



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-eighth session

14 February–11 March 2011

### Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

#### List of themes to be taken up in connection with the consideration of the eighteenth to twentieth periodic reports of Spain (CERD/C/ESP/18-20)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the eighteenth to twentieth periodic reports of Spain. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

1. **Measures to achieve equality and the elimination of all forms of racial discrimination (arts. 2, 3, 5 and 7)**
  - (a) Progress in the implementation of the Human Rights Plan since its adoption in December 2008, particularly to promote tolerance and eliminate racial discrimination (CERD/C/ESP/18-20, paras. 35–42);
  - (b) Updated information on the implementation of Spain's national Alliance of Civilizations Plan especially to eliminate racial discrimination (CERD/C/ESP/18-20, paras. 43–59);
  - (c) Information on measures taken by the Ministry of Equality and the Council for the Promotion of Equal Treatment of All Persons without Discrimination on grounds of Racial or Ethnic Origin to eliminate racial discrimination (CERD/C/ESP/18-20, paras. 118–130);
  - (d) Progress in promoting general awareness of diversity and multiculturalism at all levels of education in order to facilitate integration (CERD/C/64/CO/6, para. 10);
  - (e) Information on education and training opportunities for law enforcement officials in accordance with the Convention's goals (CERD/C/64/CO/6, para. 11).
2. **Equality before the law of certain groups, including non-citizens, with respect to the enjoyment of civil, economic, social and cultural rights (arts. 2, 4, 5 and 7)**
  - (a) Additional information on the Act on the Right of Asylum and Subsidiary Protection and its implementation (CERD/C/ESP/18-20, annex II, p. 8); information on

measures taken to improve the reception and treatment of asylum-seekers (CERD/C/64/CO/6, para. 13); detailed information on progress in improving the reception and treatment of foreign unaccompanied minors, especially with respect to repatriation procedures (CERD/C/64/CO/6, para. 14; A/HRC/WG.6/8/ESP/3, para. 46); measures taken as needed to improve the living conditions of immigrants in reception facilities, especially in Ceuta and the Canary Islands (A/HRC/WG.6/8/ESP/2, para. 50);

(b) Additional information on measures taken under the Strategic Plan for Citizenship and Integration (CERD/C/ESP/18-20, paras. 31–34);

(c) Measures taken to combat racist and xenophobic behaviour by law enforcement officials towards individuals of foreign origin and ethnic minorities, and progress achieved in this area (CERD/C/64/CO/6, para. 11);

(d) Information on difficulties allegedly encountered by immigrants in registering with local authorities, a procedure that is necessary for them to regularize their situation and gain access to basic services such as health care and education (CERD/C/64/CO/6, para. 12; A/HRC/WG.6/8/ESP/3, para. 43);

(e) Information on the requirements regarding migrants' length of residency and employment for them to benefit from social assistance (CERD/C/64/CO/6, para. 12);

(f) Measures taken as needed to enhance foreigners' freedom of movement and residence in the country (A/HRC/WG.6/8/ESP/3, para. 43);

(g) Measures recently taken to end the alleged occurrence of cases of excessive use of force and mistreatment of immigrants, especially those of sub-Saharan origin, by the Spanish authorities, which are referred to by the special rapporteurs on the human rights of migrants, on extrajudicial, summary or arbitrary executions and on the question of torture in three letters sent between September 2005 and July 2006 (A/HRC/WG.6/8/ESP/2, para. 51).

### **3. Availability of remedies in cases of racial discrimination (art. 6)**

(a) Additional information on measures taken to improve legal remedies for the protection of victims of racial discrimination (CERD/C/64/CO/6, para. 16); specific examples of, and the number of, cases of racial discrimination initiated, processed, completed or suspended under relevant legislation, including Act No. 19/2007 of 11 July on violence, racism, xenophobia and intolerance in sport (CERD/C/ESP/18-20, para. 85);

(b) Details of procedures followed and penalties imposed in cases of offences relating to racial discrimination to which the relevant provisions of national legislation were applied and, if relevant, information regarding which provisions of the Convention were invoked (CERD/C/64/CO/6, para. 16).

### **4. Situation of Gypsies and other ethnic minorities (arts. 5 and 7)**

(a) Progress in eliminating social stigma and stereotypes regarding Gypsies (CERD/C/64/CO/6, para. 15);

(b) Progress by the Gypsy Development Programme in enhancing the enjoyment of economic, social and cultural rights by the Gypsy population, particularly in the areas of employment, housing, health, education, social security and participation in public life (CERD/C/64/CO/6, para. 15; CERD/C/ESP/18-20, annex I, p. 6);

(c) Progress in combating discrimination against other minorities, different from the Gypsy population, in all spheres and particularly in employment, housing and education (CERD/C/64/CO/6, para. 10);

(d) Updated information on measures taken as necessary to improve the system for recognition and acceptance of minority religions with a view to eliminating discriminatory treatment (A/HRC/WG.6/8/ESP/3, para. 29).

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