

The note by the Secretary-General refers to information provided by the government which states that San Marino does not have internal legislation specifically aimed at combatting terrorism and no incident of a terrorist nature has taken place on its national soil.

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## SPAIN

**Date of admission to UN:** 14 December 1955.

### TREATIES AND REPORTS TO TREATY BODIES

**Land and People:** Spain has submitted a core document (HRI/CORE/1/Add.2/Rev.2) for use by the treaty bodies. The report prepared by the government contains information on the main demographic, economic and social indicators as well as the general political structure — the King, the legislative, executive and judicial powers — and the general legal framework for the protection of human rights.

The civil and political rights recognized internationally through the International Covenant on Civil and Political Rights are mirrored in the Constitution. Rights are subject to legislative guarantee, judicial protection and Congressional 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 14<sup>th</sup> periodic report was due 4 January 1996.  
*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 January 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.

Spain's third periodic report (CAT/C/34/Add.7) was considered by the Committee at its November 1997 session. The report prepared by the government notes that the scope of the definition of torture contained in article 1 of the Convention is reflected in the new Penal Code which was enacted in November 1995. The report contains information related to: a visit to Spain in 1991 by the European Committee for the Prevention of Torture (CPT) and the report subsequently issued; legislative and judicial measures related to prevention; abolition of the death penalty; asylum and refugee status; education regarding human rights and the prohibition of torture; the development of a detention register; conduct of investigations into allegations of torture; admissibility of evidence in courts; and, judicial proceedings concerning torture.

The Committee's concluding observations and comments (CAT/C/SP) were not available in English when this report went to press.

#### **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*

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60, para. 79)

In comments on the death penalty, the Special Rapporteur welcomed the fact that, on 28 November 1995, the government removed the death penalty from the Military Penal Code.

**Sale of children, child prostitution, child pornography, Special Rapporteur on the:** (E/CN.4/1997/95, para. 49)

The report refers to information provided by the government stating that in recent years there have been some prosecutions of child prostitution and that networks involved in the corruption of minors have been dismantled.

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 447-453)

The main report refers to information received indicating that the way in which forensic physicians carried out examinations of detainees was sometimes irregular. It was reported that these examinations were frequently superficial, did not take due account of the individual's physical and mental condition, and were not always carried out in private, that is, without the presence of police officers. The information also stated that cases had occurred in which these physicians' reports had contradicted reports prepared by other physicians whom the detainees had consulted on their own initiative.

Two new cases were transmitted to the government. The first concerned a Portuguese citizen of Mozambican origin residing legally in Spain, who was reportedly arrested in