on Terrorism and Organized Crime published a report with data on trafficking in persons in Spain.<sup>123</sup> The Centre is currently coordinating efforts to develop a strategic plan to combat trafficking in persons.

113. One of the objectives of the Strategic Plan of the Labour and Social Security Inspectorate 2018–2020 is to afford greater protection to workers who are trafficked for the purpose of labour exploitation by developing new methods of work, specialization and training for inspectors and by encouraging efforts to develop a comprehensive plan to combat trafficking in persons for the purpose of labour exploitation.

114. A guide to criteria for judicial action in response to trafficking in persons<sup>124</sup> was introduced in 2018. It covers the most important aspects of the investigation and prosecution of crimes related to trafficking in persons.

### **Institutional progress**

115. A position for a social liaison officer for matters related to trafficking in persons was created in 2016. The National Rapporteur on Trafficking in Human Beings and the Centre for Intelligence on Terrorism and Organized Crime participate actively in the European Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, producing reports and statistics on the situation in Spain and contributing to the design of the new strategy of the European Union.<sup>125</sup>

116. Spain has promoted the adoption of major resolutions on trafficking in persons, including, within the United Nations framework, Security Council resolution 2331 (2016)<sup>126</sup> and General Assembly resolution 71/322.<sup>127</sup> Active support is given to the work of the Human Rights Council Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and the United Nations voluntary trust fund on contemporary forms of slavery. Cooperation with the Council of Europe Group of Experts on Action against Trafficking in Human Beings, which visited Spain in 2017, should also be mentioned.

### **Historical memory<sup>128</sup>**

#### *Legal framework*

117. As a result of the principle that criminal law must be clear and non-retroactive, the expiration of the statute of limitations for the crimes and the Amnesty Act of 1977, it is not possible to initiate criminal proceedings for events that occurred in the 1930s and 1940s.

118. In November 2018, several parliamentary groups sponsored a bill on babies stolen in Spain. Congressional lawmakers voted unanimously to take action on the bill.

#### *Institutional progress*

119. The Directorate General for Historical Memory, which is part of the Ministry of Justice, was established with a view to providing needed impetus for the measures provided for in Act No. 52/2007<sup>129</sup> and ensuring institutional support for the fulfilment of the Act's objectives. The Directorate General is working on the development of training activities related to historical memory and measures of support for victims, a comprehensive map of burial sites, updates to the protocol for exhumation of the remains of victims of the Civil War and the dictatorship, the wording of a royal decree regulating the creation of a public national census of victims of the Civil War and the dictatorship and the design of a State historical memory plan that will cover arrangements for searching for, locating, exhuming and identifying disappeared persons.

## D. Economic, social and cultural rights

### Education<sup>130</sup>

#### *Legal framework*

120. The aim of Act No. 4/2019<sup>131</sup> is to re-establish the situation prevailing before the adoption of Royal Decree-Law No. 14/2012,<sup>132</sup> as the circumstances that led to the approval of exceptional measures have changed, and repealing those measures will clearly improve the conditions for teaching and instruction. Public spending on education was 3.9 per cent higher in 2017 than in 2016.

121. In February 2019, the Council of Ministers adopted the bill on an organic act on education amending Organic Act No. 2/2006.<sup>133</sup> There will be a course on civic and ethical values in primary and compulsory secondary education.<sup>134</sup> The bill states that, although it may be given specific coverage in some subjects, health, including sexual and reproductive health, will be covered in all areas of all levels of education.

#### *Tools and practices*

122. Spain reduced school dropout rates from 21.9 per cent in 2015 to 17.9 per cent in 2018.<sup>135</sup> In December 2018, the Government approved measures designed to support the autonomous communities within the framework of territorial cooperation programmes.<sup>136</sup>

123. According to the midterm progress report (2017) of the National Strategy for the Social Inclusion of the Gypsy Population 2012–2020, a greater percentage of members of the Gypsy community is attending secondary school, the rate of complete illiteracy has fallen and the percentage of the members of Gypsy communities to have completed post-compulsory studies has increased.

124. To combat discrimination in schools, continuing efforts are made under the Strategic Plan for School Coexistence 2016–2020 to raise awareness of human rights as the shared values of a diverse society. The hotline for reporting bullying in school is particularly noteworthy.<sup>137</sup>

125. The human rights seminars<sup>138</sup> organized annually by the Human Rights Office and the Diplomatic School of the Ministry of Foreign Affairs are also worthy of note. In addition, the State Secretariat for Foreign Affairs awards annual grants for activities related to raising awareness of, promoting and protecting human rights.

126. Spain, working through the Spanish Agency for International Development Cooperation, supports education for development projects. The aim is to strengthen global citizenship, and there is a clear focus on disseminating human rights.<sup>139</sup>

### Employment<sup>140</sup>

#### *Legal framework*

127. The principle of equality and non-discrimination in labour relations is enshrined in articles 4 and 17 of Royal Legislative Decree No. 2/2015.<sup>141</sup> In accordance with Act No. 23/2015,<sup>142</sup> the Labour and Social Security Inspectorate is responsible for monitoring and enforcing compliance with the rules, including the measures taken to ensure that the principle of non-discrimination is respected. The Inspectorate has the power to impose penalties in the event of non-compliance.

128. The recovery in the job market since 2015 has been reflected in the percentage of the population at risk of poverty or social exclusion,<sup>143</sup> which has fallen by 2.6 points. Royal Decree-Law No. 6/2016,<sup>144</sup> which provides for urgent measures to boost the National Youth Guarantee System, was adopted to enhance access to employment, especially for young people. In addition, the Spanish Activation for Employment Strategy 2017–2020 was adopted pursuant to Royal Decree No. 1032/2017.<sup>145</sup>

*Tools and practices*

129. The Joint Action Programme to Improve Support for the Long-Term Unemployed was in place from 2016 to 2018 to prevent and reduce long-term unemployment.<sup>146</sup> The Programme was replaced in April 2019 by the 2019–2021 “Back to Work” plan.

130. The Emergency Youth Employment Plan 2019–2021, which aims to reduce the youth unemployment rate to 23.5 per cent and increase the number of hires of young people on indefinite-term contracts by 15 per cent a year, was adopted in December 2018.

131. The Master Plan for Decent Work states that it is essential for immigrants to enter and be integrated into the labour market on a strictly equal footing with Spanish workers. The need for measures to protect the labour rights of immigrants residing in Spain and to encourage them to learn more about their social rights and the means of exercising them is recognized in the Plan. In addition, the Plan provides for the creation of a Labour and Social Security Inspectorate complaint box for the reception of allegations of all abusive labour practices.

**Business and human rights<sup>147</sup>**

132. In July 2017, the Council of Ministers approved the National Action Plan on Business and Human Rights, in which the commitment of Spain to follow the Guiding Principles on Business and Human Rights is set forth. A monitoring commission, composed of representatives of various ministerial departments, has been set up as part of the three-year Action Plan.

133. Spain, within the framework of the European Union, participated constructively in the 2016, 2017 and 2018 meetings of the open-ended intergovernmental working group created by the Human Rights Council to elaborate a legally binding instrument on business and human rights. In October 2018, in addition to aligning itself with the statement made by the European Union, Spain, in its national capacity, made a statement during the panel discussion on the voices of victims, highlighting the fundamental role played by human rights defenders, independent media and national human rights institutions in ensuring that the voices of the victims of human rights violations can be heard and referring to some of the aspects of the National Action Plan on Business and Human Rights relating to the role played by human rights defenders in respect of the means of redress to which victims have access.

**Fighting poverty<sup>148</sup>***Legal framework*

134. Spain is of the view that the increase in the minimum wage is a decisive factor in ensuring that job creation and economic recovery lead to incremental reductions in poverty and inequality. Under Royal Decree No. 1462/2018,<sup>149</sup> the minimum wage for 2019 was raised to €30 a day or €900 a month, 22.3 per cent higher than in 2018.

135. Under Royal Decree-Law No. 8/2019,<sup>150</sup> allowances for dependent children have been increased. In accordance with the Decree-Law, twice as many resources are allocated to households with children living in severe poverty, and the allowance for households living in moderate poverty has been increased by 17 per cent.

*Tools and practices*

136. The National Strategy to Prevent and Combat Poverty and Social Exclusion 2019–2023 places special emphasis on preventing situations of vulnerability by investing in people and improving the education and training they receive.

137. The National Strategy to Combat Energy Poverty 2019–2024 was adopted in April 2019. As part of the Strategy, energy poverty was defined for the first time, and energy poverty indicators were developed. The objective is to lower energy poverty by half by 2025.

138. The aim of the Comprehensive National Strategy for Homeless Persons 2015–2020 is to reduce the total number of homeless people by almost 5,000. The midterm review of the Strategy<sup>151</sup> is under way.

139. The fifth Master Plan of the Spanish Agency for International Development Cooperation 2018–2021 states that the country's development cooperation efforts will focus on the countries and geographical areas whose development indicators and other variables make high-quality development cooperation possible. The priority countries in the Caribbean region are Cuba, Haiti, the Dominican Republic, Guatemala, Honduras, Nicaragua and Colombia. Regional strategies, carried out chiefly through regional integration mechanisms such as the Caribbean Community, will also be promoted.

#### *Institutional progress*

140. A post for a high commissioner for combating child poverty was created in June 2018 to respond in coordinated fashion to the anomalous situation of child poverty in Spain. The measures that the Commissioner intends to take include increasing spending on social protection for children, preventing cuts to budgets for children's affairs and creating specific budgetary indicators.

### **Health**<sup>152</sup>

#### *Legal framework*

141. Universal public health has been reinstated through Royal Decree-Law No. 7/2018,<sup>153</sup> allowing foreign nationals not registered as residents of Spain or residing there without authorization to exercise the right to health coverage and care under the same conditions as persons of Spanish nationality. The cost of coverage and care is borne by the public provided that the beneficiaries are not covered by a third party that is obliged to bear the cost.

#### *Tools and practices*

142. The aim of the Strategic Plan for School Health and Healthy Lifestyles 2016–2020 is to promote a comprehensive approach to school health that rests on three pillars – namely, the psychological, social and educational aspects of school health and healthy lifestyles.

143. A proposal has been made to include the national health survey of the Gypsy population in the inventory of the statistical operations of the National Institute of Statistics with a view to gaining greater knowledge of the health of the Gypsy population and identifying priorities. A request to include the survey in the National Statistical Plan 2021–2024 has also been made.

144. In September 2019, within the framework of the general debate of the seventy-fourth session of United Nations General Assembly, Spain signed the joint political declaration on universal health coverage. In addition, Spain presented the National Health and Environment Plan, which will describe the main environmental drivers of human health and establish the objectives and areas of action.

#### *Institutional progress*

145. The Women's Health Observatory<sup>154</sup> was founded in 2018 to help ensure that public health policies are informed by the equality principle.

### **Housing**<sup>155</sup>

#### *Legal framework*

146. Spain has pledged to make social access to housing one of its priorities. With a view to giving effect to recommendations that Spain received from the Committee on Economic, Social and Cultural Rights, the judicial authorities have been required, pursuant to Act No. 5/2018,<sup>156</sup> to notify the relevant public agencies of all legal proceedings in which evictions

are ordered. Agreements are being signed between the General Council of the Judiciary and the authorities of the autonomous communities to facilitate the search for solutions to the problems caused by evictions that affect people in situations of vulnerability.

147. With the adoption of Act No. 5/2019,<sup>157</sup> the scope of application of the Code of Good Practices<sup>158</sup> has been extended, making it a permanent and compulsory mechanism for member entities and allowing all the most vulnerable debtors access to the debt relief options set forth in the Code.

148. In addition to the changes introduced by Royal Decree-Law No. 5/2017,<sup>159</sup> the creation of a working group for the development of urgent measures related to housing and rent should be mentioned. This group's work led to the adoption of Royal Decree-Law No. 7/2019,<sup>160</sup> which amended the Civil Procedure Act in follow-up to the Views of June 2017 adopted by the Committee on Economic, Social and Cultural Rights. Under the amendments, the courts are required to determine the exact time and date of evictions and, if the social service authorities find that the persons' subject to the evictions are in a situation of vulnerability, the eviction must be suspended (for up to a month when the plaintiff is a natural person and up to three months when the plaintiff is a legal person) until the appropriate measures are taken.

149. A bill on a guarantee of the right to housing is currently in preparation. Plans have been made to take steps to redirect the grants provided as part of State Housing Plan 2018–2021, encourage digitization and transparency in the sector and use public land for the construction of 20,000 low-cost rental units.

#### *Tools and practices*

150. In September 2015, a new addendum to the agreement creating the Social Housing Fund was signed. It led to an increase in the number of housing units for the Fund and its beneficiaries, allowing up to 5 per cent of the units to be used by persons with non-mortgage debt who have been evicted from their homes.

151. The midterm progress report (2017) on the National Strategy for the Social Inclusion of the Gypsy Population identifies a reduction in the problem of shanty towns and the percentage of households occupying dwellings considered substandard. A study group made up of specialists in the field has been set up to eliminate possible discrimination in access to housing.

152. The State Housing Plan 2018–2021 includes a rent-support programme.<sup>161</sup> In addition, the Plan includes a programme to help particularly vulnerable people by enabling them to rent vacant housing units owned by lending institutions or other owners of housing.

153. The Spanish Urban Agenda, which takes an integrated and comprehensive approach to urban and rural areas and defines social cohesion, equity and the guarantee of the right of access to housing as strategic objectives, was adopted in February 2019. It addresses the demographic challenge and access to housing for vulnerable population groups.

### **III. Fulfilment of voluntary pledges**

154. In 2017, Spain made voluntary pledges and commitments for the promotion and protection of human rights as a candidate for membership of the Human Rights Council for the period 2018–2020.<sup>162</sup> What follows is an analysis of the progress that has been made towards honouring the commitments that were not previously addressed in the follow-up to the 2015 recommendations.

#### **Human rights for all**

155. Spain is working to ensure the full integration of a cross-cutting gender perspective in all the work of the Human Rights Council. In combating discrimination against women and girls, Spain has co-sponsored resolutions presented at meetings of the Human Rights

Council and taken part in the annual dialogues and debates. Spain supports the mandate of the Special Rapporteur on violence against women, its causes and consequences.

156. Spain supports multilateral initiatives to combat discrimination based on sexual orientation and gender identity and continues to promote the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Spain co-sponsored the resolution renewing the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. It also participates actively in the Equal Rights Coalition, the LGBT Core Group of the United Nations and the European network of governmental LGBTI focal points.

### **Democracy and the rule of law**

157. Combating the death penalty is one of the main objectives of Spanish foreign policy as it relates to human rights. Spain is the main contributor, at €100,000 a year, to the International Commission against the Death Penalty, which is headquartered in Spain.

158. Spain participates actively in the observation of elections abroad, sending between 70 and 100 election observers a year on missions conducted by the European Union, the Organization for Security and Cooperation in Europe and the Organization of American States.

### **Sustainable development**

159. Promoting the human rights to safe drinking water and sanitation is one of the priorities of Spanish foreign policy in the areas of human rights and cooperation for international development. In 2006, Spain and Germany launched a joint initiative at the United Nations to promote the recognition of the human rights to safe drinking water and sanitation. Human Rights Council resolution 33/10 (2016), General Assembly resolution 72/178 (2017) and Human Rights Council resolution 39/8 (2018) have been adopted since then. A new resolution will be submitted to the General Assembly in November 2019.

### **Dialogue, cooperation and effectiveness**

160. In 2018, during the Spanish vice-presidency of the Human Rights Council, the President of the Council made Spain, together with the Philippines, responsible for facilitating the negotiation of improvements to the Council's annual programme of work. The process resulted in the adoption of an institutional statement by the President of the Council that included some of the measures that had been proposed and called for further discussion of the matter.

161. Spain takes part in every session of the universal periodic review, delivering statements and making recommendations for all other States. It makes a yearly contribution of €50,000 to the voluntary fund for financial and technical assistance in the implementation of the universal periodic review. Spain also encourages the participation of civil society organizations by providing them with information on registration for sessions, pre-session meetings and side events within the framework of the Human Rights Council.

### **Commitment to submit a voluntary midterm report as part of the universal periodic review**

162. Spain, having fulfilled its commitment to submit a midterm report for the second cycle of the universal periodic review, pledges to submit to the Council a midterm report on the implementation of the recommendations it accepted during the third cycle of the universal periodic review.

## **IV. New and emerging problems, including associated achievements and challenges**

### **2030 Agenda for Sustainable Development**

163. Spain has accepted the 2030 Agenda as a global ethical commitment to people, the planet and prosperity that is informed by a vision of social justice and a powerful human rights-based approach. Since the adoption of the Action Plan for the Implementation of the 2030 Agenda in June 2018, more than 320 initiatives, 10 leveraging policies and 10 transformative measures have been launched. The progress report on the Action Plan was adopted in September 2019.

164. The Strategy for the Achievement of the Sustainable Development Goals 2020–2030 will, by building alliances, establish the values and principles that will underpin transformative action with a long-term perspective. In addition, in 2019, the non-permanent Joint Commission for the Coordination and Monitoring of the Strategy was established in Congress.

165. The coordination and monitoring of the steps taken by the relevant bodies is carried out by the Office of the High Commissioner for the 2030 Agenda, an office that was created in June 2018 and answers to the Prime Minister's Office.

166. The National Institute of Statistics has launched a statistical operation on indicators for the 2030 Agenda for Sustainable Development. An electronic platform on which the indicators for Spain, including the statistics produced as part of the National Statistical Plan 2017–2020, are made public was created in December 2018.

167. As a consequence of its firm belief in the connection between the 2030 Agenda and human rights, Spain has been a forerunner in the work of aligning the 189 recommendations it received with the Sustainable Development Goals, linking its efforts to give effect to those recommendations and the monitoring of those efforts to national instruments related to the 2030 Agenda. At the forty-second session of the Human Rights Council, and with a view to encouraging the consolidation of this practice internationally, Spain organized a side event on the intersection of the implementation of recommendations made during the universal periodic review and the 2030 Agenda for Sustainable Development Agenda.<sup>163</sup>

### **Right of access to and enjoyment of the environment**

168. The measures planned to promote the inclusion of people's right to the existence and enjoyment of an adequate environment include the prevention, reduction and control of pollution and the development of the current programme of work of the National Climate Change Adaptation Plan.

169. Spain has adopted the Strategic Framework for Energy and the Climate, which includes a draft bill on climate change and the energy transition, the Comprehensive Energy and Climate Plan 2012–2030 and the Just Transition Strategy. At the 2019 Climate Action Summit, Spain made significant commitments with a view to combating climate change.<sup>164</sup>

### **Human right to science**

170. Spain has made progress in respect of promoting the human right to science,<sup>165</sup> which should enable everyone to share in scientific advancement and its benefits. The steps that have been taken include the signature by all parliamentary groups of a Senate statement of support for the human right to science and for including it as a strategic objective in the section on economic, social and cultural rights of the second Human Rights Plan.

## Information and human rights

171. Disinformation, with its aim of sowing dissent and its rhetoric of hatred, is a real threat to coexistence and freedom. The full enjoyment of the right to truthful information must be guaranteed, and, in the digital age, the enjoyment of that right must be protected from attempted manipulation or distortion. Spain wishes to fuel debate, in the United Nations and other organizations, on the protection of democracy and human rights from disinformation, thereby bolstering the freedoms of expression, opinion and the press.

## Demographic challenges

172. Demographic change (ageing, depopulation, fluctuating population densities, overpopulation) is one of the major challenges facing Spain, as it affects economic, social, cultural and territorial arrangements. In March 2019, to ensure equal opportunities and rights for all persons throughout the country, regardless of their age or place of residence, the Government adopted the General Guidelines for the National Demographic Challenge Strategy. The Guidelines are to be understood as the framework for a country alliance and will inform the development of action plans that will be carried out, with cooperation from the private sector, by all public institutions.

## V. Challenges requiring the support of the international community

173. There is nothing to report in this regard.

### Notes

- <sup>1</sup> <https://lib.ohchr.org/HRBodies/UPR/Documents/Session21/ES/Report2ndCycle.PDF>.
- <sup>2</sup> [https://www.ohchr.org/Documents/HRBodies/UPR/3rdCycle\\_GuidanceNotePreparationReports\\_EN.docx](https://www.ohchr.org/Documents/HRBodies/UPR/3rdCycle_GuidanceNotePreparationReports_EN.docx).
- <sup>3</sup> Sobre la Agenda 2030 véase §§170–174 del informe.
- <sup>4</sup> Ministerio de la Presidencia, Relaciones con las Cortes e Igualdad; Ministerio de Asuntos Exteriores, Unión Europea y Cooperación; Ministerio de Justicia; Ministerio de Defensa; Ministerio de Hacienda; Ministerio del Interior; Ministerio de Fomento; Ministerio de Educación y Formación Profesional; Ministerio de Trabajo, Migraciones y Seguridad Social; Ministerio de Agricultura, Pesca y Alimentación; Ministerio para la Transición Ecológica; Ministerio de Economía y Empresa; Ministerio de Sanidad, Consumo y Bienestar Social y Ministerio de Ciencia, Innovación y Universidades.
- <sup>5</sup> Alto Comisionado para la Lucha contra la Pobreza Infantil y Alta Comisionada para la Agenda 2030.
- <sup>6</sup> Secretaría General Técnica de la Fiscalía General del Estado.
- <sup>7</sup> En España, la INDH es la Oficina del Defensor del Pueblo.
- <sup>8</sup> <http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/DerechosHumanos/Paginas/Examen-Peri%C3%B3dico-Universal.aspx>.
- <sup>9</sup> En este proceso de consultas se recibieron 14 contribuciones.
- <sup>10</sup> Resolución 35/29 del Consejo de Derechos Humanos, “Contribución de los parlamentos a la labor del Consejo de Derechos Humanos y a su examen periódico universal”, Doc. A/HRC/RES/35/29, de 13 de julio de 2017.
- <sup>11</sup> Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, “Contribución de los parlamentos a la labor del Consejo de Derechos Humanos y a su examen periódico universal”, Doc. A/HRC/38/25, de 17 de mayo de 2018.
- <sup>12</sup> Este documento realiza seguimiento no solo de las recomendaciones aceptadas, sino de las anotadas en relación a las cuales se han producido avances.
- <sup>13</sup> Informe del Grupo de Trabajo sobre el Examen Periódico Universal – España, A/HRC/29/8 y A/HRC/29/8/Add.1.
- <sup>14</sup> EPU recomendaciones 131.1 (anotada), 131.2 (anotada), 131.3 (anotada), 131.4 (anotada), 131.5 (anotada), 131.6 (anotada), 131.7 (anotada), 131.8 (anotada) y 131.9 (anotada).
- <sup>15</sup> EPU recomendaciones 131.13, 131.22, 131.23 y 131.24.
- <sup>16</sup> En 2014 España presentó su Informe XXI–XXIII al Comité para la Eliminación de la Discriminación Racial. Esta respuesta, aunque es anterior a 2015, da respuesta a recomendación 131.23.

- <sup>17</sup> Informe V–VI ante el Comité de los Derechos del Niño (CDN) (2016), su Informe VI ante el Comité de Derechos Económicos, Sociales y Culturales (CDESC) (2017), su informe II–III ante el Comité de los Derechos de las Personas con Discapacidad (CDPD) (2018) y su Informe VII ante el Comité contra la Tortura (2019).
- <sup>18</sup> Actualmente se está trabajando en la elaboración del Informe II ante el Comité contra las Desapariciones Forzadas, del Informe XXIV–XXVI ante el CERD y del Informe IX ante el Comité para la Eliminación de la Discriminación contra la Mujer (CEDAW, por sus siglas en inglés).
- <sup>19</sup> Real Decreto 1044/2018, de 24 de agosto, por el que se desarrolla la estructura orgánica básica del Ministerio de Justicia.
- <sup>20</sup> España contribuyó económicamente a la OACNUDH con 372.442€ en 2015, 938.099€ en 2016, 1.283.449€ en 2017 y 1.410.014€ en 2018. Información accesible en <https://www.ohchr.org/EN/AboutUs/Pages/OurDonors.aspx>.
- <sup>21</sup> EPU recomendaciones 131.10, 131.11, 131.12, 131.14, 131.15 y 131.16.
- <sup>22</sup> Sobre otros indicadores de derechos humanos en materia de igualdad de género véase el informe intermedio (2018), pág. 5.
- <sup>23</sup> EPU recomendaciones 131.15, 131.18, 131.25, 131.26, 131.27, 131.28, 131.29, 131.30 (anotada), 131.31, 131.32, 131.33, 131.34, 131.65, 131.66, 131.67, 131.68, 131.69, 131.70, 131.71, 131.72, 131.73, 131.74, 131.75, 131.76, 131.77, 131.78, 131.79, 131.80, 131.81 y 131.82.
- <sup>24</sup> Ley Orgánica 1/2015, de 30 de marzo, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal.
- <sup>25</sup> Ley Orgánica 8/2015, de 22 de julio, de modificación del sistema de protección a la infancia y a la adolescencia.
- <sup>26</sup> Real Decreto-ley 9/2018, de 3 de agosto, de medidas urgentes para el desarrollo del Pacto de Estado contra la Violencia de Género.
- <sup>27</sup> Ley Orgánica 4/2018, de 28 de diciembre, de reforma de la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial.
- <sup>28</sup> Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres.
- <sup>29</sup> Ley Orgánica 5/2018, de 28 de diciembre, de reforma de la Ley Orgánica del Poder Judicial sobre medidas urgentes de aplicación del Pacto de Estado en materia de violencia de género.
- <sup>30</sup> Para más información sobre las medidas de formación, véase informe intermedio (2018), pág. 13.
- <sup>31</sup> Real Decreto-ley 6/2019, de 1 de marzo, de medidas urgentes para garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación.
- <sup>32</sup> Real Decreto-ley 18/2017, de 24 de noviembre, por el que se modifican el Código de Comercio, el texto refundido de la Ley de Sociedades de Capital aprobado por el Real Decreto Legislativo 1/2010, de 2 de julio, y la Ley 22/2015, de 20 de julio, de Auditoría de Cuentas, en materia de información no financiera y diversidad.
- <sup>33</sup> Real Decreto 259/2019, de 12 de abril, por el que se regulan las Unidades de Igualdad de la Administración General del Estado.
- <sup>34</sup> Sobre el Proyecto de Ley Orgánica de Educación véase §126.
- <sup>35</sup> Véase informe intermedio (2018), pág.15.
- <sup>36</sup> <http://www.violenciagenero.igualdad.mpr.gob.es/pactoEstado/home.htm>.
- <sup>37</sup> Para información detallada del Pacto de Estado contra la Violencia de Género véase informe intermedio (2018), págs. 13 y 14.
- <sup>38</sup> Instrucción 4/2019, de la Secretaría de Estado de Seguridad, por la que se establece un nuevo protocolo para la valoración policial del nivel de riesgo de violencia de género, la gestión de la seguridad de las víctimas y seguimiento de los casos a través del sistema de seguimiento integral de los casos de violencia de género (Sistema VioGén).
- <sup>39</sup> Para más información sobre el sistema VioGén véase informe intermedio (2018), págs. 17 y 18.
- <sup>40</sup> Instrucción 7/2019 de la Secretaría de Estado de Seguridad, sobre incorporación de atestados por violencia de género de diligencia de situación administrativa de la víctima extranjera en situación irregular.
- <sup>41</sup> [http://www.violenciagenero.igualdad.mpr.gob.es/violenciaEnCifras/estudios/investigaciones/2019/estudio/Tiempo\\_Tardan\\_Verbalizar\\_Situacion.htm](http://www.violenciagenero.igualdad.mpr.gob.es/violenciaEnCifras/estudios/investigaciones/2019/estudio/Tiempo_Tardan_Verbalizar_Situacion.htm).
- <sup>42</sup> Para más información sobre instrumentos y prácticas en materia laboral véase informe intermedio (2018), pág. 15.
- <sup>43</sup> [http://www.mitramiss.gob.es/es/destacados/HOME/documentos/Informe\\_mujeres\\_febrero\\_2019.pdf](http://www.mitramiss.gob.es/es/destacados/HOME/documentos/Informe_mujeres_febrero_2019.pdf).
- <sup>44</sup> Resolución de 16 de noviembre de 2018, de la Secretaría de Estado de Función Pública, por la que se publica el Acuerdo de la Conferencia Sectorial de Administración Pública, por la que se aprueba el Acuerdo para favorecer la movilidad interadministrativa de las empleadas públicas víctimas de violencia de género.
- <sup>45</sup> [http://www.ciencia.gob.es/stfls/MICINN/Ministerio/FICHEROS/UMYC/Cientificas\\_cifras\\_2017.pdf](http://www.ciencia.gob.es/stfls/MICINN/Ministerio/FICHEROS/UMYC/Cientificas_cifras_2017.pdf).
- <sup>46</sup> <http://www.mineco.gob.es/stfls/mineco/ministerio/ficheros/libreria/LibroBlancoFINAL.pdf>.
- <sup>47</sup> Para más información sobre la acción específica de la Cooperación española en la materia, véase

- informe intermedio (2018), págs. 16 y 17.
- <sup>48</sup> Para más información sobre acciones específicas de la Cooperación española en este ámbito, véase informe intermedio (2018), págs. 16 y 17.
- <sup>49</sup> Celebradas en abril de 2019.
- <sup>50</sup> Ministerio de la Presidencia, Relaciones con las Cortes e Igualdad.
- <sup>51</sup> Destacan los cursos *A Comprehensive Approach to Gender in Operations*, homologado por el Colegio Europeo de Igualdad y Defensa, el Curso Africano *Gender in Peace Support Operations: a Comprehensive Approach* y el Seminario *Discipline Leader*.
- <sup>52</sup> Encargada de la integración transversal de la perspectiva de género en todas las dimensiones de la política exterior española y en la forma en que se formula la misma.
- <sup>53</sup> Puesto que desarrolló el Protocolo de Actuación para la Atención de las Mujeres Españolas Víctimas de Violencia de Género en el Exterior de 2015.
- <sup>54</sup> EPU recomendaciones 131.35, 131.36, 131.37 (anotada), 131.38, 131.39, 131.40, 131.41, 131.42, 131.43, 131.44, 131.45 (parcialmente anotada), 131.45 (parcialmente aceptada), 131.46, 131.47, 131.49, 131.50, 131.51, 131.158, 131.159, 131.161, 131.163, 131.164 y 131.167.
- <sup>55</sup> Para más información sobre las novedades introducidas en el marco normativo véase informe intermedio (2018), pág. 18.
- <sup>56</sup> Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito.
- <sup>57</sup> Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana.
- <sup>58</sup> Para más información sobre estos proyectos véase informe intermedio (2018), pág. 19.
- <sup>59</sup> <http://www.interior.gob.es/documents/10180/7146983/ESTUDIO+INCIDENTES+DELITOS+DE+ODIO+2017+v3.pdf/5d9f1996-87ee-4e30-bff4-e2c68fade874>.
- <sup>60</sup> Para más información sobre la actividad del OBERAXE véase informe intermedio (2018), pág. 22.
- <sup>61</sup> <http://www.mitramiss.gob.es/oberaxe/es/creadi/index.htm>.
- <sup>62</sup> Inclusión social; igualdad y violencia de género; no discriminación y antigitanismo; cultura y ciudadanía y participación.
- <sup>63</sup> Mediante Acuerdo de Consejo de Ministros de 6 de abril de 2018.
- <sup>64</sup> Orden PCI/154/2019, de 19 de febrero, por la que se publica el Acuerdo del Consejo de Ministros de 30 de noviembre de 2018, por el que se aprueban instrucciones para actualizar las convocatorias de pruebas selectivas de personal funcionario, estatutario y laboral, civil y militar, en orden a eliminar ciertas causas médicas de exclusión en el acceso al empleo público.
- <sup>65</sup> [http://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/doc/PactoSocial\\_nov2018.pdf](http://www.msbs.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/doc/PactoSocial_nov2018.pdf).
- <sup>66</sup> El antecedente del Acuerdo de cooperación institucional en la lucha contra el racismo, la xenofobia, la LGBTIfobia y otras formas de intolerancia, es el Convenio Marco de cooperación interinstitucional de 2015. Véase informe intermedio (2018), pág. 21.
- <sup>67</sup> Véase informe intermedio (2018), págs. 22 y 23.
- <sup>68</sup> Circular 7/2019, de 14 de mayo, de la Fiscalía General del Estado, sobre pautas para interpretar los delitos de odio tipificados en el artículo 510 del Código Penal.
- <sup>69</sup> EPU recomendaciones 131.18, 131.84, 131.85, 131.86, 131.90, 131.105, 131.106, 131.183, 131.184 (anotada), 131.185 (anotada), 131.186 (anotada), 131.187 (parcialmente anotada) y 131.187 (parcialmente aceptada).
- <sup>70</sup> Organic Law 8/2015 of 22 July on the modification of the system for the protection of children and adolescents.
- <sup>71</sup> Ley 15/2015, de 2 de julio, de la Jurisdicción Voluntaria.
- <sup>72</sup> Ley 3/2019, de 1 de marzo, de mejora de la situación de orfandad de las hijas e hijos de víctimas de violencia de género y otras formas de violencia contra la mujer.
- <sup>73</sup> Ley 26/2015, de 28 de julio, de modificación del sistema de protección a la infancia y a la adolescencia.
- <sup>74</sup> El informe está disponible en la web del Observatorio para la Infancia ([www.observatoriodelainfancia.mssi.gob.es](http://www.observatoriodelainfancia.mssi.gob.es)).
- <sup>75</sup> <http://www.inclusio.gva.es/documents/610740/167361274/Guia+de+Uso+seguro+responsable+Inet+Menores+Profesionales+Protecci%C3%B3n+Infancia+v1/c4a75e0e-f19b-4376-a597-e776d9b31047>.
- <sup>76</sup> Real Decreto 1340/2018, de 29 de octubre, por el que se aprueban las normas especiales reguladoras de las subvenciones que se otorgarán en régimen de concesión directa a las Comunidades Autónomas y Ciudades de Ceuta y Melilla para la atención a los menores extranjeros no acompañados acogidos en el año 2018.
- <sup>77</sup> EPU recomendaciones 131.83, 131.152, 131.153, 131.154, 131.155, 131.156 y 131.157.
- <sup>78</sup> Ley Orgánica 2/2018, de 5 de diciembre, para la modificación de la Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General para garantizar el derecho de sufragio de todas las personas con discapacidad.

- <sup>79</sup> Ley Orgánica 1/2017, de 13 de diciembre, de modificación de la Ley Orgánica 5/1995, de 22 de mayo, del Tribunal del Jurado, para garantizar la participación de las personas con discapacidad sin exclusiones.
- <sup>80</sup> Ley 4/2017, de 28 de junio, de modificación de la Ley 15/2015, de 2 de julio, de la Jurisdicción Voluntaria.
- <sup>81</sup> Ley 9/2017, de 8 de noviembre, de Contratos del Sector Público, por la que se transponen al ordenamiento jurídico español las Directivas del Parlamento Europeo y del Consejo 2014/23/UE y 2014/24/UE, de 26 de febrero de 2014.
- <sup>82</sup> Ley 11/2018, de 28 de diciembre, por la que se modifica el Código de Comercio, el texto refundido de la Ley de Sociedades de Capital aprobado por el Real Decreto Legislativo 1/2010, de 2 de julio, y la Ley 22/2015, de 20 de julio, de Auditoría de Cuentas, en materia de información no financiera y diversidad.
- <sup>83</sup> El nivel de cumplimiento lo autodeclara cada entidad en su informe de gestión, que se publica junto a los demás estados de los informes financieros anuales en la página web de la Comisión Nacional del Mercado de Valores: <https://www.cnmv.es/Portal/consultas/busqueda.aspx?id=25>.
- <sup>84</sup> Real Decreto 1112/2018, de 7 de septiembre, sobre accesibilidad de los sitios web y aplicaciones para dispositivos móviles del sector público.
- <sup>85</sup> Directiva 2019/882/UE del Parlamento Europeo y del Consejo de 17 de abril de 2019 sobre los requisitos de accesibilidad de los productos y servicios.
- <sup>86</sup> Sobre el Proyecto de Ley Orgánica de Educación véase § 126.
- <sup>87</sup> Mejoró la accesibilidad a mujeres sordas a través de SVIsual y a mujeres con discapacidad auditiva y dificultades visuales mediante el Servicio Telefónico de Atención y Protección para víctimas de la violencia de género.
- <sup>88</sup> Véase informe intermedio (2018), págs. 32 y 33.
- <sup>89</sup> EPU recomendaciones 131.162, 131.166, 131.168, 131.169, 131.170 (anotada), 131.171, 131.172, 131.173, 131.174, 131.175, 131.176, 131.177, 131.178, 131.179, 131.180 (parcialmente anotada), 131.180 (parcialmente aceptada), 131.181 y 131.182.
- <sup>90</sup> Ley Orgánica 5/2015, de 27 de abril, por la que se modifican la Ley de Enjuiciamiento Criminal y la Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial, para transponer la Directiva 2010/64/UE, de 20 de octubre de 2010, relativa al derecho a interpretación y a traducción en los procesos penales y la Directiva 2012/13/UE, de 22 de mayo de 2012, relativa al derecho a la información en los procesos penales.
- <sup>91</sup> Para más información véase informe intermedio (2018), pág. 52.
- <sup>92</sup> Ley 2/2017, de 21 de junio, de modificación de la Ley 1/1996, de 10 de enero, de asistencia jurídica gratuita.
- <sup>93</sup> Cofinanciados por el Fondo de Asilo, Migración e Integración y el Fondo Social Europeo.
- <sup>94</sup> EPU recomendaciones 131.19, 131.20 y 131.107.
- <sup>95</sup> Real Decreto 593/2015, de 3 de julio, por el que se regula la declaración de notorio arraigo de las confesiones religiosas en España.
- <sup>96</sup> Real Decreto 594/2015, de 3 de julio, por el que se regula el Registro de Entidades Religiosas.
- <sup>97</sup> Véase informe intermedio (2018), pág. 10.
- <sup>98</sup> Con la Federación de Comunidades Judías de España, con el Centro Sefarad-Israel o con el *Yad Vashem-The World Holocaust Remembrance Center*. Para más información véase informe intermedio (2018), págs. 41 y 42.
- <sup>99</sup> A la cabeza de la cual se encuentra desde enero de 2019 el diplomático español y exministro del MAUC Miguel Ángel Moratinos.
- <sup>100</sup> EPU recomendaciones 131.108 (anotada), 131.109, 131.110, 131.111, 131.112, 131.113, 131.114 y 131.115.
- <sup>101</sup> Para más información sobre la Ley Orgánica 4/2015 véase §§46–47.
- <sup>102</sup> Instrucción 13/2018, de 17 de octubre, de la Secretaría de Estado de seguridad, sobre la práctica de los registros corporales externos, la interpretación de determinadas infracciones y cuestiones procedimentales en relación con la Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana.
- <sup>103</sup> 17 Centros en América Latina y 2 en Guinea Ecuatorial.
- <sup>104</sup> EPU recomendaciones 131.94, 131.95 (anotada) y 131.96.
- <sup>105</sup> Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación tecnológica.
- <sup>106</sup> Ley 41/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para la agilización de la justicia penal y el fortalecimiento de las garantías procesales.
- <sup>107</sup> Ley 42/2015, de 5 de octubre, de reforma de la Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil.
- <sup>108</sup> Ley 3/2018, de 11 de junio, por la que se modifica la Ley 23/2014, de 20 de noviembre, de reconocimiento mutuo de resoluciones penales en la Unión Europea.

- <sup>109</sup> Véase informe intermedio (2018), pág. 34.
- <sup>110</sup> Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Oficinas de Asistencia a las Víctimas del Delito.
- <sup>111</sup> EPU recomendaciones 131.52, 131.53, 131.54, 131.55, 131.56, 131.57, 131.58, 131.59 (parcialmente anotada), 131.59 (parcialmente aceptada), 131.60, 131.61 (parcialmente anotada), 131.61 (parcialmente aceptada), 131.62, 131.63, 131.64 (anotada) y 131.165.
- <sup>112</sup> Directiva 2013/48/UE, de 22 de octubre, sobre el derecho a la asistencia de letrado en los procesos penales.
- <sup>113</sup> Ello permite una más concreta modulación a las circunstancias del caso, que habrán de constar en resolución motivada y sólo si concurren o bien una necesidad urgente de evitar graves consecuencias adversas para la vida, la libertad o la integridad física de una persona o bien una necesidad urgente de una actuación inmediata de las autoridades de instrucción para evitar comprometer de modo grave el proceso penal. Para más información véase informe intermedio (2018), págs.23 y 24.
- <sup>114</sup> Instrucción 4/2018, de la Secretaría de Estado de Seguridad por la que se aprueba la actualización del protocolo de actuación en las áreas de custodia de detenidos de las Fuerzas y Cuerpos de Seguridad del Estado y se deja sin efecto la Instrucción 12/2015.
- <sup>115</sup> Instrucción 1/2017, de la Secretaría de Estado de Seguridad, por la que se actualiza el “Protocolo de Actuación Policial con Menores”.
- <sup>116</sup> Instrucción 1/2017, de la Secretaría de Estado de Seguridad, por la que se actualiza el “Protocolo de Actuación Policial con Menores”.
- <sup>117</sup> Instrucción 8/2019, de la Secretaría de Estado de Seguridad, por la que se publica la guía de buenas prácticas en el procedimiento de quejas y sugerencias.
- <sup>118</sup> Instrucción 3/2018, de la Secretaría General de Instituciones Penitenciarias, sobre medios coercitivos y el protocolo para la aplicación de sujeción mecánica por motivos regimentales.
- <sup>119</sup> EPU recomendaciones 131.75, 131.87, 131.88, 131.89, 131.90, 131.91, 131.92 y 131.93.
- <sup>120</sup> Véase informe intermedio (2018), pág. 27.
- <sup>121</sup> Directiva 11/36/UE de 5 de abril de 2011, relativa a la prevención de lucha contra la trata de seres humanos y a la protección de las víctimas.
- <sup>122</sup> Ley Orgánica 1/2019, de 20 de febrero, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, para transponer Directivas de la Unión Europea en los ámbitos financiero y de terrorismo, y abordar cuestiones de índole internacional.
- <sup>123</sup> [http://www.interior.gob.es/documents/10180/7146983/Balance\\_2017\\_Trata.pdf/153296b3-be9b-44be-921d-0b034f772a76](http://www.interior.gob.es/documents/10180/7146983/Balance_2017_Trata.pdf/153296b3-be9b-44be-921d-0b034f772a76).
- <sup>124</sup> <http://www.poderjudicial.es/stfls/SALA%20DE%20PRENSA/DOCUMENTOS%20DE%20INTERES/Guia%20de%20criterios.%20de%20actuaci%C3%B3n%20judicial%20frente%20a%20la%20trata%20de%20serres%20humanos.pdf>.
- <sup>125</sup> Para más información véase informe intermedio (2018), pág. 29.
- <sup>126</sup> Resolución 2331 (2016) sobre trata de personas en conflicto.
- <sup>127</sup> Resolución 71/322 (2017) sobre el fortalecimiento y promoción de medidas efectivas y cooperación internacional sobre donación de órganos y trasplantes para prevenir y combatir el tráfico de personas con fines de extirpación y tráfico de órganos humano.
- <sup>128</sup> EPU recomendaciones 131.97, 131.98, 131.99, 131.100 (anotada), 131.101, 131.102, 131.103 y 131.104.
- <sup>129</sup> Ley 52/2007, de 26 de diciembre, por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la guerra civil y la dictadura.
- <sup>130</sup> EPU recomendaciones 131.17, 131.48, 131.121, 131.122, 131.130, 131.140, 131.141, 131.142, 131.143, 131.144, 131.145, 131.146, 131.147, 131.148, 131.149, 131.150, 131.151 y 131.160.
- <sup>131</sup> Ley 4/2019, de 7 de marzo, de mejora de las condiciones para el desempeño de la docencia y la enseñanza en el ámbito de la educación no universitaria.
- <sup>132</sup> Real Decreto-ley 14/2012, de 20 de abril, de medidas urgentes de racionalización del gasto público en el ámbito educativo.
- <sup>133</sup> Ley Orgánica 2/2006, de 3 de mayo, de Educación.
- <sup>134</sup> Esta asignatura prestará especial atención al conocimiento y respeto de los derechos humanos y de la infancia, a la Constitución española, a la educación para el desarrollo sostenible y la ciudadanía mundial, al respeto de otras culturas, a la igualdad entre hombres y mujeres y al valor del respeto a la diversidad, fomentando el espíritu crítico y la cultura de paz y no violencia.
- <sup>135</sup> Véase informe intermedio (2018), pág. 39.
- <sup>136</sup> Véase informe intermedio (2018), págs. 39 y 40.
- <sup>137</sup> <https://www.educacionyfp.gob.es/educacion/mc/cniie/convivencia-escolar/instrumentos/acoso-escolar.html>.
- <sup>138</sup> Estos Seminarios, a los que asisten representantes de organizaciones de la sociedad civil, abogados, periodistas, estudiantes de posgrado y funcionarios, van por su XIII edición, estando dedicados cada uno de ellos a una temática específica. En 2018 el Seminario se dedicó a los defensores y defensoras

- de derechos humanos y, en 2019, a los derechos del niño.
- <sup>139</sup> En el marco del programa Docentes para el Desarrollo, se otorga el Premio Nacional de Educación para el Desarrollo Vicente Ferrer. Véase <https://sede.educacion.gob.es/publiventa/viii-premio-nacional-de-educacion-para-el-desarrollo-vicente-ferrer/ensenanza-sociologia/22494>.
- <sup>140</sup> EPU recomendaciones 131.48, 131.116, 131.117, 131.118, 131.119, 131.120, 131.132 y 131.160.
- <sup>141</sup> Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores.
- <sup>142</sup> Ley 23/2015, de 21 de julio, Ordenadora del Sistema de Inspección de Trabajo y Seguridad Social.
- <sup>143</sup> *At Risk Of Poverty and/or Exclusion (AROEPE)*.
- <sup>144</sup> Real Decreto-ley 6/2016, de 23 de diciembre, de medidas urgentes para el impulso del Sistema Nacional de Garantía Juvenil. Para más información véase informe intermedio (2018), pág. 47.
- <sup>145</sup> Real Decreto 1032/2017, de 15 de diciembre, por el que se aprueba la Estrategia Española de Activación para el Empleo 2017–2020.
- <sup>146</sup> Véase informe intermedio (2018), pág. 48.
- <sup>147</sup> EPU recomendaciones 131.188 y 131.189 (anotada).
- <sup>148</sup> EPU recomendaciones 131.21, 131.123, 131.124, 131.125, 131.126, 131.127, 131.128, 131.129, 131.132 y 131.172.
- <sup>149</sup> Real Decreto 1462/2018, de 21 de diciembre, por el que se fija el salario mínimo interprofesional para 2019.
- <sup>150</sup> Real Decreto-ley 8/2019, de 8 de marzo, de medidas urgentes de protección social y de lucha contra la precariedad laboral en la jornada de trabajo.
- <sup>151</sup> Para más información sobre esta Estrategia véase informe intermedio (2018), págs. 44 y 45.
- <sup>152</sup> EPU recomendaciones 131.121, 131.122, 131.125, 131.130, 131.131, 131.136, 131.137, 131.138, 131.139, 131.140 y 131.160.
- <sup>153</sup> Real Decreto-ley 7/2018, de 27 de julio, sobre el acceso universal al Sistema Nacional de Salud.
- <sup>154</sup> A través del Real Decreto 1047/2018, de 24 de agosto, por el que se desarrolla la estructura orgánica básica del Ministerio de Sanidad, Consumo y Bienestar Social y se modifica el Real Decreto 595/2018, de 22 de junio, por el que se establece la estructura orgánica básica de los departamentos ministeriales.
- <sup>155</sup> EPU recomendaciones 131.48, 131.121, 131.125, 131.126, 131.127, 131.129, 131.130, 131.133, 131.134, 131.135 y 131.160.
- <sup>156</sup> Ley 5/2018, de 11 de junio, de modificación de la Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil, en relación a la ocupación ilegal de viviendas.
- <sup>157</sup> Ley 5/2019, de 15 de marzo, reguladora de los contratos de crédito inmobiliario.
- <sup>158</sup> Las entidades actualmente adheridas se pueden consultar en [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2019-9508](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-9508).
- <sup>159</sup> Véase informe intermedio (2018), pág. 44.
- <sup>160</sup> Real Decreto-ley 7/2019, de 1 de marzo, de medidas urgentes en materia de vivienda y alquiler.
- <sup>161</sup> Esta ayuda se otorgará en función del nivel de ingresos económicos, sobre la base de un criterio universal y objetivo como es el de la renta, con el límite del 40% de ayuda de la renta del alquiler y aplicándose con carácter general para alquileres de hasta 600€ al mes.
- <sup>162</sup> Nota Verbal de fecha 8 de septiembre de 2017 dirigida al Presidente de la Asamblea General por la Misión Permanente de España ante las NNUU en Nueva York. Accesible en <https://undocs.org/es/A/72/395>.
- <sup>163</sup> En el que participaron la OACNUDH, el Fondo de Población de las Naciones Unidas (FPNU), UPRInfo y nuestra INDH.
- <sup>164</sup> Entre ellos, el compromiso de transición justa, el compromiso de género y cambio climático, el compromiso de clima y juventud, el compromiso para alcanzar la neutralidad climática en 2050 y aumentar la ambición de nuestra contribución nacional determinada y el compromiso a sumarnos a la *Call for Action: Raising Ambition for Climate Adaptation and Resilience*.
- <sup>165</sup> Reconocido en el artículo 27 de la Declaración Universal de los Derechos Humanos y en el artículo 15 del Pacto Internacional de Derechos Económicos, Sociales y Culturales.