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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 8 September 2017 from the Permanent Mission of Spain to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Spain to the United Nations, with reference to the candidature of Spain to the Human Rights Council for the period 2018-2020 in the elections to be held during the seventy-second session of the General Assembly, has the honour to transmit herewith the voluntary pledges and commitments of Spain regarding the promotion and protection of human rights (see annex), pursuant to General Assembly resolution [60/251](#).

The Permanent Mission would be grateful if the present note and its annex could be circulated as a document of the General Assembly under item 115 (d) of the provisional agenda.

* [A/72/150](#).



Annex to the note verbale dated 8 September 2017 from the Permanent Mission of Spain to the United Nations addressed to the President of the General Assembly

Candidature of Spain to the Human Rights Council, 2018-2020

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

1. Spain is firmly committed to promoting and protecting human rights. Its legal system provides enhanced protection for fundamental rights and freedoms, which are interpreted in accordance with the Universal Declaration of Human Rights and the relevant international treaties and agreements ratified by Spain. Such human rights treaties and the Charter of Fundamental Rights of the European Union are part of domestic law and supplement the various rights and freedoms set out in the Spanish Constitution.
2. Freedom, justice and peace are built on respect for the dignity and inalienable rights of all human beings. Spain wishes to contribute, both in its national capacity and as a member of the European Union, to making the world a freer, fairer and more peaceful place. Defending human rights is, therefore, a priority of its international action.
3. Human rights are universal, indivisible and interdependent. No one should be persecuted or discriminated against on the grounds of race, ethnicity, gender, sexual orientation, gender identity, disability, age, religion or belief.
4. Spain has assumed far-reaching human rights obligations. We are a party to eight major international treaties and 10 optional protocols. Spain has accepted the competence of the treaty bodies to receive individual communications in relation to all of the human rights treaties to which it is a party. The human rights policy framework must be strengthened to ensure that human rights are protected and promoted. Spain is up to date with its obligation to submit periodic reports to the various treaty bodies. Spain urges all States to ratify the international human rights treaties.
5. Spain has extended an open and standing invitation to all of the special procedures of the Human Rights Council. Spain responds promptly to communications sent by the special rapporteurs and follows up on the recommendations made following their visits.
6. Spain has consistently supported the work of the special procedures, in particular the mandates of the Special Rapporteur on the human rights to safe drinking water and sanitation, the Special Rapporteur on the rights of persons with disabilities and, more recently, the Special Rapporteur on violence against women, its causes and consequences.
7. Spain submitted its second universal periodic review in January 2015. It received 189 recommendations, of which 169 have been accepted. Spain views the universal periodic review as a fundamental mechanism, the key pillars of which are universality and dialogue.
8. In coordination with its European partners, Spain is committed to driving forward the intergovernmental negotiations of the global compact for safe, orderly and regular migration and the global compact on refugees, which are expected to conclude in 2018. The negotiations are an opportunity to address a challenge that requires cooperation among countries of origin, transit and destination and a comprehensive approach that includes protecting human rights, addressing the root

causes of migrant and refugee flows, such as poverty, conflict and systematic mass violations of human rights, and combating human trafficking and smuggling.

9. Spain has been working actively to prevent and combat trafficking in persons for the purpose of organ removal and organ trafficking, and has championed a number of initiatives intended to strengthen and promote effective action and international cooperation in this area.

10. Spain continues to develop its framework for the protection and promotion of human rights. In July 2017, the first National Plan on Business and Human Rights and the second National Plan on Women, Peace and Security were approved. Spain will continue to strengthen its domestic policy framework in line with its international obligations and commitments with a view to ensuring coherent policy implementation on the ground. Spain is constantly working to improve internal coordination in order to meet its human rights obligations.

11. The Ombudsman (Defensor del Pueblo) acts as a fundamental institutional safeguard for human rights. The Office of Ombudsman is in effect the national human rights institution and is tasked with carrying out the functions of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which came into force in Spain in 2006.

12. Spain believes that civil society has an essential and indispensable role to play in defending and protecting human rights, particularly the work carried out by human rights defenders. Their voices need to be adequately heard in the work of the Human Rights Council.

13. Defending human rights is a fundamental principle of Spanish foreign policy. While Spain strives to improve respect for human rights in all places and circumstances, it is also aware that some degree of pragmatism is needed to advance the promotion and protection of human rights. Spain is committed to participating in the Human Rights Council in the same spirit of dialogue as it did during its recent term on the Security Council in the 2015-2016 biennium. Spain will listen to all countries with a view to advancing human rights. Human rights will continue to be a feature of our bilateral relations and a fundamental point of reference for Spanish development cooperation policy.

14. The fight against impunity for genocide, war crimes and crimes against humanity is a key element of the conflict resolution process. Spain is a party to the Rome Statute of the International Criminal Court and is firmly committed, both financially and politically, to the Court, as evidenced by its efforts to promote the integrity of and universal adherence to the Rome Statute.

15. In the light of the above, Spain is pleased to present its commitments in the following four key areas for action.

Equal human rights for all

16. In order to realize human rights, it is extremely important to protect individuals against all types of discrimination, including extreme forms such as violence. Human rights derive from the dignity and worth of the human person and are, therefore, the same for all. We must strive for the full enjoyment of human rights by all.

17. Spain maintains a firm and active stance in the fight against racism, xenophobia and related forms of intolerance. Up to now, we have been actively involved in the many initiatives and mechanisms launched at various international

conferences to combat racism. For instance, we contributed constructively to the process that led to the Durban Declaration and Programme of Action against racism, racial discrimination, xenophobia and other forms of intolerance and the declaration of the International Decade for People of African Descent (2015-2024), during which Spain is promoting a number of initiatives. At the national level, in 2011 the Government of Spain approved the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance. In addition, in accordance with the recommendations of various international bodies and the European Union, Spain has strengthened the criminal prosecution of hate crimes, discrimination and incitement to hatred or violence against groups or individuals motivated, among others reasons, by racism or antisemitism or based on religion, ethnicity, race or nationality. At the preventive level, we attach particular importance to raising awareness among young people and schoolchildren about online hate speech and mobilizing them to address it.

18. Spain firmly believes in the importance of intercultural dialogue for preventing and resolving conflicts. Accordingly, it is one of the sponsors of the United Nations Alliance of Civilizations, which is intended to promote understanding and tolerance based on respect for human rights and contribute to conflict prevention.

19. The principle of non-discrimination is at the root of the struggle for gender equality, the protection of women's rights and the empowerment of women. At the national level, Spain has an advanced policy framework with initiatives such as the Strategic Plan for Equality of Opportunities. Women have a key role to play in building peace and promoting development, which is why Spain is pushing for women to participate fully as agents of peace in all stages of conflict, through the promotion of the women, peace and security agenda.

20. On the grounds that sexual orientation and gender identity are entirely private matters, we promote the decriminalization of consensual relations between adults at the global level. Spain has begun work on a national strategy on the rights of lesbian, gay, bisexual, transsexual and intersex persons. In recent years, Spain has taken action to uphold the equal rights of lesbian, gay, bisexual, transsexual and intersex persons in various multilateral forums, such as supporting the mandate of the new Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, endorsing the fundamental principles of the Equal Rights Coalition and joining the LGBT Core Group.

21. Spain views the promotion and protection of the rights of persons with disabilities as a human rights priority, both domestically and abroad. Spanish legislation is among the most advanced in the area of disability and integration rights, and the Government of Spain has launched a number of specific initiatives within European and international frameworks. Spain was one of the first 10 countries to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It participated actively in the negotiation processes and was the first State to submit its periodic report to the Committee on the Rights of Persons with Disabilities. Spain promotes collaboration with representative organizations in line with article 4 of the Convention, backs the call for "Nothing about us without us" and facilitates the empowerment of such organizations by providing financial support and increasing the channels for participation.

Democracy and rule of law

22. Human rights, the rule of law and democracy are interrelated and mutually reinforcing. Participation in public affairs is the most visible expression of a democratic regime and is itself recognized as a human right. The existence of an

effective democracy also depends on the establishment and maintenance of a complex framework of rights and freedoms, under which every individual can develop freely. Indeed, the framework should be built on various values, in particular respect for human rights, which should occupy a central place.

23. The right of association, the right of assembly, freedom of expression and the right to information are among the fundamental components of the democratic system. Similarly, a robust civil society is an essential element of a functioning democracy. In this connection, we wish to acknowledge the role of human rights defenders and pay tribute to their bravery, which they are forced to display all too often. The programme for human rights defenders, which is intended to facilitate the temporary reception in Spain of human rights defenders who are under threat or in a high-risk situation as a result of their non-violent efforts to defend universally recognized human rights, is a model in this area.

24. Spain remains firmly opposed to the death penalty and has made abolishing capital punishment one of its foreign policy priorities in the field of human rights. Spain opposes the death penalty in all cases and under all circumstances, regardless of the gravity of the crime, because it believes the death penalty is a cruel, inhuman and degrading form of punishment that has irreparable consequences in the event of a judicial error and does not deter criminal behaviour. As a demonstration of its commitment to abolishing the death penalty, in 2010 Spain helped to establish the International Commission against the Death Penalty, which is based in Madrid and is intended to be a unique instrument in the fight against the death penalty.

Sustainable development

25. The Vienna Declaration and Programme of Action put an end to the artificial distinction between economic, social and cultural rights and civil and political rights by establishing that all of those rights are interdependent and interrelated. Spain has been working hard to promote economic, social and cultural rights, among others, as a member of the Group of Friends of the Optional Protocol to the International Convention on Economic, Social and Cultural Rights.

26. Spain has been one of the international leaders in the promotion of the recognition of the human rights to safe drinking water and sanitation as essential components of the right to an adequate standard of living. The General Assembly adopted by consensus resolution [70/169](#), which establishes their existence as two distinct but interrelated rights. Human Rights Council resolution 33/10 recalls the devastating impact that the lack of access to drinking water and sanitation has on gender equality and the human rights of women and girls, including their right to education, and on their physical safety.

27. With regard to the matter of business and human rights, at the multilateral level Spain has supported the consensual way forward initiated by the adoption of Human Rights Council resolution 17/4, by which the Council endorsed the Guiding Principles on Business and Human Rights. At the national level, the National Business and Human Rights Action Plan was adopted on 28 July 2017. The Action Plan reflects the commitment of Spain to prevent business activities from infringing human rights in any way and to provide any victims with an effective remedy.

28. The 2030 Agenda for Sustainable Development is State policy in Spain. The Sustainable Development Goals provide an appropriate framework for reducing inequalities. The new sustainable development agenda is relevant to human rights, both economic, social and cultural rights, and civil and political rights. Spain is implementing a high-level governmental mechanism to incorporate the Goals into all of its national public policies, international action and development cooperation

in a determined and coherent manner. It will provide an update on its progress at the high-level political forum on sustainable development in July 2018.

Dialogue, cooperation and efficiency

29. Cooperation between States, international and regional organizations and civil society is critical to the promotion and protection of human rights. Spain considers that it would be appropriate to establish channels for collaboration and dialogue with civil society organizations with a view to including their contributions in human rights initiatives.

30. Spain considers the dialogue and cooperation on which the work of the Human Rights Council is based to be the appropriate means for preventing human rights violations. Spain will maintain open communication with States members and non-members of the Council in addressing issues of relevance through a generous and transparent information policy.

31. Spain is firmly convinced of the need for an effective multilateral system for the protection and promotion of human rights. Spain has contributed constructively to the effective functioning of the Human Rights Council since it was first established, plays an active role in its sessions and is convinced that the Council should continue to give attention to the most serious situations of human rights violations in specific countries. It considers that the Council should enhance its role in prevention and in helping States members to fulfil their commitments, and that it should make use of all of the mechanisms that have been made available to it.

32. Given that prevention also includes early warning and early action, it is necessary to enhance the channels of communications between the Human Rights Council and the Security Council. During its term as a member of the Security Council (2015-2016), Spain actively defended the practice of the Security Council giving the necessary attention to human rights issues, as respect for human rights is a prerequisite for peace. It also emphasized the importance of prevention and of combating impunity in cases of human rights violations, promoted the inclusion of human-rights language in mandates during the mandate negotiation process, contributed to the work on children and armed conflict and on women, peace and security, which both have a clear human rights component, contributed to the human rights components of peace operations and supported the practice of the United Nations High Commissioner for Human Rights and the Under-Secretary-General for Human Rights reporting regularly to the Security Council. Spain initiated the first Security Council meeting on the responsibility to protect, which encourages prevention and early warning, in the conviction that large-scale, systematic human rights violations, which are themselves unacceptable, can also lead to genocide, war crimes, ethnic cleansing and crimes against humanity.

33. Spain is of the view that a multilateral system that is not fully universal is undemocratic, as it restricts the basic right to participation in the common responsibility to promote the purposes of the Charter of the United Nations. Such a system cannot be effective. Spain contributes to the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, as it is convinced that the legitimacy of the United Nations would be seriously undermined if some countries struggled to participate adequately in its work.

34. Spain is fully committed to the mandate and independence of the United Nations High Commissioner for Human Rights and his Office.

Commitments

35. As a candidate for election to the Human Rights Council for the period 2018-2020, Spain makes the following voluntary commitments:

(a) At the national level, Spain commits to continuing its work to consolidate solid democratic institutions, guarantee the right to equal, effective participation in political life and public affairs for all citizens and strengthen the democratic rule of law. At the international level, Spain will continue to support and participate in electoral observation missions and, through its development cooperation policy, to provide political, technical and financial support for the establishment and strengthening of institutions that make up democratic regimes.

(b) In the context of its bilateral and multilateral external relations, Spain will maintain its firm opposition to the death penalty and will pursue its universal abolition and, as an intermediate step, the establishment of moratoriums on its use. It will focus its efforts on ensuring respect for minimum international standards, including the prohibition of the application of the death penalty to minors and persons with intellectual disabilities, the reduction in the number and types of offences for which the death penalty may be applied and the guarantee of a fair trial. Spain will continue to provide political and financial support for the activities of the International Commission against the Death Penalty.

(c) Spain will maintain its commitment to victims of terrorism and advocate for the recognition of the role they can play in the international arena.

(d) Spain will continue to promote concrete action to help eliminate all forms of discrimination, hate and intolerance and will revise its comprehensive strategy against racism, racial discrimination, xenophobia and related intolerance in 2018 in order to address needs that have arisen as a result of social changes. The revised strategy will also include assessment indicators.

(e) Spain commits to continuing to work towards fully mainstreaming a gender perspective as a cross-cutting element of all of the work of the Human Rights Council, promoting coordination between the Human Rights Council and the Committee on the Elimination of Discrimination against Women and promoting collaboration between the Council and other United Nations bodies, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

(f) Spain will continue to actively support multilateral initiatives to combat discrimination on the grounds of sexual orientation and gender identity and will continue to promote equal rights for lesbian, gay, bisexual, transgender and intersex persons.

(g) Spain will continue to further the full realization of the rights of persons with disabilities through an inclusive and participatory approach. In that connection, it will promote the ratification and implementation of the 2006 Convention on the Rights of Persons with Disabilities and support the work of the Office of the Special Rapporteur on the rights of persons with disabilities.

(h) Spain will continue to promote the protection of human rights defenders and to support the work of the Special Rapporteur on the situation of human rights defenders on countering impunity, combating the criminalization of human rights defenders and enhancing strategies to legitimize the activities of those persons.

(i) Spain will continue its work on the promotion and protection of economic, social and cultural rights. It commits to continuing its efforts to promote respect for the human rights to safe drinking water and sanitation, and to

contributing to the effective realization of those rights through its development cooperation policy, in particular through its Cooperation Fund for Water and Sanitation.

(j) Spain commits to implementing its National Business and Human Rights Action Plan through the establishment of the monitoring commission envisaged in the document and the implementation of the measures it sets out to put each of the Guiding Principles into effect.

(k) Spain commits to making the 2030 Agenda for Sustainable Development a priority by placing it at the heart of its national and international public policies and working, along with all other countries, to bring about the reforms necessary for its effective implementation.

(l) The Fifth Master Plan for Spanish Cooperation will take a human-rights based approach and pay particular attention to gender equality, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, people of African descent and the rights of indigenous peoples. With regard to indigenous peoples, the work being done under the indigenous programme of the Spanish Agency for International Development Cooperation will continue.

(m) Spain commits to continuing to promote international initiatives such as the Summit of Religious Leaders for Peace in the Middle East in order to promote tolerance, peaceful coexistence and interreligious dialogue as a means of combating incitement to hatred, radicalization and extremism.

(n) With regard to the third universal periodic review cycle, which began in 2017, Spain will continue to participate actively in the reviews and intends to support the initiatives undertaken to ensure their consolidation and effectiveness in practice by, inter alia, establishing national mechanisms for follow-up on the recommendations, which it will take into account in bilateral dialogues with other countries and in regional dialogues.

(o) Spain will continue its work in pursuit of agreements through effective dialogue on human rights in the context of the Human Rights Council, with a view to enhancing the capacity of Member States to fulfil their human rights obligations and ensure their cooperation with the mechanisms of the Council.

(p) Spain will continue to work to strengthen the Human Rights Council and will contribute to the consideration of how best to enhance the Council's prevention role and cooperation with States in order to increase its effectiveness in the protection and defence of human rights.

(q) Spain will continue to support the participation of civil society organizations in the sessions of the Human Rights Council and the relevant collaboration mechanisms established by States.

(r) Spain will continue to support the work of the special procedures and encourage all States to accept the country visit mechanism and cooperate with rapporteurs, experts and working groups.

(s) Spain commits to continuing to support the Office of the United Nations High Commissioner for Human Rights, as a voluntary donor, and to ensuring that the Office's independence is respected and defended.