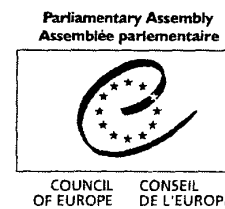


**Parliamentary Assembly
Assemblée parlementaire**



For debate in the Standing Committee — see Rule 15 of the Rules of Procedure

Doc. 10737
4 November 2005

Need for international condemnation of the Franco regime

Report
Political Affairs Committee
Rapporteur: Mr Brincat, Malta, Socialist Group

Summary

There is an ongoing public debate on the crimes committed during the Franco dictatorship in Spain and the full account of human rights abuses from that period has not yet been completed.

Whilst recommending a number of measures aimed at speeding up the process, the Parliamentary Assembly stresses that the violation of human rights is never an internal matter of any single country and the Council of Europe is well placed for a serious discussion on the subject at the international level. Furthermore, it calls on the Committee of Ministers to adopt an official declaration for the international condemnation of the Franco regime and to mark 18 July 2006 as the official day of condemnation of the Franco regime.

I. Draft recommendation

1. The Parliamentary Assembly strongly condemns the extensive and wide-ranging human rights abuses committed by the Franco regime in Spain from 1939 to 1975.
2. There is still an ongoing debate underway in Spain to draw up a full account of the Franco dictatorship's crimes which was launched in the 1980s and which has been further intensified under the present administration.
3. Initiatives started in the early 1980s, aimed at the withdrawal from public places of symbols of the Franco dictatorship including statues, names of streets and some colleges named after Franco and his generals, have been quite successful.
4. The Assembly hopes that the present debate in Spain will result in a thorough and in-depth examination and assessment of the Franco regime's actions and crimes. In particular, the Assembly looks forward to the results of the work of the Interministerial Commission for the Examination of the situation of Victims of Civil War and the Franco Regime, established in October 2004.
5. At the same time, the Assembly underlines that the violation of human rights is not an internal matter of a single country and therefore the international community is as much concerned as the Spaniards themselves.
6. The awareness of history is one of the preconditions for avoiding similar mistakes in the future. Furthermore, moral assessment and condemnation of committed crimes plays an important role in the education of young generations.
7. The Assembly stresses that the Council of Europe is well placed for a serious discussion on the subject. In accordance with its fundamental principles it should condemn the crimes and violation of human rights under the Franco regime at international level.
8. The Assembly therefore calls on the Committee of Ministers to:
 - 8.1. adopt an official declaration for the international condemnation of the Franco regime and to mark 18 July 2006 as the official day of condemnation of the Franco regime as it marks the 70th anniversary of the beginning of the Spanish civil war and Franco's overthrow of the Government;
 - 8.2. urge the Spanish Government to:
 - 8.2.1. set up a national committee to inquire into violations of human rights committed under the Franco regime which would submit its report to the Council of Europe;
 - 8.2.2. continue to make available to all historians and researchers all civilian and military archives which may contain documents that can contribute to establishing the truth regarding repression;
 - 8.2.3. set up a permanent exhibition in the underground basilica at the Valley of the Fallen outside Madrid – where Franco is buried – explaining the way it was built by the republican prisoners;
 - 8.2.4. encourage local authorities to erect memorials as a tribute to the victims of the Franco regime in the capital of Spain and in other major Spanish cities.

II. Explanatory memorandum, by Mr Brincat

INTRODUCTION

1. On 3 November 2004, the Spanish Parliament approved a motion calling for the withdrawal from public places of hundreds of symbols of the Franco dictatorship displayed around the country and including statues, streets, colleges and roads named after Franco and his generals.

2. Four months later, in the middle of the night and under the pretext of road construction, a statue of Franco was lifted from one of Madrid's central squares. Although the operation was kept secret, some 100 supporters of Franco attempted to prevent the removal of the statue. This incident well illustrates the controversy related to the assessment of Spain's recent history.

3. The issue of the Franco regime only recently has become subject to serious in-depth public debate in Spain. Increasingly there have been public demands for examination and a full account of the dictatorship's actions, and in particular its crimes. The calls for the opening of mass graves containing the bodies of the victims of Franco's death squads are a new element of a public discussion.

4. The government of Mr Zapatero has undertaken measures like, for example, introduction of indemnities for the victims of the Franco regime. In October 2004, an Interministerial Commission on the Examination of the Situation of Victims of the Civil War and Franco Regime was established. There is a good ground for serious examination and account of the crimes of the Franco regime.

5. The international community is as much concerned as Spain itself. The protection of human rights is one of the basic universal values. The violation of human rights is not an internal matter of a single country. The awareness of history is one of the preconditions to avoid similar mistakes in the future. Furthermore, moral assessment and condemnation of committed crimes play an important role in the education of young generations. The Council of Europe is well placed to serve as a forum for a serious discussion on the subject at international level.

6. The main purpose of this report is to analyze Franco's disturbing human rights record, and to initiate the process of condemnation of the crimes committed on his behalf, at international level.

7. The Rapporteur would like to express his gratitude for the support, co-operation and assistance during the preparation of this report from such eminent historians and researchers as Prof. Helen Graham from the Contemporary Spanish History Department at the Royal Holloway University of London, Professor Paul Preston, biographer of Franco, and Dr. David Wingeate Pike author of *Spaniards in German Camps*.

HISTORICAL BACKGROUND

8. Francisco Franco Bahamonde known as *Generalísimo* Francisco Franco (1892-1975), was the Spanish military leader who rose to power during the Spanish Civil War (1936-39) and went on to rule Spain as dictator for nearly forty years from 1939 to 1975.

9. In the first decades of the 20th century, Spain went through a series of major economic, political and social crises. Movements for regional autonomy had emerged in the Basque Country and Catalonia, and were seriously undermining the authority of the central government in Madrid. Social unrests and strikes linked to poverty, bad working conditions and an obsolete economic system were common both in the cities and in the countryside.

10. The inability of the constitutional monarchy headed by King Alfonso XIII to accept social and political reform precipitated its collapse in 1931 leading to the establishment of the Second Republic.
11. The republic's first coalition government of left-wing parties enraged conservatives, including Franco, who by that time had become the youngest general in Europe following his appointment in 1926, at the age of 34. Soon after they came into power, the Republicans launched an ambitious reform to reorganise Spain's military, to which many officers were hostile. As early as in 1931, a group of officers began plotting to overthrow the republic.
12. The republic's failure to satisfy much of the popular expectation it had created, and the fragmentation of the left-wing parties permitted a strong right-wing government to gain power in 1933. The social tension continued resulting in an uprising of miners in Asturias, in 1934, crushed by the troops led by Franco who was subsequently promoted to the top post in the army, chief of the general staff.
13. The left-wing and republican parties presented a common front (the so-called Popular Front) in the tense elections of spring 1936 and won a narrow victory. Although the administration that emerged from the elections was often portrayed as a left-wing administration it was made up entirely of liberal republican politicians and had no socialist, still less communist representation.
14. In the wake of the Civil War, the country was plunged in chaos: strikes were frequent, violence was rife, radicalisation of the situation was underway. According to official sources, during this period 330 people were assassinated and 1511 wounded in politically related violence. Records show 213 failed assassination attempts, 113 strikes, and the destruction of 160 religious buildings.
15. Although for some time Franco refused to involve himself in any anti-government conspiracies, by the summer of 1936 he had aligned himself with a group of right-wing military conspirators who were becoming increasingly anxious to overthrow the government. He committed himself to the military rebellion just before its outbreak, when he was convinced of its success, and from the start he had assumed a central role in uprising.
16. The coup which broke out in July 1936 failed in many large cities and the situation quickly deteriorated into the Spanish Civil War.
17. Spain was divided into two hostile camps. On one side stood a collection of anti-republican military and civilian groups, which soon became known as Nationalists. They included the fascists of the Falange, monarchists, nationalists and mainly the conservatives. The Nationalist groups were united in the belief that the traditionally defined Spanish society they supported was being threatened by the policies of the Second Republic. They were also convinced that the military should take the lead in overthrowing the Republic and replacing it with a strong authoritarian government.
18. They were opposed by the Republicans, some of whom were loyal defenders of the republic while others were left-wing revolutionaries. Although the revolutionaries were in many respects at odds with the other Republican groups, they supported them in the struggle against the rebellion.
19. The nationalist army was supported by troops from the Nazi Germany (Legion Condor) and Fascist Italy (Corpo truppe volontarie). Salazar's Portugal also openly assisted the Nationalists from the very start. At the same time the Republicans were supported by the International Brigades composed of volunteers from many countries organised and directed by the Komintern.

20. At the end of September 1936 a provisional ruling military junta chose Franco as the Generalissimo (commander in chief) of the Nationalists' army. Even more important was Franco's appointment as el Caudillo (the leader), the new head of the Spanish state. Thus Franco became not only the leader of the army's command structure but also supreme ruler of Nationalist Spain.

21. On 1 April 1939, shortly after the conquest of Madrid, Franco formally proclaimed his triumph although guerrilla resistance to Franco continued into the late 1940s.

22. Up to half a million people are estimated to have been killed during the conflict. The population was further depleted as between 250,000 and 500,000 republican refugees streamed out of the country to find safety abroad. Spain was economically ruined and its infrastructure was completely destroyed.

MAIN FEATURES OF FRANCO DICTATORSHIP

23. Even in the early stages of the civil war Franco set about constructing a new type of authoritarian state which he intended to rule after the war's end. This system was later called the Nuevo Estado (New State). Franco based the political, economic and social structures of his regime on fascism and corporatist ideas.

24. Fascism required unquestioning loyalty to the state and in particular, to Franco as Spain's leader. Corporatism promoted a close collaboration between employers and workers under the direction of the state. Corporatist policies aimed to regulate the economy by controlling conditions of work, wages, prices, production and exchange.

25. One of his first steps towards building the Nuevo Estado was to issue the Decree of Unification in 1937. This decree gave Franco supreme authority by abolishing right-wing political parties and merging all Nationalists into one party under his control, the Falange Espanola Tradicionalista de las JONS (FET).

26. His next step was to forcibly consolidate all trade union groups allied with Nationalists into one large organisation, the Organizacion Sindical Espanola (Spanish Trade Union Organisation, OSE) that was completely subordinated to the FET. This was a corporatist policy Franco believed would help create the basis for a harmonious relationship between employers and employees.

27. He legalised his rule through a constitutional process by passing a series of so-called Organic Laws of the State between 1938 and 1967. These laws further defined Franco's powers to control every aspect of Spanish politics, economy and society. In effect, Franco resisted all pressures for democratisation, hiding behind a series of pseudo-constitutional laws, which permitted him to claim that he ran a unique kind of constitutional state.

28. Of all the Organic Laws, the 1947 Law of Succession had the most far-reaching consequences for the future of Franco's political system. The law formally declared the Spanish state a monarchy. This was not an effort to revive the liberal constitutional monarchy that had existed before 1931, but rather, was meant to be a new monarchy that Franco would rule until his death or incapacity. The law also asserted Franco's power to name his successor.

29. Citizens' basic rights and freedoms like freedom of speech or association had been totally suppressed. Criticism was regarded as a crime, political parties were outlawed and universal suffrage was eliminated. The FET was made the country's only legal political organisation and the parliament was turned into a puppet of the regime.

30. Artists and intellectuals were either forced into exile or silenced by censorship. The influence of the official ideology was perceptible in education programmes including school books. The influence of the Franco regime, at the time of the dictatorship, on school curricular and school text book contents was very strong and used as part of an intensive brain washing exercise. Republican Trade Unions were destroyed and their funds and property confiscated. Former supporters of the Popular Front were banned from entering public life.
31. Franco enforced a policy of repression against all those who, in Franco's opinion, represented a potential threat to the new regime. Thousands of former Republicans were summarily shot or sent to prison while countless others suffered various forms of political and economic punishments.
32. The Roman Catholic Church's active support gave the Nuevo Estado legitimacy in the eyes of many Spaniards.
33. The outbreak of World War II in September 1939 presented Franco with another set of challenges. The most pressing among them was whether Spain should enter the conflict on the side of the Axis Powers, which included Germany, Italy and Japan. He openly sympathised with fascist principles and acknowledged the enormous debt owed to Mussolini's Italy and Hitler's Germany for having supplied the Nationalists with financial and military assistance throughout Spain's civil war. Franco, however, was equally aware of his own regime's precarious state. In view of this, he decided to adopt a policy of neutrality.
34. Although in June 1940 Franco announced his intention to draw closer to the Axis powers, Franco remained on friendly terms with both Hitler and Mussolini even though Hitler found Franco's conditions for participation, which included both security needs and colonial acquisitions in French-held zones of North Africa, to be too costly.
35. Once the war shifted in favour of the Allied Powers in mid-1943, Franco became increasingly attentive to allied pressures to secure Spain's neutrality. Even so, Franco continued to export raw materials to Germany, and he did not abandon hope of a German victory until defeat was certain in 1944.
36. By avoiding direct involvement in World War II, Franco spared Spain the wide-scale death and destruction suffered by most of Europe. Yet Franco's relationship with the fascist regimes, as well as his regime's antidemocratic nature, left Spain out of step with the rest of Western Europe in the post-war period.
37. Branded as an outcast by the international community, Franco's Spain became politically and economically isolated in the following years.
38. Franco resisted both foreign and domestic pressures to democratise Spain, mainly because he resolved to legitimise his rule under law.
39. During the 1950s Spain entered a new era in its relations with Western democracies, as those nations began to view Franco's pro-Catholic and fiercely anti-Communist regime in a more positive way. This change was brought about by the Cold War, the ideological and military rivalry between Western democracies and Communist countries led by the USSR.
40. In 1953 Franco concluded a treaty with the United States, known as the Pacts of Madrid, which provided the US access to several Spanish military and naval bases in exchange for military and economic assistance. This agreement made Spain an important member of the anti-Communist bloc in Western Europe.
41. In 1955 Spain acquired formal recognition as a member of the international community when it was officially admitted into the United Nations (UN).

42. Spain's gradual reintegration into the international community helped stabilise Franco's dictatorship. Throughout the 1950s, Franco worked to preserve the authoritarian system that he had presided over since the civil war, continuing to rely on the military, the Church and politically influential right-wing families.

43. Although his position as ruler was more secure than ever, Franco maintained control of Spanish society by suppressing all signs of regionalism, liberal politics, and left-wing trade unionism.

44. However, by the end of the 1950s major cracks in Franco's authoritarian system began to appear. An expanding circle of opposition groups – including progressive elements in the Catholic Church, student organisations, and clandestine worker associations – challenged Franco's rule. Deteriorating economic conditions prompted much of the opposition. After years of attempts at self-sufficiency, the Spanish economy was on the point of bankruptcy.

45. An economic turnaround in the mid-1960s, which brought increased prosperity to Franco's middle-class supporters, seemed to breathe new life into his rule. However, Franco was still under international and domestic pressure to lead Spain in a more democratic direction. In response, Franco issued an Organic Law in 1967 that limited the powers and functions of his position and that of his successor.

46. However, he also retained absolute veto power, which meant he could overrule any reforms that threatened to undermine his authority.

47. Therefore the law of 1967 resulted in only superficial changes designed to improve Spain's image abroad and give the Spanish people the perception that Spain was moving toward democracy. His popularity, however, continued to decline because of his delays in modernising the underlying political and social structures of his regimes.

48. Franco who had suffered for years from Parkinson's disease and other illnesses, died in November 1975. He left Spain's future in the hands of the new head of state, King Juan Carlos I. Although he had been carefully groomed as Franco's successor, Juan Carlos began working with politicians and labour groups to bring about Spain's relatively smooth transition to democracy.

49. King Juan Carlos I began to dismantle the authoritarian institutions of Franco's regime and encouraged the revival of political parties. Within three years of Franco's death Spain had become a fully democratic constitutional monarchy.

ACCOUNT OF THE FRANCO REGIME CRIMES

50. Franco's leadership ended the political bickering and social turmoil that had troubled Spain throughout the early 20th century. He also helped to lay the foundations for Spain's economic modernisation by moving the country toward partnership with other European nations.

51. On the other hand, Franco's human rights record remains deeply disturbing. He not only exacted harsh retribution against his opponents, but he also created a political system that denied individual rights and freedoms to most Spaniards.

52. During the civil war the horrors of the military repression which started in Seville and the rest of Western Andalusia in 1936 were gradually extended to the rest of Spain as Franco captured even more territory.

53. The total number of casualties is disputed: estimates generally suggest that between 500 000 and 1 million people were killed. Many of these deaths, however, were results not of military fighting but the outcome of brutal mass executions perpetrated by both sides.

54. In the early days of the war, over 50 000 people who were caught on the "wrong" side of the lines were assassinated or summarily executed. The numbers were probably comparable on both sides of the lines. The victims were taken from their refuges or jails. Probably the most famous of these was the poet and dramatist Federico Garcia Lorca.

55. The Spanish Civil War was an example of total war, where the bombing of the Basque town of Guernica by the Legion Condor, as depicted by Pablo Picasso in his famous picture, foreshadowed the most tragic episodes of World War II.

56. Particular cruelty was carried out against women in the name of the Francoist concept of redemption – rape, confiscation of goods, and execution because of the behaviour of a son or husband.

57. Immediately after the end of military hostilities of the civil war the victorious Franco regime imposed martial law throughout Spain. One of its main characteristics was a system of summary military justice on regime's 'opponents' who were widely interpreted as anyone who had served voluntarily in the Republican army or indeed anyone who had expressed support of the republic. By subjecting all those deemed political opponents to trials before a military tribunal until as late as 1962 (and in some cases thereafter) the Franco regime effectively stripped defendants of all meaningful guarantees and rights to a legal defence.

58. In consequence, trials of political detainees very often resulted in death sentences (massively imposed in 1940s), or long imprisonments of 20 to 30 years for a sole "crime" of being republican.

59. Furthermore, many political detainees in the 1940s were never in fact brought before a court of any kind. Thousands of people were held for years in administrative detention without any judicial intervention. The official Francoist figures which are certainly underestimated account for 62 000 people in administrative detention in 1940-41.

60. During the 1940s in Spain there was a huge political prisoner population. According to official figures which historians generally consider as underestimated, in the first half of the decade it reached 300,000 out of a population of 25.9 million. For comparison, the entire national prison population in pre-civil war Spain in January 1936 amounted to 34,526. The number of prisoners per 100 000 inhabitants in 1940 was nearly as high as a corresponding figure in Nazi Germany (respectively 1158 and 1614).

61. Appalling conditions of arrest and detention in prisons which systematically included hunger, massive overcrowding and epidemic diseases, constituted a flagrant violation of human rights.

62. The brutality of the police and systematic torture were the norm resulting from the lack of accountability and deliberate policies. The incidences of sexual abuse of female detainees held in police stations were common. As well as physical and psychological abuse by wardens. Techniques of physical and psychological control and 'moral surveillance' were specifically designed to break prisoners psychologically and to create new relations of dependence with the regime and the social order it had enshrined.

63. Systematic torture accounted for the large numbers of suicides in prison. It was not exceptional that the authorities would react by executing one of prisoner's relatives.

64. In 1944, a spokesman for Franco's Ministry of Justice admitted that a figure of over 190,000 prisoners had been executed or died in prison. Mass graves are one of the most horrendous legacies of the way in which Franco established power.

65. Military psychiatrists carried out experiments on prisoners in search of the 'red genes.' In 1938, International Brigades members were subjected to a bizarre set of physical and psychological tests in one of the first systematic attempts to put psychiatry to the service of ideology. It was only in recent years that information on Franco's chief psychiatrist, Dr. Antonio Vallejo Nagera's project to unravel the 'biopsyche of Marxist fanaticism' has finally come to light.

66. The appalling conditions of the Francoist prison regime are only now beginning to emerge through the testimony of prisoners.

67. Another legacy of the Franco regime was concentration camps and forced labour battalions where thousands of people including women and children were "re-educated". Republican prisoners became slave labourers. Twenty thousand worked to hew out of sheer rock the basilica known as the Valle de los Caídos (Valley of the Fallen), Franco's monument to his victory in the civil war. Republican labour battalions provided forced labour for mines, railway building and the reconstruction of the so-called regiones devastadas. They were also used by the army and hired out to private enterprises.

68. In 1953 the International Commission Against Concentration Camp regimes published a report whose findings were based on visits to a sample of prisons and labour camps across Spain as well as interviews with political prisoners held therein. Its findings on the systematic physical and psychological abuse of prisoners have been corroborated and much expanded upon by recent historical research, as well as further described in many memoirs written by male and female political prisoners of the Franco regime who suffered these abuses at first hand.

69. In order to decrease massive overcrowding in prisons, some prisoners were released before the end of their sentences. However, their social and political exclusion continued: they were either sent to work camps or placed under a disciplinary regime of 'provisional liberty'. This usually meant that they had to live away from home, often in a location determined by the regime where they would be supervised by the local police. Those subject to conditional liberty were only allowed to engage in manual labour and even this was difficult for them to find. Provisional liberty was thus intensely punitive in itself, making those subject to it even more vulnerable to exploitation by enforcing them to the margins of the labour market.

70. Violence against the defeated was not limited to prison, torture and execution but extended to the psychological humiliation and economic exploitation of the survivors. All those who had supported the republic were demonised as being 'anti-Spain'. Placed beyond the nation, they were deemed to be without rights.

71. Francoist legislation deprived identified Republican professionals of property and public employment. Their children were denied access to university.

72. Among the victims were the 'lost children' of Francoism. They were the babies and young children who after being removed from their imprisoned mothers, had their names changed so they could be adopted by regime families.

73. Many thousands of working class children were also sent to state institutions because the regime considered their own Republican families 'unfit' to raise them.

74. There were also cases of child refugees who were kidnapped from France by the regime's external 'repatriation' service and then placed in Francoist state institutions.

75. The Franco regime spoke of the 'protection of the minors'. But this idea of protection was integrally linked to punishment. The children had to actively expiate the 'sins of the fathers'. Yet, at the same time, they were repeatedly told that they too were irrecoverable. As such, they were frequently segregated from other classes of inmates in state institutions and mistreated both physically, mentally and in other ways.

76. Francoist repression depended for its success to a large extent on the complicity and collaboration of 'ordinary Spaniards.' Tens of thousands of people responded to the regime's enthusiastic encouragement – out of political conviction, social prejudice, opportunism or sheer fear. They denounced their neighbours, acquaintances and even family members – denunciations for which no corroboration was either sought or required.

77. The Catholic Church in Spain, in close alliance with the regime, collaborated in the exclusion of the defeated, with the priests denouncing their Republican parishioners to state tribunals. It also played a major role, providing staff for many different types of correctional facility – including, most notoriously, women's prisons and youth reformatories whose inmates have publicly denounced the physical and psychological abuse they suffered at the hands of religious personnel.

DISMANTLEMENT OF FRANCOISM

78. In 1965 the process of destruction of archives started. Only in 1985, ten years after Franco's death, did the Spanish government begin to take belated and hesitant action to protect the nation's archival resources. Amongst the losses during those crucial twenty years are the archives of the single party, the Falange, with its personnel files on hundreds of thousands of members. The archives of provincial police headquarters, of prisons and of the main Francoist local authority, the Civil Governors also disappeared.

79. Convoys of trucks removed the 'judicial' records of the repression. As well as the deliberate destruction of archives, there were 'inadvertent' losses when some town councils sold their archives by the ton as waste paper for recycling. Despite the losses during those crucial twenty years, enough has survived to allow for a reconstruction.

80. The return of democracy, Spain's transition, was agreed by the Francoist elites in return for a de facto political amnesty, based on the 'pact of silence'. No one would be called to account judicially, nor would there be anything equivalent to a Truth and Reconciliation Commission.

81. Only in the 1980s in Spain was the explosion of detailed empirical works of history that have minutely reconstructed the repression on a province by province basis. By the end of the 1990s about 60% have been researched to some degree. These ongoing works constitute the necessary memorialisation of the civil war and its long aftermath.

82. Most crucially it means the public recognition of all the stories that could not surface under the dictatorship, nor under the very special and precarious circumstances of the democratic transition in the late 1970s.

83. In recent years there has been an explosion of Republican memory with the creation of civil pressure groups, most notably the Association for the Recuperation of Historical Memory (ARMH).

84. It has petitioned for the exhumation from common graves, of the remains of those who had been extra judicially murdered by Franco's forces so they may be identified and reburied by family and friends.

85. Quite recently a Spanish victim of the Franco regime became the first victim of Spain's civil war to have his identity confirmed by a DNA test. This followed the exhumation of his grave in October 2000.

86. Since 2000 the Association has exhumed the remains of over 100 people. It has also many new digs pending in response to requests from the families of the disappeared who are estimated to number around 30,000. But these are hampered by lack of funds. The ARMH's work to date has depended on volunteers and on the financial contributions of the families. Sometimes local authorities have offered aid. But this is discretionary and certainly, no central government funds have been forthcoming.

87. A similar predicament faces surviving members of the slave labour battalions who want what was done to them to be publicly acknowledged before they die.

88. Although the long-term political prisoners of Francoism found that some of them were eligible for financial compensation under enabling legislation passed in 1990-92 by Spain's previous social democrat government, the conservative Partido Popular (PP) in government from March 1996 to March 2004 proved unresponsive and so the question of compensation has devolved to Spain's regional governments – where again the PP's representatives generally oppose such initiatives.

89. Financial cost is unlikely to be the main issue here since the number of surviving long-term political prisoners and slave labourers is now relatively few.

90. In 2001 Spain's Parliament pledged to wipe clean the criminal records of gays locked up by the former dictator Franco and to look at ways to compensate them for the years of torture and imprisonment. Thousands of homosexuals were jailed, put in camps or locked up in mental institutions under Franco's homophobic dictatorship. Some of them were even given electric shocks in these institutions. The Franco regime and its Falangist supporters considered homosexuals a threat to their ideal of a 'macho' Spanish male. Although the PP voted against an amendment that would have automatically given financial compensation to former gay prisoners, they agreed that a committee should study the matter.

CONCLUSIONS

91. There is sufficient evidence to prove that the human rights abuses under the Franco regime were extensive and wide-ranging. Genuine reckoning with the past cannot merely limit itself to removing symbols of the dictatorship. The in-depth examination and assessment must be followed by clear condemnation.

92. The Rapporteur feels that there should be no further undue delay in recommending that the Spanish authorities should offer all the necessary moral and financial support to the movement of associations and groups defending the need to recover the historical memory of the human rights abuses perpetrated at the time of this fascist regime;

93. The Council of Europe should establish a politically independent commission of experts with a task to collect and assess information about violations of human rights under the Franco dictatorship;

94. The Spanish government should be encouraged to set up a national commission to inquire into violations of human rights committed under the Franco dictatorship and submit a report with its findings to the Council of Europe;

95. The Spanish authorities should make available to all historians and researchers any public or private, civilian or military archives such as those of the state funded Franco Foundation as may contain documents that can contribute to establishing the truth regarding repression under Franco while disclosing all the fascist archives that are still inaccessible to the public;

96. The Spanish government should receive full support of the international community in locating and digging up what are believed to be the hundreds of mass graves of those killed by Franco's death squads in the 1930s

97. The Spanish government is to be encouraged to create a truth commission of historians; revise the way the civil war is taught in schools and consider setting up a permanent exhibition in the huge underground basilica at the Valley of the Fallen outside Madrid – where Franco is buried – explaining that it was built with the labour of republican prisoners

98. Spanish citizens who were victims of the Franco regime or their heirs and families are to be encouraged to give evidence before both commissions;

99. The Spanish institutions are to proceed to remove any monuments, street names, plaques and any other external signs that celebrate the Franco dictatorship and its most prominent repressors and coup supporters;

100. The Rapporteur proposes to recommend to the Committee of Ministers of the Council of Europe to adopt an official declaration for the international condemnation of the Franco regime and to promote the erection of one or more memorials as a tribute to the victims of the Franco regime in the capital of Spain and in other major cities.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Doc. 10078, Ref. 2926 of 02.03.04

Draft Recommendation unanimously adopted by the Committee on 04.10.05

Members of the Committee : Mr Abdülkadir **Ateş** (Président), Mr Dick Marty (Vice-Président), Mr Konstantin Kosachev (Vice-Président) (alternate: Mr Victor **Kolesnikov**), Mr Giuseppe Arzilli, Mr Claudio Azzolini, Mr Miroslav **Beneš**, Mr Radu-Mircea Berceanu, Mr Gerardo Bianco, Mr Haakon Blankenborg, Mr Giorgi Bokeria, Ms Beáta **Brestenká**, Mr Doros **Christodoulides**, Mrs Anna Čurdová, Mr Noel Davern, Mr Michel **Dreyfus-Schmidt**, Mr Adri **Duivesteijn**, Mrs Josette **Durrieu**, Mr Mikko **Elo**, Mr Joan Albert **Farré Santuré**, Mr Eduardo Ferro Rodrigues, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Daniel Goulet, Mr Andreas **Gross**, Mr Klaus-Jürgen Hedrich, Mr Jean-Pol Henry, Mr Joachim **Hörster**, Mr Ivan **Ivanovski**, Mr Tadeusz Iwiński, Mr Elmira Jahić (alternate: Mr Sead **Avdjić**), Mr Ljubiša Jovašević, Mr Ivan Kalezić, Mr Oleksandr Karpov, Mr Oskars **Kastēns**, Mr Petro Koçi, Mr Yuriy Kostenko, Mrs Darja **Lavtižar-Bebler**, Mr Göran **Lindblad**, Mr Younal Loutfi, Mr Mikhail Margelov, Mr Frano Matusić, Mr Evangelos Meimarakis, Mr Murat **Mercan**, Mr Jean-Claude Mignon (alternate: Mr Denis **Badré**), Mr Marko Mihkelson, Mrs Nadezhda Mikhailova, Mr João Bosco Mota Amaral, Mrs Natalia Narochitskaya, Mr Zsolt **Németh**, Mrs Carina Ohlsson (alternate: Mr Pär-Axel **Sahlberg**), Mr Boris **Oliylyk**, Mr Algirdas Paleckis, Mr Theodoros Pangalos, Mrs Sólveig Pétursdóttir, Mr Gordon Prentice, Mr Dumitru Prijmireanu, Mr Gabino Puche, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando (alternate: Mr Leo **Brincat**), Mr Umberto Ranieri (alternate: Mrs Tana **de Zulueta**), Mr Michael Roth, Lord Russell-Johnston, Mr Jan **Rzymelka**, Mr Peter **Schieder**, Mrs Juana Serna, Mr Adrian Severin, Mrs Hanne **Severinsen**, Mr Samad **Seyidov**, Mr Leonid Slutsky, Mr Michael Spindelegger, Mr Zoltán Szabó, Mr Mehmet **Tekelioğlu**, Lord **Tomlinson**, Mr Tigran **Torosyan**, Mrs Marianne Tritz (alternate: Mr Rudolf **Bindig**), Mr Vagif Vakilov (alternate: Mr Azim **Mollazade**), Mr Luc Van den Brande, Mr Varujan **Vosganian**, Mr Andrzej Wielowieyski, Mr David **Wilshire**, Mr Bart **van Winsen**, Mrs Renate Wohlwend, Mr Marco Zacchera,

Ex-officio: Mmr Mátyás Eörsi, Mats Einarsson,

N.B. : The names of the members who took part in the meeting are printed in bold

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner

