



Permanent Mission  
of the Federal Republic of Germany  
to the Office of the United Nations and  
to the other International Organizations  
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**Geneva, 21.01.2015**

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**German questions and recommendations to  
Spain**

**German National Statement**

*Frank Jarasch*

Mr. President,

Germany welcomes the Delegation of Spain to the UPR. We commend Spain for the progress achieved since the first cycle, starting from an already very high level of promotion and protection of human rights. While some challenges persist, we particularly welcome improvements in the institutional framework. We also appreciate the active involvement of civil society in the preparation of the national report. Since the last universal periodic review, there have been two noteworthy developments in human rights: One of the most prominent changes has been the establishment of a hate crime and discrimination department in each of the provincial prosecutor's offices in Spain and also the establishment of a national council of victims of hate crimes. This institutional strengthening has enabled the justice system to take more decisive action in response to these types of crime. The establishment of the post of National Rapporteur on human trafficking also deserves special mention.

As some challenges persist, we would like to offer the following three recommendations:

- To review the reform of the national justice system (of early 2014) in particular with the aim of ensuring and enforcing the principle of universality of international human rights law.
- To establish a control mechanism of the police authorities with regard to signs of possible torture and ill-treatment committed by individual members.
- To install a high-ranking governmental working group on human rights to ascertain the smooth cooperation and coordination of inter-ministerial work in the field of human rights.

Thank you, Mr. President.

**Questions in advance:**

1. Human rights bodies recently condemned Spain for the lack of adequate investigations into allegations of torture and voiced concern that the definition of enforced disappearance as a crime against humanity in domestic legislation continued to fall short of obligations under international law, despite Spain's ratification of the International Convention against enforced disappearance. What measures has the government taken in order to ensure the inclusion of the international legal (CAT-)definition of torture in the Criminal Code of Spain?
2. In 2009, Spain introduced a new Asylum Law, regulating the right of asylum and subsidiary protection. Even though a timeframe of 6 months has been set to enact its regulations, an implementing decree has not yet been adopted. Germany therefore would like to know more about the current status of the implementation process and how the Government of Spain is dealing with the legal uncertainty resulting from the missing provisions.

