**REPLIES SPAIN – google translation**

Questionnaire on resolution 68/268 "Strengthening and enhancing the effective functioning of the human rights treaty body system" (09.04.2014, AG)

**a) Comments on the implementation of GA resolution 68/268, in general:**

Spain has accepted extensive obligations for the protection of human rights and has been under the supervision exercised by international treaty bodies, trying to keep up with the submission of periodic reports. Recently, last July the 7th and 8th periodic reports of Spain were examined by the Committee on the Elimination of Discrimination against Women, and the 6th periodic report by the Human Rights Committee (International Covenant on Civil and Political Rights). Spain intends to submit shortly its 5th and 6th report under the Convention to the Committee on the Rights of the Child, and its 21st to 23rd reports will be examined by the Committee on the Elimination of Racial Discrimination.

From this perspective, Spain is participating actively in the process of strengthening and improving the functioning of the human rights treaty body system, in particular since the launch by High Commissioner Pillay (OHCHR) in 2009 of the process of reflection with all stakeholders (States, UN entities, national human rights institutions, treaty bodies and civil society) on ways to strengthen the treaty body system. In this context, Spain has defended some elements it considers relevant, including the establishment of a fixed timetable for reporting, the standardization of the procedures across the various committees and the simplified reporting procedure, word limits on reports, better distribution of meting time of each treaty body, the use of new technologies and methods such as videoconferencing to save costs, and public and transparent elections of the best prepared candidates to the treaty bodies (including the possibility of developing guidelines or good practices on the eligibility and independence of the experts).

On the other hand, Spain pays special attention to monitoring compliance with the recommendations of treaty bodies, in particular the operation of independent mechanisms to promote, protect and monitor implementation of the treaties at national level. In this context and as an example of a good practice, it is worth highlighting, together with the organization of conferences with public funding for civil society (conference organized by the Spanish Platform of Children's Organizations to follow up on the recommendations of the Committee on the Rights of the Child with the participation of institutional representatives of the central and decentralized administration, civil society and experts), the task of tracking implementation, proposals, complaints, and reporting that, in the framework of the Convention on the Rights of Persons with Disabilities, is played by CERMI (Spanish Committee of representatives of people with disabilities), which created the Support Committee to monitor the Convention, made up of 26 members representing State associations defending the rights of people with disabilities, institutional representatives (Public Defender, Congress or Senate, MAEC / ODH, General Council of the Judiciary, Public Prosecutor, expert in accessibility of the AGE, representatives of regional and local administration ...), representatives of labor and business sector, and academic experts on disability.

**b) Information on any action taken to monitor and / or implement the following provisions of GA resolution 68/268:**

10. Encourages States parties to continue their efforts to nominate experts of high moral standing and recognized expertise and experience in the field of human rights, especially in the competence of the treaty, and, where appropriate, to consider the possibility of adopting national policies or processes for nominations of experts to the bodies of human rights treaties;

Spain considers the presence of national experts in the treaty bodies a key demonstration of the commitment and contribution of Spanish society to the defense and promotion of human rights. Therefore, it encourages and accompanies the nomination of independent Spanish experts of established competence and experience in the field of work of the treaty bodies.

Most Spanish experts emerge from civil society, and have its explicit support. In this sense, civil society plays a key role in the nomination, but also in supporting the candidates, which contributes to their success during elections.

At present, the following Spanish experts are treaty body members:

- Ana Pelaez (Committee on the Rights of Persons with Disabilities -CRPD, 2013-2016, 2nd term);

- Emilio Ginés (Subcommittee on Prevention of Torture -OPCAT, period 2015-2018, 2nd term);

- Jorge Cardona (Committee on the Rights of the Child -CRC, period 2015-2019, 2nd term);

- Juan José López Ortega (Committee against Enforced Disappearances -CED, 2014-2017, 2nd term);

- Mikel Mancisidor (Committee on Economic, Social and Cultural Rights -CESCR, 2013-2016);

- Nicolás Marugán (Committee on the Elimination of Racial Discrimination -CERD, period 2016-2020).

Spain has also submitted the nomination of Mikel Mancisidor for re-election to the CESCR for the period 2017-2020, and announced that of Ana Peláez for the Committee on the Elimination of Discrimination against Women (CEDAW), 2017-2020 period. With the presence of Spanish member Soledad Murillo in CEDAW until 2012 and that of Fernando Mariño in the Committee against Torture (CAT) until 2013, Spain has had members in all treaty bodies of which it is a State party.

13. Encourages States parties to continue, in the choice of experts from the bodies treaty, due consideration they have to ensure equitable geographical distribution, representation of the different forms of civilization and of the main systems legal, balanced gender representation and participation of experts with disabilities in the composition of the bodies of human rights treaties, as provided in the relevant human rights instruments;

7. Recommends that a more efficient and effective use of the meetings of States parties, inter alia, proposing and organizing debates on issues related to the implementation of each agreement is made;

8. Strongly condemns all acts of intimidation and reprisals against all individuals and groups that contribute to the work of the bodies of human rights treaties, and urges States to take the necessary measures, in accordance with Declaration on the right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms Universally Recognized and all other relevant human rights instruments to prevent and eliminate these violations of human rights;

In addition to following closely the reports on reprisals by the Secretary General of the United Nations and the Human Rights Council, Spain has since 1995 a programme of protection and temporary shelter for human rights defenders who are threatened and at risk for non-violent activity in defense of human rights. This programme, which involves a temporary hosting that guarantees the confidentiality of the identity of the victim, and is managed by the Human Rights Office of the Ministry of Foreign Affairs and Cooperation, is a protective measure against retribution that persons may suffer who contribute to the work of treaty bodies.

Once included in the programme, the human rights defender and, if appropriate her/his family, receive a residence permit for 12 months without the right to work, renewable for one year in very exceptional cases, if the circumstances so require. The programme also grants an entitlement to financial support for a maximum period of 12 months to allow subsistence in the Spanish territory. As fundamental requirements for inclusion in the programme, funding for the stay must be guaranteed (either by the Office of Human Rights or by the / the applicant organizations), (and) the human rights defender must be accompanied by an NGO in Spain.

From 1995 to present, more than 230 human rights defenders at risk have benefited directly orindirectly from this programme of protection and temporary shelter for human rights defenders.

Spain considers advisable that the treaty bodies have good knowledge of similar good practices to find urgent solutions to cases of reprisals reported to the various treaty bodies.