

22296 LAW 52/2007, of December 26th, to recognise and broaden rights and to establish measures in favour of those who suffered persecution or violence during the Civil War and the Dictatorship.

JUAN CARLOS I REY DE ESPAÑA

To all those here present, be advised that Parliament has passed and I hereby give my approval to the following law:

...

Article 1. Objective of the Law.

1. This Law has as its objective the recognition and extension of rights in favour of those who suffered persecution or violence, for reasons of politics, ideology or for religious beliefs, during the Civil War or the Dictatorship, to promote their moral redress and the recovery of their personal and family memory, and to adopt complementary measures designed to suppress elements of division between citizens, all this with the object of fostering cohesion and solidarity between the various generations of Spaniards with respect to principles, values and constitutional liberties. ...

Article 2. General recognition.

1. As an expression of the right of all citizens to the moral redress and the restoration of their personal and family memory, all convictions, punishments or other forms of personal violence which took place for reasons of politics, ideology or religious belief, whether during the Civil War or during the Dictatorship, are recognised and declared to be completely unjust in nature.

2. The reasons referred to above include the membership of or collaboration with political parties, unions, religious or military organizations, ethnic minorities, secret societies, masonic lodges and resistance groups, as well as conduct connected with cultural or linguistic choices or those of sexual orientation.

3. Similarly, the injustice caused by the exile of many Spaniards during the Civil War and the Dictatorship is hereby recognised.

Article 3. Declaration of illegitimacy.

1. The courts, tribunals and other criminal or administrative organs of whatever nature which were constituted during the Civil War to impose penalties or punishments of a personal nature for reasons of politics, ideology or religious beliefs, are hereby declared illegitimate together with all their decisions. ...

Article 4. Declaration of redress and individual recognition.

1. The right to obtain a declaration of reparation and individual recognition is hereby acknowledged for those who during the Civil War and the Dictatorship suffered the effects of those decisions referred to in the preceding article.

...

Article 11. Co-operation between Public Administration offices and individuals to locate and identify victims.

1. Public administration offices, subject to their authority, will assist direct descendants of victims who request an inquiry in respect of, and the location and identification of, persons who disappeared violently during the civil war or the subsequent political repression and whose whereabouts are unknown. ...

Article 13. Administrative authorizations for activities of location and identification.

...

3. In all circumstances, the exhumation will be subject to the administrative authorization on the part of the competent authority which must take into consideration the existence of any opposition on the part of any of the direct descendants of the persons whose remains are to be moved. To this end, and prior to the corresponding decision, the competent authority must give adequate publicity to the petitions submitted, communicating the same in all cases to the General State Administration for its inclusion in the map referred to in paragraph 1 of the preceding article.

4. The remains of victims which have been moved and have not been claimed will be interred in the cemetery within the municipality where they were located.

Article 15. Symbols and public monuments.

1. The offices of Public Administration, in the exercise of their authority, shall take appropriate measures to withdraw all shields, insignia, plaques and other commemorative objects or references which extol, individually or collectively, the military uprising, the Civil War and the repression of the Dictatorship. These measures may include the withdrawal of public subsidies and support. ...

Article 16. Valley of the Fallen (Valle de los Caídos).

1. The Valley of the Fallen shall be governed strictly by laws of general application governing places of worship and public cemeteries.
2. In no part of the grounds can any acts be carried out which are political in nature or which tend to extol the Civil War, its protagonists or Francoism.

Article 20. Creation of a Documentary Centre of Historical Memory and General Archive of the Civil War.

1. In accordance with the provisions of Law 21/2005, of 17 November, a Documentary Centre of Historical Memory is established with headquarters in the city of Salamanca.

2. The functions of the Documentary Centre of Historical Memory shall be:

a) To maintain and develop the General Archive of the Spanish Civil War created by Royal Decree 426/1999, of 12 March. To this end, and by way of proceedings to be determined by regulation, into this Archive shall be integrated all original documents or reliable copies of the same, referring to the Civil War of 1936-1939 and the subsequent political repression situated in State-owned museums, libraries or archives, and these shall keep a digitalised copy of the said documents. In addition, the General State Administration shall proceed to compile the relevant oral testimonies relating to the said period of history which will also be sent to and integrated into the General Archive.

b) To recover, collect, organize and put at the disposition of interested parties, documentary resources and secondary sources which may be of interest for the study of the Civil War, the Franco dictatorship, the guerrilla resistance against it, the exile, the internment of Spaniards in concentration camps during the Second World War and the transition.

c) To promote historical investigation of the Civil War, Francoism, the exile and the Transition and to contribute to the dissemination of such findings.

d) To encourage the diffusion of the resources of the Centre and to facilitate the active participation of its users and their representative organizations.

e) To grant assistance to investigators, by means of awards and grants, to enable them to continue carrying out their academic work and investigation of the Civil War and the Dictatorship.

f) To collect and make accessible to interested parties information and documentation concerning similar events which have taken place in other countries. ...

Article 22. Right of access to the resources of public and private archives.

1. For the purposes of the provisions of this Law, the right of access to documentary resources held in public archives and the right to obtain any copies requested is hereby guaranteed. ...

Accordingly,

I command all Spanish individuals and Spanish authorities to comply with and ensure compliance with this Law.

Madrid, 26 December 2007.

JUAN CARLOS R.

President of the Government, JOSÉ LUIS RODRÍGUEZ ZAPATERO

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