

HRC29: Statement on the UPR of Spain

24 June 2015

Statement by the Women's International League for Peace and Freedom (WILPF) on the adoption of the UPR report on Spain

WILPF welcomes the UPR report on the review of Spain and in particular the recommendations in relation to gender-based violence, truth, justice and reparations and trafficking.

However, we regret that members of the Working group are still not addressing the extraterritorial obligations of states. We would like to point out in particular two areas of extraterritorial obligations: due diligence towards the activities of transnational companies based in Spain and arms exports.

Impact of Spanish Transnational companies on human rights: Due Diligence

In recent years Spanish companies have focused a great part of their efforts on internationalisation, which has translated into a search for new markets abroad, but also on the delocalisation of a large part of its production.

This internationalisation effort has been accompanied by the Spanish government, which dedicated a large portion of its foreign policy on the promotion of Spanish companies abroad.

However, many human rights organisations have expressed their great concern regarding the responsibility that different Spanish companies have had in serious violations of the human rights of female workers. For instance, the local companies that supply products to Spanish companies, especially in the textile and food sectors, have maintained practices such as 72-hour work-weeks, failure to provide legal contracts to working women, or placing restrictions on their freedom of movement, as is the case with Eastman Exports Global Clothing, which supplies Spanish companies such as Cortefiel, El Corte Inglés and Inditex.^[1] Practices of underpay are also used.^[2]

Spain should condition its political and financial support to companies to full guarantees that they will respect the working rights of the women workers that participate in the production and supply chains of Spanish companies. The companies that do not offer guarantees or sufficient transparency should not receive political or financial support.

The Government should expediently approve its Plan on Business and Human Rights and explicitly demand full compliance with human rights by Companies in accordance with the UNHCHR's Governing Principles on Companies and Human Rights.

Member States should contribute positively to the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights as established by Resolution 26/9 of the Council on Human Rights^[3].

Extraterritorial obligations of States to ensure the prevention of human rights violations by transnational companies has been referred to many times in this Council and extraterritorial application of human rights obligations for transnational companies is increasingly recognised by human rights bodies, such as by CEDAW Committee in its General Recommendation 28 (para 36).

Nevertheless, no recommendations were made in this sense during the review. We encourage member states to take into account extra-territorial obligations and due diligence in the future.

Arms exports

Arms exports have serious consequences on the rights and the safety of people in countries where the weapons end up.

Spanish arms exports have grown exponentially in the last decade as part of a policy of promotion for these types of sales by the Spanish Government. As for small and light weapons, Spain ranks 11th among major exporters.^[4]

More than a third of Spanish arms exports between the 2004-2013 period were made to countries in the Middle East.^[5] In the years before the uprisings, Spain authorized arms sales to Libya, including cluster bombs -delivered months before the Spanish Government's accession to the international ban on cluster munitions (2008) – that the regime used to stifle rebellion.^[6]

In addition, Spain has authorized arms sales of less than 20mm calibre ammunition and hunting weapons, among other elements to countries with serious situations of violence, including high rates of femicide, such as Brazil, with an average of 15 murders of women every day^[7]-, and Guatemala -the country with the third highest rate of femicide in the world^[8]– settings with a high prevalence of various forms of violence against women, as in the case of Egypt -among them sexual harassment, domestic violence, honour crimes and abuses by State agents^[9]– and with serious violations to the rights of women, such as Saudi Arabia.

Recently, the cancellation of arms sales from Sweden to Saudi Arabia -putting an end to a decade of military cooperation- amid human rights violations in this country, particularly against women, has emerged as a benchmark for the type of measures that can be taken when the protection of human rights at the heart of political decision stands.^[10]

Arms sales in these and other cases would violate therefore the provisions contained in the Spanish Law on Arms Trade (53/2007) ^[11] The Arms Trade Treaty (ATT), and the criteria defined by the EU Common Position (2008/944/CFSP) for the control of military exports ^[12].

The Arms Trade Treaty, adopted in 2013 acknowledges the link between gender-based violence and the international arms trade in a legally binding document for the first time. Further, in its 24th session, the Human Rights Council dealt with arms trade through the adoption of a resolution on the impact of arms transfer on human rights in conflict. This marks a crucial step towards acknowledging the relevance of disarmament in securing human rights in general and those of women in particular.

Despite these important milestones towards acknowledging the impact of arms on human rights, member states very rare recommendations on these areas have been issued so far through the UPR mechanism and even though one recommendation on arms export control was made during the first review of Spain by Slovenia, none has been made this session.

We encourage member states to be consistent in the future with their previous efforts and to bear in mind the multiple factors causing gender-based violence and human rights violations, including arms trade, and to issue recommendations in this sense.

[1] Overeem, P., M. Theuvs y N. Coninck, Captured by Cotton. Exploited Dalit girls produce garments in India for European and US markets, SOMO-Centre for Research on Multinational Corporations, LIW/ ICN– India Committee of the Netherlands y Campaign Against Sumangali Scheme, 2011.

[2] Anna McMullen et. Al. Dignified Salaries. Is the salary paid by brands to people making our clothes sufficient to get by on? Clean Clothes Campaign, Setem, March 2014.

[3] http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/9

[4] According to Small Arms Survey Transparency Barometer, which in 2014 examined 55 countries. Amnesty International Fundipau, Greenpeace, Intermón-Oxfam, Killing Secrets?, April 29, 2015.

[5] Centre Delàs d'Estudis per la Pau, Exportacions Espanyoles d'Armament 2004-2013: El govern promou exportacions il·licites d'armament?, Informe num.24, julio de 2014.

[6] Amnesty International, Arms Transfers to the Middle East and North Africa: Lesson for an Effective Arms Trade Treaty, AI, 19 de octubre de 2011

[7] UN Women, "In Brazil, new law on femicide to offer greater protection, UN Women News, 16 de marzo de 2015, <http://www.unwomen.org/en/news/stories/2015/3/in-brazil-new-law-on-femicide-to-offer-greater-protection>.

[8] Small Arms Survey, Femicide: A Global Problem, Research Note 14, febrero de 2012, <http://www.smallarmssurvey.org/about-us/highlights/highlight-rn14.html>

[\[9\]](#) Amnesty International, 'Circles of hell': Domestic, public and state violence against women in Egypt, AI, January 21, 2015.

10 Escola de Cultura de Pau, Género y Paz, número 5, abril de 2015.

[\[11\]](#) Boletín Oficial del Estado, Ley 53/2007 sobre el control del comercio exterior de material de defensa y de doble uso, BOE-A-2007-22437, 29 de diciembre de 2007.

[\[12\]](#) Diario Oficial de la UE, Posición Común 2008/944/PESC del Consejo por la que se definen las normas comunes que rigen el control de las exportaciones de tecnología y equipos militares, 8 de diciembre de 2008.