



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
49TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE KINGDOM OF SPAIN
FOR THE 49TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Status of Human Rights in Spain for the 49th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Kingdom of Spain (Spain) for the 49th session of the Universal Periodic Review (UPR).

Background

2. Spain is a country located in southwestern Europe and has a population of approximately 48.7 million people.¹ The population is predominantly Christian, with approximately 86.7% people identifying as Christian, 10.3% as nonreligious, and 2.8% as Muslim.²

3. Spain's last review was held on January 22, 2020.³ As a result of the review, Spain received 275 recommendations, 252 of which it supported.⁴ Since its review, Spain passed a law legalizing euthanasia, making it the fourth country in Europe to do so.⁵ On the issue of human trafficking, twenty member states made recommendations, all supported by Spain. It was recommended by Sweden that the government “[t]ake measures to prevent and combat human trafficking and sexual exploitation, including by reducing demand and ensuring legislation that enables a systematic prosecution of these offences.”⁶ No recommendations were made regarding religious freedom.

¹ Joseph F. O’Callaghan & Catherine Delano Smith, *Spain*, BRITANNICA (July 9, 2024), <https://www.britannica.com/place/Spain>.

² *Spain: Major World Religions (1900-2050)* (World Religion Database, 2020), THE ASSOCIATION OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=208c> (last visited Oct. 8, 2024).

³ *Universal Periodic Review – Spain*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/es-index> (last visited Oct. 8, 2024).

⁴ *Infographic – Spain*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/ES/Spain_Infographic_35.pdf (last visited Oct. 8, 2024).

⁵ *Spain Passes Law Allowing Euthanasia*, BBC (Mar. 18, 2021), <https://www.bbc.com/news/world-europe-56446631>.

⁶ OHCHR, UPR of Spain (3rd Cycle – 35th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/ES/UPR35_Spain_Recommendations_E.docx (last visited Oct. 8, 2024).

Legal Framework

Euthanasia

4. Chapter 2 sec. 15 of Spain’s Constitution guarantees that “[e]veryone has the right to life and to physical and moral integrity”⁷ Despite guaranteeing this right, in 2021, Spain legalized euthanasia.⁸

5. In order to be euthanized, the person must be of legal age and “[s]uffer a serious and incurable illness or a serious, chronic and impossible condition under the terms set out in this Law, certified by the responsible physician.”⁹ The law defines this as a “disease which by its nature causes constant and unbearable physical or psychic suffering without the possibility of relief which the person considers tolerable, with a limited life prognosis, in a context of progressive fragility.”¹⁰ Once an individual has submitted an application to be euthanized, a physician is then responsible for verifying that all qualifications are met, and the physician meets with the patient to discuss all options, including “therapeutic possibilities and expected results, as well as possible palliative care.”¹¹

6. Moreover, Spain is a party to the International Covenant on Civil and Political Rights (ICCPR).¹² Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹³

7. Spain is also a party to the Convention on the Rights of Persons with Disabilities (CRPD).¹⁴ Article 10 of the CRPD requires that “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”¹⁵

Human Trafficking

8. Under section 35 of Spain’s Constitution:

All Spaniards have the duty to work and the right to work, to the free choice of profession or trade, to advancement through work, and to a sufficient remuneration for the satisfaction of their needs and those of their families.¹⁶

⁷ CONSTITUTION OF SPAIN ch. 2 § 15, https://www.constituteproject.org/constitution/Spain_2011 (last visited Oct. 8, 2024).

⁸ *Spain Passes Law Allowing Euthanasia*, *supra* note 5.

⁹ Bill No. 46-7 on the Organic Law to Regulate Euthanasia art. 5, <https://wfrtds.org/wp-content/uploads/2021/03/Spain-law-EN.pdf>.

¹⁰ *Id.* art. 3.

¹¹ *Id.* art. 8.

¹² *Status for Spain*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=163&Lang=EN (last visited Oct. 8, 2024).

¹³ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹⁴ *Status for Spain*, *supra* note 12.

¹⁵ Convention on the Rights of Persons with Disabilities at. 10, *adopted* Dec. 13, 2006, 2515 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

¹⁶ CONSTITUTION OF SPAIN § 35, *supra* note 7.

9. Article 177 bis. of the Penal Code of Spain criminalizes human trafficking:
1. Whoever, using violence, intimidation or deceit, or abusing a situation of superiority or need, or the vulnerability of a national or alien victim, were to induce, transport, transfer, receive or house such a victim for any of the purposes described below, within Spain, from Spain, in transit or with destination therein, shall be convicted of human trafficking and punished with the penalty of five to eight years imprisonment:
 - a) Imposing on the victim forced work or services, slavery or practices similar to slavery or servitude or begging;
 - b) Sexual exploitation, including pornography;
 - c) Extraction of their bodily organs.¹⁷
10. Moreover, according to Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁸
11. Spain is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁹ Under Article 9 sec. 1 of this Protocol:
1. States Parties shall establish comprehensive policies, programmes and other measures:
 - (a) To prevent and combat trafficking in persons; and
 - (b) To protect victims of trafficking in persons, especially women and children, from revictimization.²⁰

Euthanasia

12. Since Spain’s last UPR, the government has legalized euthanasia.²¹ In 2022, the first full year euthanasia was legal in Spain, 295 people were killed by euthanasia.²² A doctor and activist for *Derecho a Morir Dignamente* (Right to Die with Dignity) shared that “[t]he number of people will grow because this option of dying will become normali[z]ed.”²³ Tragically, they

¹⁷ CRIMINAL CODE OF SPAIN art. 177 bis, <https://antislaverylaw.ac.uk/country/spain/>.

¹⁸ ICCPR art. 8, *supra* note 13.

¹⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18 (last visited Oct. 8, 2024).

²⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing Against Transnational Organized Crime, art. 9 § 1, *adopted* Nov. 15, 2000, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

²¹ *Spain Passes Law Allowing Euthanasia*, *supra* note 5.

²² *Twenty People a Month Resort to Euthanasia in Spain*, SUR IN ENGLISH (June 23, 2023), <https://www.surinenglish.com/spain/twenty-people-month-resort-euthanasia-spain-20230623184747-nt.html>.

²³ *Id.*

were right. In 2023, reports indicated that there were 727 requests to be euthanized.²⁴ Of these requests, 323 were approved and carried out.²⁵

13. The number of people killed by euthanasia will only continue to grow year after year. This trend can be seen when examining euthanasia rates in other countries. When Canada legalized euthanasia in 2016, 1,018 people were euthanized in the first year.²⁶ Just five years later, the number skyrocketed to a staggering 10,064 people.²⁷ In 2007, the number of people euthanized in the Netherlands was 2,000.²⁸ However, in 2022, 8,720 people were euthanized and accounted for 5.1% of all registered deaths in the country that year.²⁹

14. UN human rights experts have expressed their concern over the trend of legalizing euthanasia.³⁰ They noted:

These assumptions, which are grounded in ableism and associated stereotypes, have been decisively rejected by the Convention on the Rights of Persons with Disabilities. Disability is not a burden or a deficit of the person. It is a universal aspect of the human condition.

Under no circumstance should the law provide that it could be a well-reasoned decision for a person with a disabling condition who is not dying to terminate their life with the support of the State.³¹

15. The practice of allowing euthanasia is in itself a flagrant violation of Article 6 of the ICCPR and Article 10 of the CRPD, both of which require States Parties to respect and protect the lives of all people, without exception. States have an obligation to protect their citizens and not allow them to be intentionally killed by a third person.

Human Trafficking

16. Spain primarily serves as a destination and transit country for victims of human trafficking.³² Between 2017 and 2022, the government identified 1,687 victims of human trafficking, the majority of whom were sexually trafficked.³³ While the majority of victims are trafficked for sexual exploitation, there has been an increase in the number of victims trafficked

²⁴ Celeste López, *Bureaucracy Greatly Delays the Application of Euthanasia in Spain*, LAVANGUARDIA (June 26, 2024), <https://www.lavanguardia.com/mediterranean/20240626/9760775/euthanasia-bureaucratic-delays-health-law-spain-death-dignity.html>.

²⁵ *Id.*

²⁶ Wesley J. Smith, *10,000+ Canadian Euthanasia Killings in 2021*, NATIONAL REVIEW (Aug. 3, 2022), <https://www.nationalreview.com/corner/10000-canadian-euthanasia-killings-in-2021/>.

²⁷ *Id.*

²⁸ *Rise in Euthanasia Requests Sparks Concern as Criteria for Help Widen*, DUTCH NEWS (July 3, 2015), <https://www.dutchnews.nl/2015/07/rise-in-euthanasia-requests-sparks-concern-as-criteria-for-help-widen/>.

²⁹ Isabel Ferrer, *Requests for Couples Euthanasia Rise in the Netherlands*, EL PAÍS (Feb. 15, 2024), <https://english.elpais.com/international/2024-02-15/requests-for-couples-euthanasia-rise-in-the-netherlands.html>.

³⁰ *Disability is not a Reason to Sanction Medically Assisted Dying – UN Experts*, OHCHR (Jan. 25, 2021), <https://www.ohchr.org/en/press-releases/2021/01/disability-not-reason-sanction-medically-assisted-dying-un-experts>.

³¹ *Id.*

³² GRETA, EVALUATION REPORT SPAIN 5 (June 12, 2023), <https://rm.coe.int/greta-evaluation-report-on-spain-3rd-evaluation-round-greta-2023-10-ac/1680ab8d0f>.

³³ *Id.*

for forced labor.³⁴ In 2017, the government identified fifty-eight victims of labor trafficking and in 2022, eighty-nine victims of labor trafficking were identified.³⁵ Below, we have highlighted some of the work Spanish authorities have done to arrest human traffickers and rescue victims.

17. On May 24, 2024, the Spanish National Police uncovered and arrested five suspects from a criminal group involved in sex trafficking.³⁶ The suspects utilized social media platforms to lure victims from Ukraine and Belarus with false promises of work and financial support.³⁷ Once the victims arrived in Spain, they were forced to work in a prostitution club.³⁸ During the arrests, police also rescued fifteen victims.³⁹

18. In April 2024, Spanish authorities rescued forty-six human trafficking victims and arrested twelve suspected human traffickers.⁴⁰ The traffickers lured their victims from Colombia to Spain with false promises of money and internships in hospitality business.⁴¹ However, the victims were forced to work fifteen-hour days and only earned €20.⁴² The restaurants where the victims were forced to work were also shut down.⁴³

19. In February 2024, police arrested fifteen human traffickers and rescued twenty-one victims in Seville.⁴⁴ The victims were trafficked from Moldova and Romania.⁴⁵ They were deprived of food and water and were forced to work long days.⁴⁶ The victims were exploited for forced labor in the agricultural sector and had been falsely promised good working conditions and well-paying jobs.⁴⁷

20. In July 2023, Spanish and Romanian authorities worked together to stop a criminal network that was trafficking young women from Romania to Spain and forced into prostitution.⁴⁸ The traffickers lured their victims in Romania by seducing them and promising them good jobs.⁴⁹ However, once the victims arrived in Spain, they were threatened with

³⁴ *Id.* at 9.

³⁵ *Id.*

³⁶ *5 Arrests for Sexual Exploitation of Ukrainian Refugees in Spain*, EUROPOL (June 21, 2024), <https://www.europol.europa.eu/media-press/newsroom/news/5-arrests-for-sexual-exploitation-of-ukrainian-refugees-in-spain>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Dozens Freed as Spanish Police Bust Human Trafficking Ring They Say Exploited Colombians*, YAHOO NEWS (Apr. 19, 2024), https://uk.news.yahoo.com/dozens-freed-spanish-police-bust-115052919.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xILmNvbS8&guce_referrer_sig=AQAAAMBj10ptRYfymh6okZ5P6aXXAF4TDpfYqNEOVrqbzLj16gsMqn2pTqC_iUcYcg19x2vjP2ZM1Lto-Ak3nFVskLbwhIRYtNBkF1CnxRpBxJ8Dkjt66Eb_jyUfxJrfaPjtZSRd6zE4MxBTSAkp4DIXzGaNLFezuaZs ywpWEwmoh2.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Spanish Authorities Arrest Human Trafficking Ring, Freeing 21 Victims*, EURO NEWS (Feb. 22, 2024), <https://www.euronews.com/2024/02/22/spanish-authorities-arrest-human-trafficking-ring-freeing-21-victims>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Prolific Love: Fourteen Young Victims of “Lover Boys” Saved in Spain*, EUROPOL (Dec. 13, 2023), <https://www.europol.europa.eu/media-press/newsroom/news/prolific-love-fourteen-young-victims-of-lover-boys-saved-in-spain>.

⁴⁹ *Id.*

violence to work as street prostitutes.⁵⁰ Authorities identified ten suspects and more than twenty-five victims.⁵¹

21. In June 2023, authorities arrested four individuals for trafficking women and forcing them into prostitution.⁵² The victims were from South America and were offered money and employment.⁵³ However, once the women agreed, they were enslaved at brothels and forced to provide sexual services twenty-four hours a day.⁵⁴ Additionally, they were not permitted to refuse clients and were punished for unsatisfactory work.⁵⁵

22. While Spain has done a commendable job combatting human trafficking as shown by the few examples above, there are still things Spain can do, and is doing, to strengthen further its ability to combat human trafficking. To address the shortcomings, the government has proposed a new law on human trafficking that focuses on providing victims with greater protections to help them escape and get the assistance they need.⁵⁶ One critical aspect of this new law is the creation of a National Referral Mechanism (NRM).⁵⁷ Creating a NRM is critical to protecting victims of human trafficking because it establishes formal procedures for identifying victims of human trafficking, even in cases where there is not sufficient evidence to initiate criminal proceedings.⁵⁸ Currently, victim identification is the responsibility of the police and is usually tied to criminal proceedings.⁵⁹

Recommendations

23. Spain must reform its law to make euthanasia illegal. Spain has an obligation to protect all human life, not just life that is deemed to be healthy. Permitting euthanasia will only lead to the deaths of hundreds of people who are considered to be too sick or ill to live. Spain must protect and value all human life.

24. We are encouraged by the work Spain has done to combat human trafficking. We ask that Spain continue its efforts as well as strengthen them by passing the proposed law on human trafficking. This law must be passed and implemented so that the authorities are better equipped to identify victims of human trafficking and get them the help they need.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Lisa Zeffertt, *Sex-Trafficking Ring Busted in Madrid*, EURO WEEKLY NEWS (July 11, 2023), <https://euroweeklynews.com/2023/07/11/sex-trafficking-ring-busted-in-madrid/>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *The Government of Spain Takes a Comprehensive Approach to the Fight Against Human Trafficking and Exploitation*, LA MONCLOA (Nov. 29, 2022),

https://www.lamoncloa.gob.es/lang/en/gobierno/councilministers/Paginas/2022/20221129_council.aspx.

⁵⁷ *Id.*

⁵⁸ GRETA Publishes its Third Report on Spain, COUNCIL OF EUROPE (June 12, 2023),

<https://www.coe.int/en/web/anti-human-trafficking/-/spain-urged-to-guarantee-compensation-to-victims-of-human-trafficking-and-to-step-up-investigations-of-trafficking-for-labour-exploitation-1>.

⁵⁹ GRETA, EVALUATION REPORT SPAIN, *supra* note 32 at 9.