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**21th Session of the UPR Working Group – Review of Spain**

**Statement by Austria**

21st January 2014

We warmly welcome H.E. ... and the delegation of Spain and thank them for their presentation and the national report.

Austria welcomes the involvement of civil society and recommends to the Government to continue its cooperation with civil society organizations in the follow-up to this review.

UNHCR observed, as a positive development, a good reception system for asylum seekers in mainland Spain. However, according to UNHCR, the reception conditions in Ceuta and Melilla remain below minimum standards. We are particularly concerned about a draft law to legalize automatic returns of people trying to cross border fences into Ceuta and Melilla.

The Committee on Enforced Disappearances noted with concern the regime of incommunicado detention, which might last for 13 days in cases involving terrorism or armed gangs, and during which accused persons are not afforded basic legal safeguards.

Despite the adoption of the National Strategy for the elimination of Violence against Women 2013-2016 and various legislative measures since Spain's last review, Austria remains concerned about high levels of domestic and other forms of gender-based violence.

Austria offers the following recommendations:

1. Review the current deportation practices for migrants in Ceuta and Melilla as well as the proposed amendment to Spain's national security law to ensure compatibility with EU laws relating to the right of an individual to seek asylum;
2. Review the incommunicado detention regime by ensuring that access to legal assistance upon detention is not delayed, that detainees have the possibility to communicate with a lawyer of their own choice in private and that they are brought in front of a judge within 72 hours;
3. Increase the resources allocated to combating violence against women and take measures to ensure that victims receive adequate protection.

I thank you.