



CONFEDERACIÓN GENERAL DEL TRABAJO (CGT)

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## To the UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-repetition

The General Confederation of Labor (CGT), an anarcho-syndicalist organization of workers, established throughout the Spanish territory and with representation in all labor sectors, has learned that on April 30, its office has issued a report, warning about deficiencies and setbacks, in the bills that several autonomous coalition governments, between the Popular Party and Vox, intend to approve, rectifying essential aspects of the memory laws (Historical Memory Law 52/2007 and Democratic Memory Law 20/2022 of October 19, hereinafter LMH and LMD), and consequently, we transmit to you:

1º We support and welcome the issuance of this report, which warns of the real danger, in terms of obvious setbacks, due to a revisionism close to Franco's dictatorial regime. This report seeks the improvement of the existing regulations, in favor of the full moral and legal rehabilitation of the victims of Franco's regime and warns that any revision, for political and ideological reasons, would sabotage this process of memory and social justice in our country.

2º That, with the same objective, we want to denounce a serious anomaly present in the two laws of memory of state level reviewed (LMH and LMD), as there is a gap of temporal discrimination between victims of the dictatorship. And that if it persists in its current articles, it would violate the purpose of dignifying all people who suffered repression under Franco's regime.

3º This violation is in articles 7 and 10 of the MH Law of 2007 and has not been rectified in the successive Law of Democratic Memory of 2022, despite the fact that the latter considers, with forcefulness and clarity, *"victim to any person, regardless of nationality, who has suffered, individually or collectively, physical, moral or psychological harm, property damage, or substantial impairment of their fundamental rights, as a result of acts or omissions that constitute violations of international human rights law and international humanitarian law during the period covering the coup d'état of July 18, 1936, the subsequent War and the Dictatorship, including the period up to the entry into force of the Spanish Constitution of 1978"* (Title I, Article 3).

4º The discrimination to which we are referring, is substantiated in the economic reparation for the victims between 1968 and 1977, together with those of terrorist violence in the same period (Law 32/1999, of October 8), **thirteen times greater** than the amounts established for the victims of Franco's repression from 1939 to 1968. This discriminates and marginalizes precisely the anti-Francoist collective that fought for democracy in the hardest and most criminal years of the dictatorship, those immediately after the end of the civil war. *In our opinion, this fact also violates the "equality before the law, without any discrimination whatsoever", guaranteed by article 14 of the current Constitution.*

5º That specifically, the economic discrimination referred to is:

- **138,232** for victims of terrorism in the period 01/01/1968 to 12/31/1977 (Law 32/1999).
- **135,000** for victims of the dictatorship during the period 01/01/1968 to 31/12/1977 (LMH 52/2007, article 10).
- **9,616.18** for victims of the dictatorship during the period 01/04/1939 to 01/01/1968 (LMH 52/2007, article 7).

6º That this discrimination has been communicated in due time and form to the Ombudsman (document file number 23006680 is attached), who acknowledged receipt of the complaint and informed that the complaint was being forwarded to the Minister responsible for Democratic Memory.

7º That to date, CGT has not been aware of any measure to rectify this illegal discrimination, which establishes first class victims and second class victims in the laws of memory, without argument or reason, which is clearly unjustifiable.

Therefore, we request:

- Communicate and adopt the appropriate initiatives to urge the Spanish Government to put an end to this discrimination, rectifying the compensation to the victims, in a real and total equality degree. Discrimination, which if perpetuated, would deny the just reparation of the victims of Franco's repression proclaimed by both the Law of Historical Memory of 2007 and its continuation, the Law of Democratic Memory of 2022.
- Communicate to our union, the appropriate measures that may be taken, on the subject matter expressed in this communication.

Sincerely

By Confederación General del Trabajo

Miguel Fadrique Sanz  
General Secretary CGT

