



Informe Nacional España Examen Periódico Universal Anejo I

Texto de las notas al pie de página del Informe Nacional de España traducido al inglés por la Oficina de Interpretación de Lenguas del Ministerio de Asuntos Exteriores y de Cooperación de España.

Notes:

1. This covers crimes against International Law, the crime of genocide, crimes against humanity, crimes against protected persons and assets during armed conflict, and piracy.
2. The protection afforded to victims of gender violence is reinforced by defining new offences—such as harassment, stalking, or online harassment—in the Criminal Code, and by guaranteeing that, in the event of a suspended sentence substituted for a fine, said fine does not negatively affect the victim's financial interests.
3. The crime of trafficking in human beings is reflected in Article 177 *bis* of the Criminal Code.
4. The Spanish Cooperation Strategy for the Rights of the Child is ready for approval.
5. Other notable developments are the amendment of Organic Act 3/2007, of 22 March, on effective equality between women and men, and the enactment of Act 11/2013, of 26 July, on measures to support entrepreneurs and stimulate growth and job creation, which, among other measures, establishes a reduction in Social Security contributions and the transformation of fixed-term employment contracts signed with young women into open-ended contracts.
6. Work towards these objectives is channelled through 224 measures aimed at progressing towards equal treatment and ensuring truly equal opportunities for women and men.
7. Through this amendment, the residence and work permits already available to foreign women in an irregular situation who fall victim to gender violence have now been extended to the victim's children (work permits will only be granted to children above the minimum age stated in the Workers' Statute). Along the same lines, an abused woman and her children are now granted provisional residence and work permits automatically—rather than on a discretionary basis, as before—, temporarily resolving their situation until a court decision is handed down on the reported gender violence offence.
8. This National Strategy unifies 284 action measures in a single document. An estimated budget of €1,558,611,634 has been earmarked for its implementation.
9. In order to improve evaluation systems, the bodies or institutions responsible for each measure have been identified.
10. The measures adopted within the framework of this National Strategy aim to break the silence surrounding violence against women and raise awareness of this blight on society. Notable among the institutional information campaigns carried out are the ongoing campaigns with messages such as 'There's a way out of gender violence', and 'If you abuse her, you abuse me', conducted through the conventional mass media, which have been well received, as observed in post-testing conducted in 2012 and 2013 and the response from civil society. The authorities have worked with different social and economic organisations—both public and private—through agreements signed with the Spanish Federation of Municipalities and Provinces, with the charity ONCE for the blind, and with 64 businesses as part of the 'Businesses for a Gender Violence-Free Society'. In the world of sports, the campaign has been involved in the two most recent 'Race for Women' events, and at the 'Free Yoga' event; in the cultural sphere, the campaign participated in a fundraising concert organised by the *Cadena 100* radio station; in the healthcare field, posters bearing the message, 'There is a way



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out. Trust your healthcare workers; tell them what's going on' were distributed to health centres throughout Spain; and in the world of technology, an innovative new smartphone application called 'Free' was launched, and now has over 6,000 downloads. Awards have been given out recognising local best practices in combating gender violence and young journalists' work on the cause. Finally, work has been done to raise social awareness of the trafficking of women and girls for sexual exploitation in an event held on 18 October to mark the EU Anti-Trafficking Day, and work has been done to raise awareness of other forms of violence against women, such as forced marriage. For example, the UNDP-curated exhibition 'Too Young to Wed' has been installed at the Congress of Deputies. Moreover, new resources have been set up including a website housing resources for preventing gender violence and supporting its victims ('WRAP': <http://wrap.seigualdad.gob.es/recursos/search/SearchForm.action>).

11. This agreement was signed on 11 October 2013 by the Ministry of Justice; the Ministry of the Interior; the General Council of the Judiciary; the State Prosecution Service; and the Ministry of Health, Social Services and Equality.
12. These are expressly included in the National Police Force and Civil Guard's Strategic Plans for the 2013-2016 period.
13. There are plans to link this system up to the penitentiary system databases, in order to inform victims of any possible change in their assailants' penitentiary status. There are also plans to link the 'VdG' or 'VioGén' (gender violence) system with the 'SIRAJ' judicial information system and police databases for the purpose of finding the official identifying data of both victim and assailant, as well as the latter's police record.
14. Attention has been paid to this matter within the framework of principles and recommendations established by the United Nations and EU, and in the international instruments ratified by Spain.
15. Until then, trafficking in human beings—and only for the purpose of sexual exploitation—was classed as an aggravating circumstance within the offence of smuggling of people set forth in Article 318 *bis* of the Criminal Code. Defining trafficking as a separate criminal offence, now reflected in Article 177 *bis* of the Criminal Code, is in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo, 25 December 2000) and the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16 May 2005), both of which have been ratified by Spain.
16. Unless the victim is a minor, in which case consent is irrelevant even if none of the cited means have been used.
17. The Criminal Code reform bill currently before Parliament includes a specific approach for more vulnerable individuals.
18. Under this Act, the right already afforded to victims—to request that the Administration adopt the pertinent measures to guarantee their safety—is extended to children of the victim children located in Spain or to any other person with family or other ties to the victim. This protection has been increased through Circular 5/2011 of the State Prosecution Service, which sets forth a unified procedure to be followed by law-enforcement officers in these circumstances.
19. As this is a coercive behaviour, it has been considered appropriate to define it as a type of coercion in which one person forces another to marry, also punishing anyone who uses coercion to force another person to leave Spanish territory or remain outside Spain in order to force that person to marry.
20. This review has taken place as part of the transposition of Council Framework Decision 2008/913/JHA.
21. The function of these Services is to detect these types of conduct, and to monitor and control police investigations and judicial proceedings regarding these offences, from investigation to trial and sentencing.
22. The Comprehensive Strategy has been drawn up on the basis of international conventions ratified by Spain, as well as the recommendations established in special procedures.
23. These grants were awarded following annual calls for project funding bids aimed at not-for-profit organisations.
24. This support can be observed, for example, in the drawing-up of Regional Strategies for South-Eastern Europe, for the Mediterranean and for Latin America, and in the promotion of new States joining the Group of Friends of the Alliance.



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25. To date a total of 165 instructors have been trained and have, in turn, themselves trained over 20,000 specialists from the Civil Guard, the National Police Force, the Autonomous Community Police Forces (the *Ertzaintza* of the Basque Country the *Mossos d'Esquadra* of Catalonia and the Navarre Police Force) and Municipal Police Forces.
26. This information can be found on pages 66 and 67 of said manual.
27. This report can be found at <http://www.interior.gob.es/documents/10180/1207668/Informe+sobre+los+delitos+de+odio+en+Espa%C3%B1a+2013.pdf/7eeb7e62-9117-47ab-bca0-bf3ed107d006>.

Please also note that, as a result of the developments described, the European Agency for Fundamental Rights has classed Spain as one of the five EU countries that provides comprehensive data (http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013_en.pdf, page 159).
28. The Council for the Promotion of Equal Treatment of All Persons without Discrimination on Grounds of Racial or Ethnic Origin, an equality agency that reports to the Ministry of Health, Social Services and Equality, provides this support service, which includes face-to-face, phone and online help, and allows users to report complaints.
29. Spain's National Roma Integration Strategy has been seen as an opportunity to strengthen and implement the lines of work and measures that have had positive outcomes in recent decades. Spain has seen major social progress of the Roma population over the last forty years. To meet the aims set forth in the Strategy, an Operational Plan has been approved for 2014-2016, covering general measures for the entire Roma population that affect areas included in the Strategy, namely education, employment, health, social initiatives and equal treatment.
30. The Ministry of Education, Culture and Sport has overseen the PROA programme of educational support and strengthening in secondary education, and the Educa3 programme, aimed at co-financing state school places in the first cycle of primary education, and has called a tender to grant subsidies to private, non-profit-making entities to carry out activities directed at giving attention to students with special educational support needs and compensating inequalities in education. It can also be pointed out that the Ministry of Health, Social Services and Equalities continues to implement the Development Programme for the Roma People, whose main lines of action focus on inter-institutional collaboration, both within this Ministry itself and with other Ministries, as well as with regional and local administrations. In this regard, comprehensive social intervention projects are co-financed with the Autonomous Communities, including actions in the social, educational, housing, health and work spheres, as well as combating discrimination and racism. Annually, an average of 96 projects are carried out, mostly run by municipal councils from fifteen Autonomous Communities, with the aggregate sum co-financed by the three Administrations for the 2010-2013 period standing at €11,083,595.46.
31. The programmes currently given priority include those promoting health and education for the Roma population, with special incidence on women—for example, training programmes for Roma women as health agents, in the fields of childcare, hygiene and food and in the prevention of diseases and addictions, as well as in the appropriate use of healthcare resources—and the work and education insertion programmes targeting the Roma population. Comprehensive programmes for Roma women also stand out, including literacy, basic education and social skills activities. The Women's Institute manages the CLARA and SARA programmes, directed at the integration of women, including Roma women, into the world of work. Moreover, the Women's Institute has an agreement in place with the Roma Foundation Secretariat to run a workplace insertion programme for Roma women.
32. The implementing regulations of this Act were approved in Royal Decree 557/2011, of 20 April.
33. For example, the Management of Cultural Diversity in SMEs Programme (GESDIMEP) has been implemented.
34. The public network of Migration Centres encompasses four Refugee Reception Centres and two Temporary Stay Centres for Immigrants.
35. Its objective is to coordinate action by all the affected institutions and administrations, from the moment the individual presumed a minor is found until he/she is identified, his/her age determined and he/she is entrusted to a public service for the protection of minors and documented. During the last few years, work has especially centred on the Autonomous Cities of Ceuta and Melilla and on the most affected Autonomous Communities, such as the Canary Islands.
36. With the second phase of the Common European Asylum System (CEAS) complete, the new Regulation transposes Directives 2013/32/EU and 2013/33/EU, on common procedures for granting



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and withdrawing international protection, and on laying down standards for the reception of applicants for international protection.

37. Free-of-charge assistance from an interpreter and a solicitor is provided, as is the participation of the UNHCR in all the phases of the international protection procedure, including the phase of adopting a decision and proposing a resolution, whilst respecting the role of NGOs specialised in the protection of refugees. Likewise, the provision of information to applicants has been strengthened and specialised training activities have been carried out for agents that participate in the international protection field, especially officials at Aliens' Offices, border posts and Alien Internment Centres.
38. This regulation implements the legal provisions on the functioning of such Centres contained in Organic Act 4/2000, of 11 January, on the rights and freedoms of aliens in Spain in their social integration, and also incorporates some aspects of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals.
39. In the first half of 2014, 4,176 irregular immigrants accessed these cities, an increase of 157% on the same period in 2013, with over 10,000 failed attempts to jump the border being recorded.
40. The basic services provided are housing, clothing, food, cleaning, hygiene and security, complemented by specialised services, such as training, leisure, legal assistance and social intervention programmes.
41. Data updated to 11 July 2014.
42. More detailed information on the work carried out by the Ombudsperson may be found on the following link: <http://www.defensordelpueblo.es/es/Mnp/Defensor/index.html>.
43. This Act enshrines citizens' rights vis-à-vis this Administration, the rights and duties of professionals within the sphere of Justice in their relations with it through electronic means, the obligations of those forming part of the bodies, judicial offices and the State Prosecution Services, as well as the legal regime applicable to the e-Justice Administration and the conditions necessary for judicial procedures to be entirely processed online.
44. Also included are minors in a gender violence environment.
45. In the field of victims of terrorism. Spain has implemented an advanced comprehensive system of support for and the recognition of victims, currently based on Act 29/2011, of 22 September, on the Recognition and Comprehensive Protection of Victims of Terrorism.
46. As opposed to the age of 13 set forth in the current Criminal Code.
47. This has been carried out pursuant to a UN Recommendation of 2013.
48. This Strategic Plan is the cooperation framework for all the Public Administrations with powers in the field of childhood. It may be accessed through the following link: http://www.observatoriodelainfancia.msssi.gob.es/documentos/PENIA_2013-2016.pdf
49. The different actions address most of the objectives set out in the European Commission's Recommendation "Investing in children: breaking the cycle of disadvantage", focusing on aspects such as the job market, combination of benefits, access to quality services, education, equal opportunities, access to health, housing, family support and children's participation. In addition to the Plan, attention to families with children in a situation of serious material deprivation is also reinforced via the Social Services, with an extraordinary allocation of €17 million to combat child poverty, to be distributed to the Autonomous Communities through transfers from the State.
50. Education at a Glance 2012. OECD Indicators.
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52. <http://www.msssi.gob.es/profesionales/saludPublica/docs/IntervencionSanitariaRiesgoSP.pdf>
53. Regarding the victims of human trafficking, although—pursuant to the cited Royal Decree—care (comprising the entire National Health System portfolio) will be given to those in possession of authorisation to remain in Spain derived from the granting of a period of reestablishment and reflection under Article 59 bis of Organic Act 4/2000, of 11 January, at the behest of the Government Delegation on Gender Violence, an interpretation proposal has been sent to the Autonomous Communities for this care to be made extensive to all victims of trafficking formally identified as such by the Police. This proposal is deemed to have been accepted by the Autonomous Communities since no objection has been raised.



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54. Special mention ought to be made of the portfolio of services for minors, which includes: i. a line for humanising care in intensive care units up to age 18 and stays in paediatric units until age 18, regardless of the specialist caring for the patient; ii. a specific line for cancer care at paediatric units; iii. a clinical practice guide for palliative care of children; iv. a Common Inoculation Calendar for Children; v. common implementation criteria for the Neonatal Screening Programme for endocrine and metabolic disorders.
 55. The implementation of the electronic dimension of healthcare also furthers comprehensive care and the coordination of the social services. A Health Promotion and Disease Prevention Strategy is currently being implemented, centred on two especially vulnerable groups of the population, namely children and senior citizens. A Network of Health Schools for Citizens has been set up, and the Spanish Network of Health Technology and National Health System Evaluation Agencies was established in 2012. Also notable is the “Commitment to the quality of medical associations in Spain”, the purpose of which is for medical associations themselves to evaluate the effectiveness of medical interventions.
 56. Using the objective criterion of income facilitates access to housing to the most vulnerable population.
 57. This Act affects the Civil Procedure Act, the regulation of the mortgage market and other financial market rules.
 58. In May 2014, the scope of this Fund was expanded to facilitate access by other persons or groups that may be socially vulnerable, such as family units with minors.
 59. http://www.cooperacionespañola.com/sites/default/files/plan_director_cooperacion_espanola_2013-2016.pdf
 60. An assessment of the comparative advantages of Spanish Development Cooperation has been carried out, entailing a reorganisation of our sectorial and geographical priorities, with a development results-driven approach. In this regard, the experience acquired by Spanish Development Cooperation over many years of work is being used to make our assistance better and more effective.
 61. <http://www.cooperacionespañola.com/es/orientaciones-estrategicas-de-la-cooperacion-espanola-2013-2016>
 62. <http://www.cooperacionespañola.com/es/prioridades-geograficas>
 63. In this context, work is underway to consolidate “Info @ od”, the online system for collecting and publishing data on Spanish Cooperation (<http://www.cooperacionespañola.com/es/datos-infood>).
 64. <http://www.cooperacionespañola.com/es>
 65. The results of these actions, in the present context of budget cuts, have been incorporated into a mid-term review voluntarily submitted by Spain to the DAC in 2013 (http://www.cooperacionespañola.com/sites/default/files/dcd_jl_2013_90_mtr_spain_final.pdf).
 66. In this field, other measures are also carried out, including facilitating access to death records in the Civil Registries; the recognition of those who died defending democracy between 1 January 1968 and 31 December 1977; the awarding of compensation to former “social prisoners”; and the review of public symbols and monuments.
 67. Spanish foreign policy in the field of human rights comprises the following non-exclusive axes: combating the death penalty; businesses and human rights; the human right to safe drinking water and sanitation; the rights of people with disabilities; non-discrimination on the grounds of gender or sexual orientation; and protecting the defenders of human rights.
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