



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**  
**Forty-third session**

**Summary record of the first part (public)\* of the 913th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 12 November 2009, at 3 p.m.

*Chairperson:* Mr. Grossman

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(*continued*)

*Fifth periodic report of Spain*

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (*continued*)

*Fifth periodic report of Spain (CAT/C/ESP/5; CAT/C/ESP/Q/5; CAT/C/ESP/Q/5/Add.1 and Add.1/Corr.1; HRI/CORE/1/Add.2/Rev.2)*

1. *At the invitation of the Chairperson, the delegation of Spain took places at the Committee table.*
2. **Mr. Garrigues** (Spain) thanked the Committee for agreeing to postpone consideration of Spain's report so that the French and English versions of the Spanish Government's written replies could be prepared. He deeply regretted that the document, submitted in good time, had not been translated by the United Nations translation service and that the Permanent Mission of Spain had been advised of that situation only at the last minute. Spain had furnished an unofficial translation in order to facilitate proper consideration of its report and its dialogue with the Committee in the best conditions. His country hoped, however, that that gesture would not create a precedent and that steps would be taken to ensure that the Committee was allocated adequate resources for fulfilling its mandate.
3. **Ms. García** (Spain), quoting Francisco Tomás y Valiente, former President of the Spanish Constitutional Court, murdered by *Euskadi ta Askatasuna* (ETA) in 1996, said that torture was one of the most horrendous crimes imaginable, being the very negation of human worth. With that quotation the Spanish delegation wished both to reaffirm Spain's commitment to human rights and to demonstrate its policy of zero tolerance of any act of torture or ill-treatment.
4. In December 2008, on the occasion of the thirtieth anniversary of the Constitution and in implementation of a recommendation of the World Conference on Human Rights, held in Vienna 1993, the Spanish Government had adopted a plan of action for human rights, which was no mere declaration of principle but, on the contrary, a concrete political commitment that had been translated into a set of measures, some of which had already been enforced.
5. Following Spain's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsman's Office had been named as the national mechanism for the prevention of torture.
6. In 2004 the Spanish Parliament had approved the Organization Act on comprehensive protection measures against gender-based violence and in 2007 the Organization Act on effective equality for women and men. In 2009 the Government had approved the Council of Europe Convention on Action against Trafficking in Human Beings. A comprehensive plan to combat trafficking in human beings for purposes of sexual exploitation had been drawn up and its implementation would give rise to amendments of the Criminal Code, the Act on the status of aliens, and the Code of Criminal Procedure. Some new elements introduced by that plan had already been incorporated into the October 2009 Act on the right of asylum and subsidiary protection, regulating the situation of particularly vulnerable asylum-seekers (victims of torture, rape or other serious forms of physical, sexual or psychological violence, and of human trafficking).

7. Sterling efforts had been deployed to improve the training of the police and forensic doctors in order to boost their vigilance regarding possible cases of torture or ill-treatment of prisoners. There were plans to hold briefing days for law enforcement personnel so as better to acquaint them with the mandate of international human rights bodies, starting with treaty bodies such as the Committee against Torture.

8. Regarding the right of prisoners to be assisted by a lawyer, the Government had undertaken to revise the Code of Criminal Procedure in order to reduce the maximum time of eight hours following which that right could be exercised. In addition, the Constitutional Court had delivered legally binding rulings establishing every possible preventive measure to prevent ill-treatment of prisoners held incommunicado. In implementation of the recommendations of various treaty bodies, measures had been taken to fit out police premises with technical equipment for making video recordings of incommunicado detainees throughout their stay on those premises. The Spanish Government had also taken the measures needed to guarantee that prisoners held incommunicado were examined not only by the forensic doctor, but also by another doctor from the public health system, independently appointed by the national torture prevention mechanism.

9. In recent years, measures designed to promote a migrant integration policy and thereby improve migrants' legal status had multiplied, and a strategic citizenship and integration plan had been adopted for the period 2007-2010. Moreover, a fund for migrants' reception and integration and for educational assistance had been added to the State budget in 2005. The National Human Rights Plan of Action provided for approval and implementation of the instruments of a comprehensive law on equal treatment and non-discrimination. It also provided for a reform of the Organization Act on the status of aliens, taking into account the jurisprudence of the Constitutional Court which, since 2007, tended to place nationals and foreigners (including those in an irregular situation) on an equal footing regarding the exercise of virtually all civil rights.

10. Special protection was granted to unaccompanied minors arriving on Spanish soil. Everything possible was done to respect their best interests. Minors could be repatriated only if they had been questioned and if the authorities of their countries of origin had supplied the necessary information, guaranteeing that family reunion would not endanger their lives. Spain had concluded bilateral agreements for assisted repatriation of minors, thereby facilitating the quest for information on their situation in their countries of origin. An agreement had also been signed with Senegal in 2006 and another with Morocco in 2007. Spain had also signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2009.

11. The situation of unaccompanied foreign minors arriving on the shores of the Canary Islands had been the object of special monitoring. Since 2006 substantial funds had been allocated to improving reception facilities. Also, programmes for transfer to the peninsula had been put in place for improved reception of such minors.

12. In recent years the Spanish Government had endeavoured to facilitate access to asylum procedures for persons in need of international protection. Spain's asylum policy, based on the 1951 Convention relating to the Status of Refugees, provided a series of guarantees deemed satisfactory by the international organizations concerned with refugees. Parliament had recently approved a new Act on the right of asylum and subsidiary protection, which was in line with the Common European Asylum System designed to guarantee refugees maximum protection.

13. **The Chairperson**, First Country Rapporteur, noted that, in accordance with the Committee's recommendations following consideration of the fourth periodic report of Spain, article 174 of the Spanish Criminal Code had been amended to bring the definition

of torture into line with article 1 of the Convention by the inclusion of acts committed for any motive based on any form of discrimination. He would like to know whether that provision had already been enforced by the Spanish courts and, if appropriate, what factors of discrimination had been invoked. He would also like to know whether the delegation considered the definition of torture in article 174 of the Criminal Code, as amended, to be in full conformity with the Convention. He was thinking particularly of the interpretation of that article in connection with acts committed in order to intimidate or bring pressure to bear on an individual, and the notion of person acting in an official capacity.

14. He also invited the delegation to specify the place of the Convention in Spain's domestic legislation and to say whether it could be invoked directly before the Spanish courts. Noting that Spanish legislation appeared not to establish the imprescriptibility of torture, he wondered whether measures would be taken to make good that deficiency, in accordance with the international standards in force.

15. Numerous sources had reported violations connected with the incommunicado regime. In 2004 the Special Rapporteur on the question of torture and in 2008 the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism had both recommended abolishing that regime. In its 2005 report the European Committee for Prevention of Torture had reported serious allegations of ill-treatment inflicted by members of the national police or Guardia Civil on persons held incommunicado. Moreover, the legal obligation to present detainees before a judge within 72 hours was not always met and judges could take a decision to extend detention without having seen the individuals concerned in person.

16. Non-governmental organizations (NGOs) and civil society also denounced the inadequate judicial monitoring of incommunicado detention, as well as the failure to respect the right of detainees to be examined by a doctor of their choice and to have access to legal counsel. While the Spanish Government's recent decision that the Office of the Ombudsman would appoint the doctor who would examine detainees was a step in the right direction, it was still insufficient as far as the relevant international standards were concerned. Accordingly, it would be extremely helpful if the delegation could clarify the reasons for those restrictions to the right of access to a doctor and to legal counsel.

17. The Committee's attention had been drawn to the fact that the Supreme Court had in 2006 issued a decision establishing the admissibility of statements obtained by the police as evidence, on condition that certain requirements were met. As it turned out, those requirements were purely formal and did not guarantee detainees adequate protection, a fortiori when they were held incommunicado. The Committee was aware from experience that such a situation lent itself to all types of abuse, especially in the context of the fight against terrorism. The argument adduced had been that incommunicado detention of individuals suspected of committing terrorist acts was necessary in order to prevent lawyers on the payroll of terrorist organizations from obstructing the investigation, as had occurred in the past. He could not agree with that explanation. Incommunicado detention deprived detainees of the benefit of fundamental guarantees and placed them in an extremely vulnerable situation. The International Commission of Jurists had also declared that incommunicado detention could, of itself, constitute cruel, inhuman or degrading treatment. It would be interesting to learn the State party's position on that issue.

18. He welcomed the State party's commitment to cooperate unreservedly with the investigations into the use of Spanish airports for illegal transfers and to do all in its power to ensure that the practice was no longer condoned. It would be interesting to learn more about the mechanisms of cooperation and the progress made in the investigations, particularly whether there had been any indictments. Also useful would be instances of the measures the State party had taken to prevent any new transfers of persons suspected of

terrorism, in breach of its article 3 obligations. In paragraph 89 of its written replies, the State party had stated that the Organization Act on the rights and freedoms of aliens in Spain prohibited mass expulsions. Nonetheless, in 2006, according to information received, 99 Senegalese nationals had been returned to Senegal from the Canary Islands. They had allegedly been ill-treated by the police and had not been informed of their place of destination, a fact acknowledged by Spain's national police union. He would like to hear the delegation's comments on the matter. Details of the procedure applied to immigrants rescued from the sea would be helpful, especially when they were persons in need of special protection.

19. He sought assurance that the bilateral agreements concluded by Spain with Morocco and Senegal in order to prevent illegal immigration of unaccompanied minors contained provisions that guaranteed respect for the principle of *non-refoulement*. The new asylum act raised certain concerns regarding article 3 of the Convention, providing as it did for exceptions to the obligation of *non-refoulement*. It also established an accelerated procedure that might not permit all the checks required to ensure that applicants did not risk being tortured or ill-treated in their countries of origin. The Committee would be interested in hearing the delegation's views.

20. Article 174 of the Criminal Code provided different penalties for torture, commensurate with the seriousness of the act. It was difficult to conceive of an act of torture that was not serious. If there was case law referring to that article, the delegation might wish to cite some of it for the Committee's benefit. He imagined that, even if not explicitly mentioned in the definition of the crime of torture, complicity and participation in acts of torture were punishable by criminal penalties, but he would like confirmation.

21. The law established the Spanish courts' jurisdiction over acts committed outside the national territory and which, under the international conventions and instruments, must be prosecuted in Spain. Their jurisdiction over acts of torture committed abroad was not expressly mentioned, but was implicit. The new provisions made prosecutions subject to certain conditions: the presumed perpetrators must be on Spanish territory, the victims must be Spanish and no procedure involving a formal investigation or prosecution must be under way before the competent jurisdiction of another country or international jurisdiction. Details concerning the mechanisms for enforcement of those provisions would be useful. In particular, it would be useful to learn what was meant by "formal investigations or prosecutions" and whether the initiative for prosecutions rested solely with the State or whether victims could bring actions themselves.

22. The adoption of Act No. 52/2007 whereby the State recognized the violence committed during the civil war and which established measures in favour of the victims, especially their right to compensation, illustrated the Spanish Government's commitment to accept responsibility for its past. All the same, that Act did not establish the obligation to investigate the crimes committed during the civil war and the dictatorship. One might recall the fierce controversy caused by Judge Garzón when opening the first investigation on persons who had disappeared during the Franco regime. The opposition of the bench had subsequently forced him to withdraw from the investigation and to entrust it to the regional courts. He would like to know what follow-up had been given to that affair, which he had been led to believe was still pending before the Supreme Court.

23. **Mr. Gaye**, Second Country Rapporteur, referring to matters relating to articles 10 to 16 of the Convention, said that, regarding activities for the prevention of torture and ill-treatment, the State party's written replies had shown that general training in that area was offered to members of the police and security forces and to prison personnel, but that there was currently no training specific to the Istanbul Protocol. It had been announced in the National Human Rights Plan that the gap would be filled by 2010. In that context, it would

be useful to raise awareness, particularly that of agents in contact with prisoners held incommunicado. Prison personnel also needed to be specially trained to react appropriately to prisoners with mental disorders in order to avoid incidents, which could sometimes be extremely serious.

24. The situation in prisons was alarming. With a 175 per cent overcrowding rate, Spain fell far short of the European standards. Notable efforts had already been made to renew and enlarge prison accommodation, and several building projects were under way, which should improve prison conditions. He noted with interest that the State party had put in place cessation and detoxification programmes for drug-users in prison and had tightened its mechanism for combating drug trafficking in prisons.

25. While the situation of holding centres for aliens appeared to have improved, further efforts needed to be made to enhance monitoring of living conditions therein. The delegation had stated that additional resources had been allocated to foreign minors' reception centres in the Canary Islands. It would be interesting to learn how those resources were used, what specific progress they had brought and what measures were envisaged for the continued improvement of the situation, for, according to the observations of the Office of the Ombudsman, living conditions of minors in those centres were far from satisfactory. Regarding the protection centres for children with behavioural problems and in difficult situations, supervision of minors and their preparation for integration into society were inadequate and needed to be strengthened.

26. Regarding the dispersal of prisoners indicted or convicted for terrorist acts, he understood the strategic need to remove them from the zone of influence of the terrorist groups to which they were linked, but he did not have the impression that their treatment was compatible with the aim of social adjustment and rehabilitation that should basically inform any deprivation of liberty. He was particularly concerned at the breaches of the presumption of innocence in that context, the State appearing to expect persons who had merely been charged to demonstrate their willingness to change their ways when they had not yet even been found guilty of the acts with which they were charged. He would like to have further details on the reorganization of penalties handed down when those corresponding to the various crimes committed could not be imposed simultaneously and, particularly, how reduced sentences obtained by convicted persons were dealt with.

27. Internment appeared to be the measure most widely used for juvenile offenders. It would be interesting to learn why other measures that focused more on a minor's social rehabilitation were not applied. In paragraph 240 of the written replies it was stated that detainees suffering from infectious diseases were isolated from other detainees only during the periods in which there was a risk of contagion. He would like to know how those risk periods were determined and the manner in which potentially contagious prisoners in overcrowded prisons were quarantined.

28. Statistics supplied by the State party concerning complaints of ill-treatment during arrest and custody showed that of 240 complaints received between 2003 and 2008 only two had ended in convictions. All the others had either been closed with no further action or had resulted in disciplinary action. He would like to know whether victims could exercise their right to compensation in the absence of a criminal conviction and, if so, what remedies were available to them. Between 2003 and 2008, 678 investigations had been initiated into prison deaths, including cases of violent deaths, but no criminal conviction had ensued. He would like to know the delegation's views on those statistics and – as might be deduced – the lack of any genuine commitment on the part of the authorities to shed light on the circumstances of those deaths.

29. The Spanish authorities' inertia in the face of complaints of torture had been denounced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and condemned time and again by the European Court of Human Rights. It was important to know what the State party intended to do to remedy that problem and fulfil its obligation under the Convention to undertake promptly an impartial and in-depth inquiry into any allegation of torture.

30. It would also be useful to learn more about the procedure for compensating victims of torture or ill-treatment when the author of the crimes was subject to disciplinary rather than criminal sanctions. It would also be helpful if the delegation could provide a concrete illustration of the effectiveness of trauma therapy and other forms of rehabilitation offered to torture victims.

31. According to the State party, State Secretariat for Security Instruction No. 14/2005 would afford better protection of migrant women who complained of violence or other ill-treatment. The problem was that that the Instruction obliged law enforcement personnel to investigate the status of such persons, which made women reluctant to approach the authorities. It would be interesting to hear the delegation's view.

32. The State party had claimed that law enforcement personnel did not use taser guns, but the Committee had received information to the contrary. Could the delegation shed light on the matter?

33. There were many indications that migrants' rights were not fully respected. There was the case of a migrant who had drowned after the security forces, which had intercepted the makeshift craft on which he was attempting to reach Spain, had abandoned him at sea and whose family had then sued the Government. He would be interested to know whether the delegation had information about that case. Agreements concluded by Spain with certain countries of origin of migrants in order to prevent them reaching Spanish territory also apparently undermined respect for the rights guaranteed them under Spanish law. The State party's comments on the matter would be welcome.

34. **Ms. Belmir** congratulated the State party on the quality of its written replies, which demonstrated its commitment to human rights, and thanked it for submitting a document in several languages. She also welcomed the National Human Rights Plan, which illustrated Spain's progress in that field.

35. States were nowadays called upon to address the scourge of terrorism, to which they sought to bring shared solutions while ensuring that human dignity was preserved. She would like the delegation to explain how, in that context, the State party had come to put in place the National High Court (report, para. 101) and state clearly whether it was an emergency court or a regular court. The fact that it was competent to try terrorism cases raised the question of the definition of the term "terrorism", which had yet to be established nationally or internationally. Such vagueness might cause acts to be wrongly classified as "terrorist". Furthermore, in the context of the fight against terrorism, Spain had resorted to incommunicado detention, a measure incompatible with the fundamental principle of presumption of innocence, given that persons suspected of terrorist acts or involvement in such acts and detained under that regime did not have the right to choose their counsel or to be examined by a doctor of their choice, and their statements were considered to be non-retractable confessions that could be used against them in a court of law. Moreover, provisional detention of individuals suspected of terrorist acts could last as long as four years, which was a very long time and lent itself all the more to torture since the traces would have time to disappear. The State party had declared in its written replies that a person held incommunicado had the right to be examined by a forensic doctor or by another member of the public health system freely appointed by the head of the future national

torture prevention body, which meant that the person concerned could not choose his/her own doctor, in violation of prisoners' generally recognized rights. Information furnished by the Special Rapporteur on torture and by other rapporteurs showed that, by and large, not all the guarantees of a fair trial were respected during incommunicado detention. The delegation might wish to comment. She had noted that difficulties had been encountered in setting up electronic surveillance systems in police stations; the Committee would be carefully monitoring the situation.

36. Information in the Committee's possession suggested that women immigrants placed in holding centres were victims of many human rights violations, especially sexual abuse. It would be useful to learn what follow-up had been given to complaints in that regard. On the subject of unaccompanied minors, it had been said that their best interests were taken into account, but neither in what way nor by whom. The fact that detention centres were run by private firms gave rise to considerable risks. She would like to hear the delegation's comments.

37. **Mr. Gallegos Chiriboga** congratulated Spain on the progress it had made regarding the rule of law over the previous 10 years. However, some problems remained, such as violence against migrants. To remedy that situation, the State party should take the required legislative measures and improve training of law enforcement, administrative and judicial personnel. Violence against women also remained a source of concern despite legislative provisions. A great deal also remained to be done to enhance the situation of persons with disabilities, especially the mentally disabled, who were victims of discrimination and subjected to disturbing medical internment measures. Additional steps needed to be taken to improve legislation in that area, to sensitize the population to the problem and to alter behaviour in order to put an end to the degrading treatment inflicted on such persons.

38. **Ms. Kleopas** said that, although violence against women had been made a criminal offence in 1999, there appeared to be a lack of due diligence in investigations and prosecutions. Amnesty International had found the high rate of refusal of protection measures for individuals whose lives were in danger to be alarming. Official sources had it that out of 112,081 applications for protection measures submitted in the previous three years 26,000 had been refused. Also, 25 per cent of women murdered by their partners or former partners in 2007 had requested protection measures against their aggressors, which the prosecutor had not granted. She invited the delegation to comment, for instance, on the case of the murder of Silvina Bassani. She would also like to know whether the right to compensation guaranteed for victims of torture was also recognized for victims of gender-based violence.

39. Regarding acts of torture and ill-treatment attributed to members of the police or security forces, the investigators sometimes apparently belonged to the same force as the accused, which, in the Committee's eyes, jeopardized the impartiality of an investigation. Also, investigations dragged on for ages, thereby contravening the obligation of prompt investigation. For example, in a case of alleged ill-treatment by police and prison personnel, an inquiry initiated in 2002 was still in progress.

40. The fact that detainees held incommunicado could not inform the person of their choice of their detention posed a problem, since in most cases it was during the initial detention period that acts of torture or ill-treatment were committed. It was therefore important for the State party to guarantee the rights of detainees from the very start of their detention.

41. **Ms. Sveaass** said that the State party's guarantee to all prisoners of the right to be examined by a forensic doctor and not by a mere general practitioner deserved emphasis. It would, however, be useful to learn at what stage such an examination occurred and



whether, in the event of suspicion or allegations of ill-treatment, a second examination was made. The delegation had declared that any injury observed had to be reported, but did not specify whether action was taken as soon as the injury was reported. Amnesty International had signalled the case of a prisoner with injuries probably sustained through physical ill-treatment, who had been taken to hospital and treated by a doctor, whose report had been ignored. It would be interesting to learn to what extent the opinion of doctors who did not belong to the judicial system were taken into consideration.

42. On the subject of support – especially psychological support – to victims of violent crimes, she would like to know whether they were treated by trauma specialists and whether asylum-seekers and refugees also had access to such treatment.

43. **Mr. Wang** Xuexian requested details on the incommunicado regime. He would especially like to know whether, between the time an application for incommunicado detention was made and the time the court handed down its ruling for or against the application, the individual in question was treated as an ordinary prisoner or was already subject to special treatment. The latter would betoken prejudgement of the court ruling. The question also arose as to whether refusal of prisoners' requests to consult doctors of their choice or to contact a relative did not breach their rights under the Convention. He was eager to hear the delegation's comments.

44. **Mr. Kovalev** said that a draft text amending article 23, paragraph 4, of the Judicial Power Organization Act, recognizing universal jurisdiction, was currently under consideration and, if adopted, would restrict universal jurisdiction to cases in which the victim was Spanish or in which Spain was involved. Procedures instituted before the Spanish courts could be discontinued simply because an action had been initiated in another country, with the risk that investigations conducted in that country were not independent, impartial and thorough as required by international law. Furthermore, should the examining magistrate fail to prove that a suspect had been present on Spanish territory, he could not request his/her extradition to Spain for trial. The exercise of universal jurisdiction was not an obligation under international law; it was a mechanism for combating the impunity of authors of serious crimes. For that reason the Spanish authorities should withdraw the aforementioned bill and maintain the regime in force. It would be interesting to know what the delegation thought and what could be done in that regard.

45. **Ms. Gaer** recalled that at the fifty-ninth session of the Commission on Human Rights, in 2002, the Spanish delegation had left the meeting room during the presentation by the Special Rapporteur on the question of torture, Mr. Theo van Boven, of an addendum to his report on his visit to Spain (E/CN.4/2004/56/Add.2). In his report he had recommended, inter alia, that the Spanish authorities should draw up a comprehensive plan to prevent and suppress torture and other forms of cruel, inhuman or degrading treatment or punishment and that all complaints of torture or ill-treatment should be promptly and effectively investigated by independent bodies. It would be useful to know why the Spanish authorities had found that report so problematic when they had reacted very differently to the publication of the report on his mission to Spain of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/10/3/Add.2), who had recommended the complete cessation of the institution of incommunicado detention, an exceptional regime that opened the door to breaches of the Convention. Might one infer that Spain intended to implement that recommendation?

46. The Committee frequently requested States parties to make video recordings of interrogations; it therefore welcomed the information that all Spanish police stations had audiovisual recording equipment. And yet, contrary to the State party's statement in its written replies, several NGOs had reported that it was technically impossible to film in real

time the living conditions and treatment of incommunicado detainees throughout their imprisonment. Clarifications on the question would therefore be welcome. More generally, the Committee would like to know why the Spanish authorities had opted for that system.

47. On the subject of Murat Ajmedovich Gasaev, a Russian national of Chechen origin, whose extradition had been sought by the Russian Federation, the State party had declared in paragraph 87 of the written replies that the Spanish Government had requested the Russian authorities to accept the visit of a person designated by the Committee against Torture or the European Committee for the Prevention of Torture or, failing that, of an official of the Spanish Embassy in Moscow, before pronouncing on the extradition. She would like to know whether the Russian Government had responded to that request. In its written replies, Spain had also stated that reports on the situation and conditions of extradited prisoners were regularly prepared by the staff of the Spanish Embassy in Moscow. It would be interesting to hear how effective the delegation deemed those measures to be in the context of article 3 of the Convention. In more general terms, the Committee would like to know how the Spanish authorities determined whether the diplomatic assurances they received were sufficient. It would also be useful to know in how many cases Spain had deemed those assurances to be adequate.

48. It was stated in paragraph 46 of the written replies that there was no specific measure for preventing abuse of women prisoners in Spain, since many guarantees were in place throughout the prison system for preventing such abuse. While aware of the State party's efforts in that area, she stressed the importance of such measures, the effectiveness of which had been demonstrated. Lastly, noting that in paragraph 380 of its written replies the State party had declared that statistics concerning convicts regarding acts of torture and treatment that ran counter to the Convention "did not take ethnic origin into account", she emphasized the usefulness of disaggregated data in determining the causes of acts that breached the Convention against Torture; in that connection, she would also like to know how Spain defined "ethnic group".

49. **The Chairperson**, First Country Rapporteur, requested information on reaction to the abolition of the death penalty in the State party. He also invited the delegation to specify how exactly recourse to diplomatic assurances offered sufficient guarantees under article 3 of the Convention.

50. **Mr. Garrigues** (Spain) said that the Spanish delegation had listened with great attention to the questions put by Committee members and intended to answer them at a subsequent meeting.

*The first part (public) of the meeting rose at 5.25 p.m.*