

gressional action. The latter is provided through the Congressional Standing Constitutional Committee and the Standing Petitions Committee which may examine individual or collective petitions received by Congress. The Standing Petitions Committee may decide to refer a petition to the People's Advocate, the Congressional committee dealing with the issue concerned and/or the Senate; it may also refer a case to Government, the courts, the Office of the Public Prosecutor or the relevant public administration. The International Covenant on Civil and Political Rights has been fully incorporated into internal legislation. Spain has also ratified the European Convention on Human Rights as well as the European Convention against Torture.

### **Economic, Social and Cultural Rights**

Signed: 28 September 1976; ratified: 27 April 1977.  
Spain's fourth periodic report is due 30 June 1999.

### **Civil and Political Rights**

Signed: 28 September 1976; ratified: 27 April 1977.  
Spain's fifth periodic report is due 28 April 1999.

*Reservations and Declarations:* Declaration under article 41.

**Optional Protocol:** Acceded: 25 January 1985.

*Reservations and Declarations:* Paragraph 2 of article 5.

**Second Optional Protocol:** Signed: 23 February 1990; ratified: 11 April 1991.

*Reservations and Declarations:* Article 2.

### **Racial Discrimination**

Acceded: 13 September 1968.

Spain's 14th and 15th periodic reports were submitted as one document (CERD/C/338/Add.6) which is not yet scheduled for consideration by the Committee; the sixteenth periodic report is due 4 January 2000.

*Reservations and Declarations:* Article 22.

### **Discrimination against Women**

Signed: 17 July 1980; ratified: 5 July 1984.

Spain's third periodic report (CEDAW/C/ESP/3) has been submitted and is pending for consideration at the Committee's June 1999 session; the fourth periodic report was due 4 February 1997.

*Reservations and Declarations:* General reservation.

### **Torture**

Signed: 4 February 1985; ratified: 21 October 1987.

Spain's fourth periodic report is due 19 November 2000.  
*Reservations and Declarations:* Declaration under articles 21 and 22.

### **Rights of the Child**

Signed: 26 January 1990; ratified: 6 December 1990.

Spain's second periodic report was due 4 January 1998.  
*Reservations and Declarations:* Paragraph (d) of article 21; paragraphs 2 and 3 of article 38.

## **THEMATIC REPORTS**

### **Mechanisms of the Commission on Human Rights**

**Independence of judges and lawyers, Special Rapporteur on the:** (E/CN.4/1998/39, paras. 17, 19, 157–159)

In November 1997, the Special Rapporteur (SR) transmitted to the government a case related to the trial of the Executive Board of the political party Herri Batasuna. Information indicated that some members of the government made statements to the press that could affect the independence of the court, including a statement by the Minister of the Interior expressing the opinion that the members of the Executive Board should receive prison sentences of more than eight years. The SR also noted that the newspaper *El Mundo* published an article reporting that, according to a source from the Ministry of the Interior, it was expected that two of the three magistrates composing the court would be in favour of the conviction while the other one had not shown a clear position.

In its reply, the government stated that the information was not correct. The government asserted that the comment attributed to the Minister of the Interior had been taken out of context and was incomplete, noting that the full statement was "we are all morally certain that they should be sent to prison not for eight years but for many more. The crux of the issue is that moral certainty is not sufficient; what is needed is legal certainty". The government noted that the information published in *El Mundo* referred to "some sources", which did not include the Ministry or the Executive and, further, that the article was "guarded and cautious" and stated that "everything depended on what happens during the actual trial".

The SR noted the clarification with regard to the Minister's statement, and cautioned that it could be construed as an attempt by the Executive branch to influence the court on the sentence it will expect.

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1998/68, paras. 14, 17, 36, 39, 57, 68; E/CN.4/1998/68/Add.1, paras. 365–367)

The Special Rapporteur (SR) transmitted complaints to the government related to the deaths of a woman after being hit in the stomach by a rubber bullet fired by an officer of Ertaintza (Autonomous Basque Police), and of a man whose body was found, with a bullet hole in the chest, near the district of Itsaspe, Itziar, Guipúzcoa.

With regard to the first case, the government informed the SR that the criminal proceedings were dismissed after it was determined by the court that there was no connection between the rubber bullet wound and the death of Rosa Zarra Marín. The report notes, however, that according to the investigations conducted by the Autonomous Basque Police, and reported to the Institutions and Interior Commission of the Basque Parliament,