

Summary of the reports made by NGOs that made their contributions to make their voices heard in Spain's *Universal Periodic Review*, a state-driven process under the auspices of the UN Human Rights Council

INDEX

1. ActivaMent Catalunya Associació (p.2)
2. Hierbabuena Asociación para la Salud Mental (p.2)
3. Federación Andaluza En Primera Persona (p.2)
4. Assemblée Nacional Catalana (ANC) (p.2)
5. Associació Catalana de Professionals (ACP) (p.3)
6. Associació Democràcia i Justícia per Catalunya (p.3)
7. Associació Juristes de les Terres de l'Ebre per les Llibertats (p.3)
8. Associació Coordinadora de l'Advocacia de Catalunya (p.3)
9. Associació Clam per la Llibertat (p.3)
10. Asociación Eskubideak (p.4)
11. Associació de juristes pels Drets Humans del Maresme (p.4)
12. CIEMEN (p.5)
13. Coppieters Foundation (p.5)
14. Col·lectiu Praga (p.5)
15. Drets (p.5)
16. ELEAK-Libre Mugimendua (p.6)
17. Etxerat (p.7)
18. European Association for Renewable Energies (p.8)
19. Associació de Juristes pels Drets Humans (p.8)
20. Freemuse (p.8)
21. PEN Català (p.8)
22. PEN International (p.8)
23. Fundació Catalunya Fons per a la Defensa dels Drets dels catalans (p.9)
24. Fundació Congrés de Cultura Catalana (p.9)
25. Fundación Galiza Sempre (p.10)
26. Grup de Periodistes Ramon Barnils (p.11)
27. Humanity Wings (p.11)
28. International Trial Watch (ITW) (p.12)
29. Observatori del Deute en la Globalització (ODG) (p.12)
30. Xnet, Institut de Drets Humans de Catalunya (IDHC) (p.12)
31. Observatorio Vasco de Derechos humanos (p.12)
32. Behatokia (p.13)
33. Òmnium Cultural (OC) (p.13)
34. Associació Catalana per a la Defensa dels Drets Humans (ACDDH) (p.14)
35. Plataforma Defender a quien Defiende (p.14)
36. Plataforma DESC (p.15)
37. Plataforma per la Llengua (p.15)
38. Red Ciudadana SARE (p.16)
39. Western Sahara Resource Watch (p.16)
40. NOVACT (p.16)

Official documents can be found here:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/ESindex.aspx>

<https://www.upr-info.org/en/review/Spain/Session-21---January-2015-->

ActivaMent Catalunya Associació – Hierbabuena Asociación para la Salud Mental – Federación Andaluza En Primera Persona.

Rights of persons with disabilities

Within the framework of the Convention on the Rights of Persons with Disabilities (UN) and the recommendations issued at the 29th session of the Universal Periodic Review of 2015 to the Spanish State, the Coalition ActivaMent Catalunya Associació - Hierbabuena Asociación por la Salud Mental - Federación Andaluza En Primera Persona (entities constituted and self-managed by expert-by-experience). We describe in this report the Human Rights violations that we people with psychosocial disabilities suffer in the Spanish State.

We value positively the recognition of the right to vote by modifying the law organized 5/1985 of the General Electoral Regime. Subsequently, we describe human rights violations related to: Gender-based violence and psychosocial disability; Protection and guarantee of economic and social rights; Access to education with equal opportunities; Equal acknowledge as a person in all legal aspects, and self-represented participation in laws-reform processes; Participation and political representation of our group in equal opportunities; Personal integrity and protection against torture and other cruel, inhuman and degrading treatment. For each aspect, we have made recommendations to the Spanish State, aligned with the Observations of the Committee on the Rights of Persons with Disabilities of the United Nations. To respect the human rights of people with psychosocial disabilities, it is necessary that Spain “With the active and equal participation of organizations of people with psychosocial disabilities, create an independent human rights-based mechanism to supervise health centers and services of all autonomous communities.”(May 13, 2019, paragraph 30d-p. 8-).

Assemblea Nacional Catalana (ANC)

Political and Civil Rights

The Catalan National Assembly (Assemblea Nacional Catalana), with the support of UNPO (Unrepresented Nations and Peoples Organization), has elaborated a report for the Universal Periodic Review (UPR) of the United Nations Human Rights Council regarding the decline of human rights in Spain, and more specifically on the violation of civil and political rights of the International Covenant on Civil and Political Rights, a treaty signed and ratified by Spain.

The document emphasizes the persecution of the political representatives of the Catalan national minority in Spain, and overall of the pro-independence activists as

well as of other sectors, including the cultural sphere. In this sense, the report focuses on the violations that are taking place regarding the right to a fair trial, the right to peaceful assembly, the right to public participation, the right to language and culture, right to freedom of opinion and expression, and right to liberty and security of person, including the prohibition on arbitrary detention.

In relation to this last point, the report also calls for the implementation of the request made to Spain by the United Nations Working Group on Arbitrary Detention to immediate release seven of the imprisoned Catalan political and civil leaders.

Associació Catalana de Professionals (ACP)

Digital Rights

The events experienced in Catalonia during the October 1, 2017 referendum, are proof of how precarious the rights and freedoms of people are in the digital world: if the Human Rights Charter were drafted today, it would include digital rights. The repression experienced in Catalonia was a de facto digital censorship process and not only affected the closure of more than 140 web pages during that period but since the beginning of the election day there were Internet connection cuts (of which there is still no has resolved the origin) and led to a use of social networks that meant an absolute involution of people's freedoms and rights. In recent weeks we have attended the approval of a new regulation "against the Catalan digital republic" that gives more capacity to the Government of Spain to intervene Internet. It is necessary to be able to ensure the basic conditions, rights and freedoms that are already protected by documents such as the Charter of Human Rights in the real world, also in the digital one. L'Associació Catalana de Professionals presents this report with the objective of limiting the censorship of Internet content both by private entities and by the Spanish State.

Associació Democràcia i Justícia per Catalunya - Associació Juristes de les Terres de l'Ebre per les Llibertats - Associació Coordinadora de l'Advocacia de Catalunya - Associació Clam per la Llibertat

Injured by the Spanish Security and Public Order Forces on 1st of October 2017

The report presented by the Associació Democràcia i Justícia per Catalunya, Associació Juristes de les Terres de l'Ebre per les Llibertats, Associació Coordinadora de l'Advocacia de Catalunya and the Associació Clam per la Llibertat, represents more than 400 injured by the police actions of the Spanish Security and Public Order Forces (National Police and Civil Guard) in Catalonia on October 1st, 2017, having violated the following Human Rights: a) Right to freedom of expression, b) Right to political participation, c) Right to peaceful assembly, d) Right to protection

against torture and other cruel, inhuman or degrading treatment or punishment, e) Right to security, f) Right to political participation and active and passive suffrage.

To reverse and correct the situation of flagrant violation of Human Rights it is necessary that the Spanish State immediately proceed to elucidate the responsibilities of the National Police and Civil Guard. For all this we recommend: - The creation of an investigation commission at the Congress of Deputies. - Allow the Parliament of Catalonia to create an investigation commission. - Instruct the State Attorney General's Office to proceed to debug the relevant criminal and civil responsibilities of the members of the State Security Forces for actions in Catalonia on October 1st, 2017 and the later. - Likewise, and in relation to the impossibility of the parliamentary members Carles Puigdemont, Oriol Junqueras and Antoni Comín being able to exercise their position, the Spanish State is required to respect the rights to direct and indirect political participation collected and protected by international law and community. - Implement the request made to Spain by the United Nations Working Group on Arbitration Detention to immediate release seven of the imprisoned Catalan political and civil leaders.

Asociación Eskubideak

Altsasu Case

A fact of little criminal relevance - a night altercation without serious consequences in which two State agents are involved - entails very serious accusations of terrorism against several young people and their prosecution before the antiterrorist jurisdiction (National Court) instead of before the courts of Navarra, respecting the principle to the natural judge. During the process there was a violation of the presumption of innocence, the arbitrary abuse of pretrial detention and the guarantee of a fair and impartial trial. The penalties finally imposed for ordinary crimes have been in the utmost rigor provided by the penal code. This sequence, beyond the human cost for young people and families, marks a dangerous and worrisome precedent: in addition to validating the antiterrorist jurisdiction of the National Court, it institutes the aggravating discrimination of article 22.4 CP, for which the police are considered as a vulnerable group. In these processes the use of an ideological motivation to justify the exacerbated severity of the sentence persists.

Associació de juristes pels Drets Humans del Maresme

Injured by the Spanish Security and Public Order Forces on 1st of October 2017

We're a non-profit lawyer's association founded by the end of September 2017, for members of Mataró's Bar Association, when Catalan Self-determination Referendum

was already called for 1st October, and the Spanish government sent to Catalonia 4,000 more police officers to avoid it. Our prediction was that police could act with violence charging against peaceful voters, and we decided to be present at each polling station to assist voters. Unfortunately, our prediction was right and there were more than 1,000 peaceful voters injured throughout Catalonia because of police brutality. In our zone there were injured at 4 municipalities: Dosrius, Canyamars, Sant Cebrià de Vallalta and Sant Iscle de Vallalta, so we decided to offer them free legal assistance in the lawsuits before the Mataró Courts. Our report submitted last July 2019, 15th for the Universal Periodic Review of the Kingdom of Spain details that, after more than two years, we continue having serious difficulties at the judicial process identifying the police officers and to ensure they'll be indicted by the court.

CIEMEN i Coppieters Foundation

The situation of the right to self-determination in Spain.

Right to Autonomy and collective rights at stake.

The International Covenant on Civil and Political Rights, adopted by Spain in 1977, recognize the right to self-determination to "all peoples". Right to self-determination should be a way to solve political problems through democratic means and political agreements. The Kingdom of Spain is not an example of good practice in promoting and defending the right to self-determination. Moreover, the Spanish state has acted against the right to autonomy proclaimed in the Spanish Constitution.

The Spanish Judicial system protects the Constitution and precludes the possibility of meaningful constitutional reforms. This excessive constitutional rigidity means national minorities are unable to propose reform or start a constitutional debate on major decisions on the vertical division of powers in Spain.

Col·lectiu Praga i Drets

Freedom of expression, association, peaceful assembly and freedom of ideology.

Col·lectiu Praga and Drets have raised four clear claims of rights violations by Spain: First one, restriction on the rights to freedom of expression, peaceful assembly, association and freedom of thought and ideology due to criminal charges raised by public prosecutors against Omnium's president (Jordi Cuixart) and ANC's president (Jordi Sánchez) and their imprisonment.

Second one, regarding police violence during the 1st October 2017 referendum that amounted as an ill-treatment, inhuman and degrading treatment of civilian population and violation of their individual and collective rights, there has been: Lack of any

public inquiry; No collaboration and obstacles to judicial investigation; Attempt to raise charges against complainant citizens, so trying to discourage plaintiffs (chilling effect); Rewarding of the agents who participated or directed that action.

Third one, misuse of criminal charges on hate speech by public prosecutors to discourage public criticisms of police and lack of repeal of the law known as Gag Law (which tripled the fines and sanctions based on lack of respect towards security forces), therefore, violating freedom of speech.

Fourth one, block through judicial decisions of the normal functioning of Catalan democratic institutions, jeopardising separation of powers and judicial independence, as well as violating political rights and the right to a fair trial of Catalan politicians.

ELEAK-Libre Mugimendua

Citizen Security Law

The Organic Law 4/2015 on Citizen Protection has generated a clear increase in police abuses and the violation of fundamental rights of assembly, demonstration and freedom of the press, in the repression against political criticism and social mobilization. This law entails the disappearance of the procedural guarantees existing in any sanctioning or punitive proceedings, injures the principle of legal certainty, legality, the right of defense and the presumption of innocence, as well as the equality of the parties / procedural and proportionality. A Central Registry of Offenders entails discrimination on ideological grounds. Another step in this dynamic liberticide was taken with the recent promulgation of Decree-Law 14/2019 by which urgent measures are taken, for security reasons, in terms of digital administration, which has been labeled as a true "digital gag" . All of this legislation fosters a criminalization and repression scenario of social, trade union and political movements, so it is urged to immediately repeal it.

ELEN

Language Discrimination against non-castilian language speakers in Spain

Since ELEN's last 2015 Report to the UN UPR Spain continue discriminate against non-Castilian languages (Catalan, Galician, Basque which enjoy co-official status, and Aragonese and Asturian which do not). All these incidents involve different degrees of severity and all of them illustrate the low level of respect for speakers as well as being clear violations of the human rights of those citizens. This behaviour among civil servants and authorities suppose in violation of several international treaties and conventions signed and ratified by Spain. Only in terms of the Catalan

Language, Plataforma per la Llengua has reported 99 cases of serious un-addressed language discrimination in the period 2015-2019. The cases are only the tip of the iceberg from all that actually occurs. Most of victims of such illegal abuse never report it. 80% of these cases were perpetrated by civil servants of the State national authorities. 43% of all were undertaken by police officers for the mere fact of addressing them in Catalan. The linguistic component is just a part of the human rights violation which could involve xenophobia, physical abuse, humiliation and harassment or violation of legal guarantees. None of the reported cases have ever been investigated nor punished by an administrative or judicial body. On the other hand, in the 2015-2019 period there has been a worrisome increase of hate-speech against the school system of Catalonia because of its use of Catalan as the main instruction language. This type of hate speech has not only been produced by regular citizens on the social media, but also Prime Ministers of Castilian-speaking regions, political parties leaders and Spanish media outlets. The Spanish Government also continues to legislate against co-official languages by approving laws that oblige the use of Spanish and prevent the use of other official languages in the State.

Etixerat

Distancing of Basque prisoners

Exception penitentiary measures for prisoners of political motivation begin to be applied in 1989, dispersing them in all prisons in the Spanish State, none being transferred to Basque prisons. This policy is complemented by the censorship and limitation of communications, the perversion of the prison classification system, placing them in the hardest life regime of those contemplated by prison legislation, putting arbitrary difficulties for ordinary access to freedom. This policy supposes an unsustainable physical, psychological and economic burden for the family environment. The distance puts at risk the lives of the relatives each time they exercise their right to visit them (traveling between hundreds and thousands of km; adjusting to the schedules imposed by the different prisons, with the economic burden of expensive weekly journeys). 16 relatives have died in traffic accidents resulting from this distance. These conditions especially punish children and minors and the elderly.

European Association for Renewable Energies - Associació de Juristes pels Drets Humans

Renewable Energy and Economic Rights

The report presented to the Spain's UPR by EUROSOLAR – European Association for Renewable Energies and Associació de Juristes pels Drets Humans denounces the breach of international Treaties on Environment and Renewable Energy. The Spanish Government approved the Royal Decree 661/2007 based on the approval of the Plan of Renewable Energies 2205-2016 by the Council of the European Union, to encourage the use of renewable energies. Subsequently, through Royal Decree-Law 2/20143 and subsequent regulations, the Government assumed the dismantling of the premium compensation system established in Royal Decree 661/2007 without establishing a transitional period or compensation to the operators, causing multimillion-dollar damages and losses that have been revealed in relation to large international investors, by the Arbitral Tribunal of the World Bank and the Arbitral Tribunal of the Stockholm Chamber of Commerce, among others. Small producers and individuals have not obtained any compensation in Spanish courts. The large Spanish energy distribution companies that had barely invested in renewable energy with the change of regulations have begun to deploy considerable photovoltaic investments obtaining huge benefits. The Kingdom of Spain has not granted fair and equitable treatment to renewable investors nor has it provided fundamental stability in the essential characteristics of the legal regime; discriminating producers of renewable energy if they are national or international investors. Therefore, it is requested that the Kingdom of Spain amend the Electric Sector Law 24/2013 to ensure a stable and secure legal framework; as well as establishing mechanisms to repair the economic damage suffered to national investors affected by the regulatory change.

Freemuse - PEN Català - PEN International

Law on Public Security and the Criminal Code reform against the freedom of expression

This submission evaluates the implementation of recommendations made in the previous UPR and assesses the Spanish authorities' compliance with international human rights obligations regarding freedoms of expression, information and peaceful assembly.

In particular the submission stresses concerns related to: the 2015 Law on Public Security and the reformed Criminal Code, attacks on the expression of political ideas, attacks on artistic freedoms, limitations on freedom of information and restrictions to the right to peaceful assembly.

From the last UPR review of Spain in 2015, a crackdown on freedom of expression has been intensified due to the enacting of the Basic Law on the Protection of Public

Security and the reforms introduced to the Criminal Code. This legislation not only unduly restricts the lawful exercise of fundamental rights but also deters civil society, including artists and journalists, from exercising them. Since the last UPR, at least 14 musicians have been imprisoned on charges mostly related to terrorism and insulting head of state.

Fundació Catalunya Fons per a la Defensa dels Drets dels catalans - Fundació Congrés de Cultura Catalana

Freedom of expression, demonstration, right to the presumption of innocence, the right to a fair trial and the right to political representation

The Spain infringes fundamental rights such as freedom of expression and demonstration, the right to the presumption of innocence, the right to a fair trial and the right to political representation, among others, in his crusade to prevent the Catalans exert the right to self-determination according to article 1.2 of the Charter of the United Nations and the International Covenants on Civil, Political and Social Rights signed in 1966.

We request the immediate intervention of the international community to demand that the Spanish State comply with the Agreements and Pacts it has ratified in matters of human rights, freedom of expression, freedom of assembly and abuse of precautionary measures such as preventive prison, corruption and judicial independence, at this point reported that yesterday the Provincial Court of Barcelona has expelled from a criminal case in the City of Barcelona to consider that they do not represent anyone. On the other hand, VOX, party of extreme right can denounce and be a party to any procedure that acts against the interests and Catalan identity. In Spain, hatred and discrimination against Catalans are encouraged.

We recommend that respect towards cultural diversity, and in particular language, be applied, is discriminated against because of language. Politicians and civil leaders have not been able to speak in their mother language, in the trial of the process (STS 459/2019). The judge prioritizes the right to publicity before the right of the defendants to defend themselves in their mother language.

Fundación Galiza Sempre

Right to the truth

In its report, Fundación Galiza Sempre denounces Spain for the prohibition and impediment of access to information in the archives related to Francoism. The refusal to access the files consolidates the impunity of Franco, since the State, invoking risks to national security and the Law of Secrets Officers, historical documents and large military and police funds, keeps them classified and without clear criteria that allow their declassification.

Spain has not fulfilled in this period the recommendations of the Report of the United Nations Special Rapporteur Pablo de Greiff, in particular section IV on the Right to Truth in which the UN Rapporteur urges the creation of institutional mechanisms to clarify the truth, highlighting that the majority of the Civil War investigations have been led by academics, historians or journalists, and stating that the available information, however, is widely dispersed, uses different methodologies and needs verification. The Special Rapporteur regrets that these efforts to compile, digitize and publish documents have not been systematically replicated in relation to other causes and institutions, such as different courts and security forces.

Grup de Periodistes Ramon Barnils

Press freedom

Since some months before the referendum on October 1, 2017, several episodes that have resulted in multiple violations of the press freedom have been registered in Catalonia and in other parts of Spain. These incidents, mainly related to the political conflict between the Spanish government and the Catalan self-determination movement, include dozens of physical attacks on journalists, violence and impunity by the far right, and numerous obstacles to the professionals of the information of the main public media in Catalonia. Also, the campaign of judicial harassment by the parties Ciudadanos and Partido Popular with the aim of forbidding the Catalan public media to use of certain words (exile, adviser, president, political prisoners) and to cover demonstrations of hundreds of thousands of people. These facts have had a serious impact on the freedom of expression and information, especially in Catalonia. The Group of Journalists Ramon Barnils and the European Civic Forum have submitted a report gathering the main cases. When this document had already been closed, in October 2019, during the protests against the ruling in the trial of independentist leaders, 70 more journalists were injured, 69% of them in the hands

of the police. In this situation, the impunity guaranteed to the perpetrators and the silence of the Spanish Government are unjustifiable and require the intervention of the international community.

Humanity Wings

Asile

On the occasion of the Universal Periodic Review to which Spain is cited, the Association Humanity Wings has written an exposition to report the non-compliance of the current regulations on international protection and asylum. For some years, we have accompanied refugees during their asylum application process, this led us to observe that the State does not comply with the Spanish legislation or the international treaties. The deadlines established by internal legislation have not been accomplished, it is established that the appearance must be made within a month since the entry into the territory. At the moment, in Barcelona, the appointment is given for seven months later. This means that, during this period, state grants cannot be requested. This breach means a violation of some articles of the Universal Declaration of Human Rights, such as article 25.

International Trial Watch (ITW)

Case 20907/2017

The report has been prepared after a monitoring process of the trial of the case 20907/2017 before the Spanish Supreme Court by national and international observers. The report questions whether the development of the judiciary process has respected fundamental rights such as the rights to freedom of expression, assembly and demonstration, political participation and ideological freedom, as well as the right to freedom, given the use of pre-trial detention. Furthermore, the due respect of the principle of legality in criminal law, the right to a judge predetermined by law, the right to a fair trial and the right to defence have also been questioned. When the report was submitted the judgement had not been made public.

Observatori del Deute en la Globalització (ODG) - Xnet - Institut de Drets Humans de Catalunya (IDHC)

Rights violation in the Castor project

The report submitted by the Observatori del Deute en la Globalització (ODG), Xnet and the Institut de Drets Humans de Catalunya (IDHC), which compose the citizen group “Case Castor”, denounces that since the last period of communication of the interested parties for the Universal Periodic Review, the Government of Spain has taken various decisions on the Castor project that have violated Human Rights through corruption, the Right to the quality of life and consumers and the Right to the environment. The international agreements violated have been articles 1, 4 and 11 of the International Covenant on Economic, Social and Cultural Rights, in addition to the indirect violation of respect, protection and effectiveness of the general interest and of the fundamental rights of citizens. Article 14 of the Convention on Biological Diversity has also been violated. The entities that compose the “Castor Case” citizen group require that the concessionaire company, ESCAL UGS S.L, return the full amount that was paid after its resignation from the concession and the costs associated with the dismantling of said infrastructure will be charged.

Observatorio Vasco de Derechos humanos- Behatokia

Freedom of expression, association and peaceful assembly

The report conveys concern about the action of special anti-terrorism courts in application of what is known as "copyright" or "enemy law." Thus, human rights defenders and activists of professional support and solidarity with prisoners have been persecuted, who carried out a public, transparent, peaceful action. His right to freedom has been violated, with the abusive use of pretrial detention that has been extended in some cases for more than three years without the oral hearing having taken place, in a very hard isolation regime, as well as the right of association, freedom of expression, the right of assembly, inherent in their public activity. The freedom of the press is violated by the forced bankruptcy of the GARA newspaper, to which the EGIN debt is arbitrarily adjudicated, previously closed under very serious accusations, later dismissed, without further proving any continuity between the communication companies. The penalties related to the crime of exaltation or justification of terrorist offenses generate the persecution and imprisonment of persons for exercising their right to freedom of expression.

Omnium Cultural (OC) - Associació Catalana per a la Defensa dels Drets Humans (ACDDH)

Disproportionate use of force by the Spanish police during the Catalan self-determination referendum lack of effective investigation following the inhuman treatment inflicted on hundreds of victims.

The Spanish criminal authorities violated their obligation to open an ex-officio investigation in order to identify and punish the perpetrators of the police violence of 1 October 2017. Despite the seriousness of the facts, the only investigations opened by the Spanish authorities were following complaints filed by the victims.

The authorities responsible for the investigation have violated their obligation to collect evidentiary material likely to establish the facts and identify the perpetrators. In several cases, the Public Prosecutor's Office criminalized the victims, requesting the opening of criminal proceedings against them because of their participation in the referendum. No administrative sanction or suspension appears to have been ordered against the agents accused of the violence.

The signatory organizations call upon the international community to declare that the impunity guaranteed to those responsible for police violence is incompatible with Spain's international obligations, in particular the obligation to carry out a rapid and effective investigation in the presence of allegations of ill-treatment by the police.

Omnium Cultural (OC)

Violation of freedom of expression and of peaceful assembly: two civil society leaders imprisoned in Spain for organising a peaceful demonstration and for calling on people to vote in the Catalan self-determination referendum.

On 20th September 2017, in an attempt to prevent the holding of the Catalan self-determination referendum, the Spanish paramilitary police arrested 14 people and seized 41 regional administration buildings. In response to this operation, the main Catalan civil society organisations, called a demonstration to "peacefully resist and defend the institutions through non-violence". On 1st October 2017 thousands of Spanish police and soldiers were deployed in Catalonia to stop the referendum being held. At dozens of polling stations officers attacked the people peacefully assembled there. Nearly a thousand voters were injured.

The detention and trial of the presidents of the leading Catalan civil society organisations constitute intimidation, with a chilling effect on the actions of civil society as a whole in Spain, sending out a threatening message to all defenders of human rights intending to organise mass demonstrations in comparable terms. This position is shared by the UN's Working Group on Arbitrary Detention, in his Opinion 6/2019 issued on 27 May 2019. Omnium Cultural invites the Human Rights Council to recommend the Spanish authorities to implement the opinion of the WGAD (Opinion 6/2019).

Plataforma Defender a quien Defiende

The right to protest

The platform Defender a quien Defiende (DqD) contributes to the next Spain's UPR with a report in which it warns not only that many of the recommendations made to Spain in the last UPR cycle have not been fulfilled, but also that the situation has significantly worsened. The report explains how the legislative changes of 2015 (Law of Citizen Security and Criminal Code) clearly violate the rights to freedom of expression, assembly, association and personal integrity, since restrictions on these rights have been established without paying attention to the international standards of proportionality, and have been built on the basis of considering the exercise of these rights as a problem of public order and security, and not as a democratic exercise. In addition, they deepen the trend of elimination and weakening of the adequate safeguards against sanctioning procedures, in turn eroding the right of access to justice. Also, the report proposes a set of legislative and political

recommendations that could be made to the Spanish State in order to reverse this situation and guarantee the exercise of the “right to protest”.

Plataforma DESC

Violation of economic, social and cultural rights

From the platform DESC we denounce different violations of the economic, social and cultural rights. In the first place, on the enjoyment of this rights in the matters of discrimination and equality (LGTBI, women, immigrants and gypsy community) in a framework of austerity persistent measures. Also, the need to end with the constitutional hierarchy between rights granting the same recognition as a justiciable right also to the economic, cultural and social rights. It is recommended to end with temporality and labor wage gap; improve the minimum income system to alleviate poverty; modify rent law and comply with the opinions of the economic, social and cultural rights Committee on housing; increase public spending on education and eliminate segregation, as well as reduce school failure and dropout; in terms of health, regulate RDL 7/2018 that recovered universal health and paralyze privatizations; incorporate Spain into the binding international treaty of the UN and develop a 2nd Business Plan and Human Rights Participation.

Plataforma per la Llengua

Linguistic discrimination to catalan language

The International Covenant on Civil and Political Rights, ratified by Spain in 1977, is not observed by the Spanish State in regard to the basic right of citizens to not suffer discrimination on the grounds of language. This is proved by multiple cases of language discrimination committed by State civil servants which are reported every year, as well as the lack of investigation of these cases and hate speech against the Catalan language issued by various public authorities.

Articles 2 and 27 of the International Covenant on Civil and Political Rights clearly lay down that States must take appropriate measures to ensure the effective application of the rights of minority linguistic groups, the right to use minority languages without limitation and non-discrimination for reasons of language-related reasons. These provisions also force compel authorities and legal entities to take quick measures when a person denounces language discrimination. Given the inaction by the Spanish State in addressing this situation, Plataforma per la Llengua calls on the UN Human Rights Council to recognize Spain's failure to comply with the

commitments in the field of language rights assumed in its ratification of the International Covenant on Civil and Political Rights.

Red Ciudadana SARE

Rights of Basque prisoners

The penitentiary policy applied to Basque prisoners has been imposed from an anti-terrorism logic and one of its fundamental vectors has been dispersion. This measure consists of the distribution of prisoners in prisons far from their place of origin, forcing their families to travel hundreds, thousands of kilometers to exercise the right to family life. It should be noted that there is no political violence that can be invoked and that it has no legal basis, contrary to the internal regulations of the Council of Europe and the UN that regulate this matter. The report denounces the situation of seriously ill people in prison in "patent danger" for their lives and who, following the penance law, must have access to freedom. The perverse interpretation of the Framework Decision of the European Union DM 2008/675 / JHA, implies that the sentences already complied specially within France, are accumulated pending compliance in Spain, violating the right to effective judicial protection and due process for several prisoners.

Western Sahara Resource Watch and NOVACT

In 2014 and 2015, the Audiencia Nacional confirmed that Spain remains the administering power over Western Sahara. Accordingly, Spain has a duty to decolonize the territory and continues to bear responsibilities for the indigenous Saharawi people. Yet, throughout Spain's UPR reviews of the past decade, no progress has been made to advance the right to self-determination in Western Sahara, nor has Spain reported on its obligations to decolonize and to ensure the well-being of the people of the territory. Rather than working for the exercise of self-determination, Spain manifestly fails its duties under the UN Charter in order to satisfy its own hard-nosed economic interests, rather than the interests of the Saharawi people. While blatantly ignoring the Saharawis, Spain works with Morocco to have access to Western Sahara's resources, or engages in projects that cement Morocco's occupation. Western Sahara Resource Watch and NOVACT request the UN Human Rights Council to recommend that Spain engages to ensure the Saharawi right to self-determination, and refrains from supporting or entering into agreements for the acquisition of natural resources from Western Sahara via Morocco.