

SPAIN 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Spain is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral parliament, the General Courts or National Assembly, consisting of the Congress of Deputies (lower house) and the Senate (upper house). The head of the largest political party or coalition usually is named to head the government as president of the Council of Ministers, the equivalent of prime minister. Observers considered national elections held in 2011 free and fair. Authorities maintained effective control over the security forces.

The most significant human rights problems during the year included mistreatment of asylum seekers by police, corruption by government officials, and violence against women and children.

Other problems included the circulation of anti-Semitic and other hate speech on the internet, sexual harassment, the trafficking of girls for sexual exploitation, acts of anti-Semitic vandalism, and societal discrimination and violence against Muslims and ethnic minorities including the Roma, and against lesbian, gay, bisexual, and transgender (LGBT) persons, and persons with disabilities.

The government generally took steps to prosecute officials, both in the security services and elsewhere in the government, who committed abuses. There were some instances where officials engaged in corruption and created the impression of impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Amnesty International and Human Rights Watch alleged that on February 6, the Civil Guard fired rubber projectiles, blanks, and tear gas at approximately 250 migrants, refugees, and asylum seekers attempting to swim across the border from Morocco into Ceuta and might have contributed to at least 14 drowning deaths. According to the Amnesty International report in July, *The Human Cost of Fortress Europe*, Minister of the Interior Jorge Fernandez Diaz confirmed the

week following the incident that antiriot equipment had been fired “to mark the border” and claimed it was used in such a way as to avoid hitting any of the persons who were in the sea. The Amnesty International report asserted that authorities made no effort to rescue those at risk of drowning.

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibit such practices, and the government normally respected this prohibition. There were reports of police mistreatment; courts dismissed some of the reports.

Prison and Detention Center Conditions

Prison and detention center conditions mostly met international standards.

Physical Conditions: At the end of August, 66,083 persons were in prison. During the year the capacity of the country’s 83 prisons was 76,851 persons. Women accounted for 7.6 percent of the prison population. No prisoner was under 18 years of age; 1.3 percent were under age 21 years. Convicted prisoners and pretrial detainees were held in separate facilities within the same prisons.

The 2013 report by the nongovernmental organization (NGO) Coordinator for the Prevention of Torture indicated that in 2013 a total of 47 persons died in police custody, including 29 in jail, seven in the custody of the National Police, four in the custody of the Civil Guard, two minors in youth detention centers, and one in the custody of the Catalan regional police.

Prisoners had access to potable water, sufficient food, and medical care in jails, prisons, and hospitals, as necessary.

Administration: Recordkeeping on prisoners was accurate. In many cases authorities offered alternative sentencing for nonviolent offenders, including expulsion from the country instead of jail time for nonviolent offenders from other countries. Prisoners can file complaints regarding mistreatment with the national

ombudsman, who investigates complaints but does not have authority to take corrective measures directly. Prisoners and detainees had reasonable access to visitors and could observe their religious practices. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhuman conditions and documented the results of such investigations in a publicly accessible manner. The government generally investigated and monitored prison and detention center conditions.

Independent Monitoring: The government generally permitted monitoring by independent nongovernmental observers, including the Coordinator for the Prevention of Torture, in accordance with their standard modalities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Police forces include the national police and the Civil Guard, both under the authority of the national Ministry of the Interior, as well as regional police under the authority of the Catalan and the Basque Country regional governments. Civilian authorities maintained effective control over all police forces and the Civil Guard, and the government generally has effective mechanisms to investigate and punish abuse and corruption. Although there were no reports of impunity involving the security forces during the year, in 2013 the Council of Europe's commissioner for human rights noted that judges frequently dismissed allegations of mistreatment by police and reportedly few investigations into mistreatment resulted in convictions. Police forces have put in place policies to increase accountability. For example, at the end of 2013 on the recommendation of the regional ombudsman, the Catalan government modified the uniforms of its riot police so that they are clearly numbered. All police forces operated effectively. There were isolated reports of corruption, which authorities handled promptly and with results.

Arrest Procedures and Treatment of Detainees

The law provides that police may apprehend suspects for probable cause or with a warrant based on sufficient evidence as determined by a judge. Authorities

generally informed detainees promptly of the charges against them, and the courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety. With certain exceptions police may not hold a suspect for more than 72 hours without a hearing. In certain rare instances involving acts of terrorism, the law allows authorities, with the authorization of a judge, to detain persons for up to five days prior to arraignment. The country has a functioning bail system. If a potential criminal sentence is less than three years, the judge can decide to impose bail or release the accused on his own recognizance. If the potential sentence is more than three years, the judge must set bail. The law provides detainees the right to consult a lawyer of their choice. If the detainee is indigent, the government appoints legal counsel. There were often lengthy delays, however, between the time a detained person first requested a lawyer and the time the lawyer arrived at the place of detention.

In certain rare instances involving acts of terrorism, a judge may order incommunicado or solitary detention for the entire duration of police custody. The law stipulates that terrorism suspects held incommunicado have the right to an attorney and medical care, but it allowed them neither to choose an attorney nor to see a physician of their choice. The court-appointed lawyer is present during police and judicial proceedings, but detainees do not have the right to confer in private with the lawyer. The government continued to conduct extensive video surveillance in detention facilities and interrogation rooms to deter mistreatment or any violations of prisoner rights.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them with free interpretation as necessary. Trials were held without undue delay. There is a nine-person jury system. Defendants have the right to be represented by an attorney of their choice. If the defendant is indigent, the government appoints an attorney. Defendants and their attorneys have adequate time and facilities to prepare a defense, have access to government-held evidence, confront witnesses, and present their witnesses and evidence. Defendants cannot

be compelled to testify or confess guilt and they have the right of appeal. These rights apply to all defendants without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR) after they exhaust all avenues of appeal in national courts.

Regional Human Rights Courts Decisions

The country is subject to the jurisdiction of the ECHR.

In October 2013 the ECHR ruled that the country must release and pay 30,000 euros (\$37,500) in compensation to Ines del Rio Prada, a member of Basque Fatherland and Liberty (ETA) convicted of taking part in 24 killings carried out by the Basque terrorist group. The money compensated the families of the persons killed by del Rio, a decision supported by the Committee of Ministers of the Council of Europe.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Speech: The law prohibits, subject to judicial oversight, actions including public speeches and the publication of documents that the government interprets as glorifying or supporting terrorism. The Office of the General Prosecutor reported that in 2013 there were 41 accusations and 55 sentences involving 103 persons, of whom 62 were found guilty. The law provides that persons who provoke discrimination, hatred, or violence against groups or associations for racist, anti-Semitic, or other references to ideology, religion or belief, family status, membership within an ethnic group or race, national origin, sex, sexual orientation, illness, or disability may be punished with imprisonment for one to three years.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction. In May Jewish organizations, including the Israeli Community of Barcelona, the Catalan Association of Friends of Israel, the Cultural Association of Friends of Israel, the Collectiu Israel a Catalunya (Israel's Collective in Catalonia), and the Foundation Baruch Spinoza, asked prosecutors to investigate 18,000 allegedly anti-Semitic insults against Jews and Israelis sent by Twitter following a May 18 basketball game between Israel's Maccabi Tel Aviv and Spain's Real Madrid. Authorities were investigating to establish the identity of the perpetrators and the location of the crimes.

Censorship or Content Restrictions: In June the Supreme Court confirmed the withdrawal of refugee status from Pakistani citizen Imran Firasat for his attacks against Islam (see section 2.d.). In December 2013 the Madrid Press Association and the Federation of Journalists Union criticized the government for handpicking two favorite journalists to have exclusive access to the prime minister.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content without appropriate legal authority. The International Telecommunication Union estimated 72 percent of the population used the internet. Authorities monitored websites for material containing hate speech and advocating anti-Semitism.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for the freedoms of assembly and association, and the government usually respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the NGO Spanish Commission for Refugee Assistance (CEAR), in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law permits any foreigner who was a victim of gender-based violence or of trafficking in persons in the country to file a complaint at a police station without fear of deportation, even if that individual is in the country illegally. The UNHCR reported 4,344 asylum seekers and 4,637 refugees were in the country as of the end of December 2013. During the first six months of the year, the country granted asylum to 175 persons and subsidiary protection to another 185. During the first six months of the year, the country received 2,174 asylum requests; 2,476 requests were received during that same period in 2013.

In August and September respectively, Human Rights Watch and Amnesty International alleged that the country returned asylum seekers to Morocco without observing the relevant legal procedures. In its July report, *The Human Cost of Fortress Europe*, Amnesty International noted that in the February 6 incident in which approximately 250 migrants, refugees, and asylum seekers attempted to swim across the border from Morocco into Ceuta, Spanish authorities returned survivors to Morocco, "apparently without access to any formal procedure."

According to the report, the week after the incident, Minister of the Interior Jorge Fernandez Diaz stated that 23 persons had reached the Spanish beach and had been immediately returned to Morocco (see also section 1.a.).

Potential asylum seekers were able effectively to exercise their right to petition authorities. In July the national high court ordered the Ministry of the Interior to give temporarily asylum to Alexander Pavlov, a Kazakhstani citizen who claimed persecution in his country. The court found that the government had not explained sufficiently the reasons why it considered Pavlov a danger to the security of Spain. In April the government also granted asylum to one victim of human trafficking, a Mexican citizen.

In June the Supreme Court confirmed the decision to withdraw the refugee status from Pakistani citizen Imran Firasat, holding that his attacks against Islam were “a real and serious threat for the security of the country.” Firasat became a refugee in the country in 2006, and since 2012 he had published articles against Islam on his webpage, threatened to burn the Quran, and planned to film a movie jointly with American pastor Terry Jones. The Supreme Court considered that “refugee status is not compatible with seriously offensive remarks against religious beliefs that incite violence or religious hate, or offend religious beliefs.”

Safe Country of Origin/Transit: Authorities review asylum petitions individually, and there is an established appeals process available to rejected petitioners. Under EU law the country considers all other countries in the Schengen area, the EU, and the United States to be safe countries of origin. Under the EU’s Dublin III regulation, asylum seekers who enter the country through other Schengen countries are liable for return to the country of first entry into the Schengen area under the EU’s Dublin III regulation.

Refugee Abuse: Human Rights Watch alleged that on August 13 personnel of the Guardia Civil beat with batons immigrants trying to climb the fence along the border between Melilla and Morocco. Some of the victims reportedly required treatment in hospitals.

Durable Solutions: The country accepted refugees for resettlement from foreign countries and provided protections with the assistance of NGOs such as the CEAR. The government assisted in the safe, voluntary return of refugees to their homes.

Temporary Protection: Under the Program for Assistance and Protection of Human Rights Defenders at Risk of the Ministry of Foreign Affairs and

Cooperation, human rights defenders who faced oppression and death threats could move to the country for a period ranging from six months to two years, depending on the circumstances. The ministry received 10 such defenders in 2013, 10 in 2012, and 16 in 2011. The participants came from Colombia, Sierra Leone, and Mexico.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered national elections in 2011 free and fair. The countries' elections to the European Parliament on May 25 were likewise free and fair.

Participation of Women and Minorities: The law requires parties to nominate lists in which women comprise between 40 and 60 percent for elections to the Congress of Deputies. There were 141 women in the 350-seat Congress of Deputies, 89 women in the 264-seat Senate, and five women in the 13-member Council of Ministers. There were 10 women on the 21-member General Council of the Judiciary.

The government did not keep statistics on the ethnic composition of parliament, but linguistic and cultural minorities existed in parliament. There were Muslim political parties in the city enclaves of Ceuta and Melilla in North Africa. The Roma had no elected representation in the government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively, although prosecutions and convictions for corruption were rare.

Corruption: According to the Attorney General's Office, in 2013 there were 18 guilty sentences, 55 new criminal cases were opened (compared with 41 in 2012), and there were 434 allegations of corruption.

The constitution provides for an ombudsman who investigates claims of police abuse. In 2013 the national ombudsman filed 347 ex officio judicial complaints, a 32 percent decrease from 2011. In 2013 the Office of the Ombudsman processed 33,167 complaints, an increase from 24,381 complaints in 2011. The Anti-Corruption Prosecutor's Office and Court of Auditors handled investigation and prosecutions of corruption cases, while the office of the Secretary of State for Public Administration was responsible for policy development. They collaborated effectively with civil society, operated effectively and independently, and received sufficient resources.

On July 25, the former president of the region of Catalonia, Jordi Pujol, admitted he and his family concealed large sums of undeclared money in secret foreign bank accounts (mostly in Andorra) for 34 years. Pujol was president of Catalonia from 1980 to 2003 and one of the founders in 1974 of the nationalist Convergence and Union coalition in power during the year in Catalonia. Pujol appeared before the Catalan parliament on September 26 to explain the undeclared money. On October 2, the Catalan parliament decided to open a formal investigation into his alleged crimes of tax evasion and political corruption.

Beginning in August authorities subpoenaed approximately 200 individuals for their misuse of "ERE" (layoff) funds meant to pay early retirement compensation at companies that implement labor-adjustment plans involving substantial layoffs. The General Union of Workers (UGT) was under investigation for misuse of funds allocated for the regional Andalusian government meant to provide job training to the unemployed.

Financial Disclosure: Public officials are subject to financial disclosure laws and are required to publish their income and assets on publicly available websites each year. There are sanctions for noncompliance. Elected officials are not required to publish the assets and income of spouses and dependent children. The Ministry of Finance and Public Administration is responsible for managing and enforcing the law regarding conflicts of interest.

Public Access to Information: The law mandates public access to government information. The government implemented the law effectively and generally granted access to citizens and noncitizens, including foreign media.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman serves to protect and defend basic rights and public freedom on behalf of citizens. The ombudsman is appointed by the ruling party after consultation with the opposition; was generally effective, independent, sufficiently resourced; and had the public's trust. In 2013, the latest year for which data are available, the ombudsman initiated 33,167 investigations (22,692 complaints, 10,128 unconstitutional appeals, and 347 ex officio cases) and concluded 4,401; another 6,271 were pending. She did not pursue 10,297 investigations. Additionally, 12 of the country's 17 autonomous communities have an ombudsman's office to handle cases at the regional level.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, gender identity, or social status, and the government generally enforced the law effectively.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, and the government generally enforced the law effectively. The penalty for rape is six to 12 years in prison. The law also prohibits violence against women, and independent media and government agencies generally paid close attention to gender violence. The law sets prison sentences of six months to a year for domestic violence, threats of violence, or violations of restraining orders, with longer sentences if serious injuries result.

According to the government's Delegate for Gender Violence, by August, 31 partners or former partners killed women. The delegate noted that only 11 of the women killed had reported abuse prior to their deaths. According to the Special Prosecutor against Gender Violence, 76 of the 86 accusations handed down in 2013 resulted in guilty verdicts in 2013. The Observatory against Domestic and Gender Violence reported 30,411 complaints of gender-based violence in the first three months of the year. The observatory cautioned that immigrant women and women over the age of 56 remained vulnerable, especially to gender violence.

The secretary of state for equality operated a digital platform where units working on gender violence could share information, best practices, and documents. More than 50 offices provided legal assistance to victims of domestic violence, and there were more than 454 shelters for battered women. A 24-hour toll-free national hotline advised battered women on finding shelter and other local assistance. The hotline took calls in Spanish, French, German, Arabic, Bulgarian, Chinese, Portuguese, Romanian, and Russian. Through August the hotline handled 43,796 telephone calls.

In April the Ministries of Health, Social Services, and Equality; Justice; and Home Affairs adopted a series of commitments to enhance coordination and improve the capabilities of the three ministries to combat gender violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and authorizes courts to prosecute residents of the country who have committed this crime in the country or anywhere in the world.

Sexual Harassment: The law prohibits sexual harassment in the workplace, but harassment reportedly continued to be a problem, although few cases came to trial. The punishment in minor cases can be between three and five months in jail or fines of six to eight months' salary. In aggravated cases it can be five to seven months' jail time or fines of 10-14 months' salary. Penalties can be increased for victims the court determines may be especially vulnerable.

Reproductive Rights: Couples and individuals decide freely the number, spacing, and timing of their children and have the information and means to attain the highest standard of reproductive health free from discrimination, coercion, and violence.

Discrimination: Under the law women enjoy the same rights as men, including rights under family law, property law, labor law, and inheritance law. The law requires equal pay for equal work. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men. According to the secretary of state for social services and equality, in 2013 women earned 22 percent less than men for comparable work. The Women's Institute within the Ministry of Health, Social Services, and Equality conducted and published studies on women's problems and processed complaints of gender-based discrimination.

Children

Birth Registration: Citizenship is derived from one's parents. When a child does not acquire the parents' nationality, the government may grant it.

Child Abuse: As of August the Observatory against Domestic and Gender Violence registered the killing of one child. In addition, 517,000 children were victims of mistreatment within the context of gender violence. By August gender violence orphaned 24 children. In 2013 the NGOs answered 414,722 telephone calls from children/adolescents; 37.9 percent of the calls had to do with physical/psychological mistreatment or violence. According to the NGO Foundation for Children and Youths at Risk, mistreatment of children and adolescents increased, compared with 2012. The NGO received 424,171 telephone calls reporting child violence, compared with 324,643 in 2012.

In August the UN Committee on the Elimination of Discrimination Against Women (CEDAW) publicly condemned the government for not providing protection, prosecution, or compensation to Angela Gonzalez after her former partner killed her seven-year-old daughter, Andrea, in 2004. The CEDAW ruling required the government to compensate Gonzalez "properly and fully," investigate the institutional weaknesses exposed by the case, and take adequate and effective measures to ensure a history of violence is taken into account when establishing custodial rights. The ruling also required the government to reinforce mandatory gender-based violence training for judges and relevant administrative staff and report to CEDAW within six months on the actions taken. The committee also noted discrimination and gender stereotyping by judges, prosecutors, social workers, and others who made protection of women and children difficult.

Early and Forced Marriage: The minimum age of marriage is 16 years for minors living on their own. In 2013 a total of 77 persons under the age of 18 married (60 girls and 17 boys); none of them was under 15. These marriages were 0.02 percent of all marriages that year.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, authorizes courts to prosecute cases even if the crime occurred outside the country, and it provides that parents who subject their children to FGM/C risk losing custody. In May 2013 the provincial court of Barcelona sentenced a Gambian couple residing in Vilanova i la Geltru to 12 years in prison for performing FGM/C on their two daughters ages six and 11 years. In May the Supreme Court confirmed the sentence.

According to the Wassu Foundation, an NGO dedicated to the study and prevention of FGM/C, in 2013 approximately 16,869 girls under the age of 14 in the country, of whom 6,182 resided in Catalonia, had roots in countries where FGM/C is practiced.

Sexual Exploitation of Children: The law criminalizes the “abuse and sexual attack of minors” under the age of 13. The penalty for sexual abuse and assault of children under the age of 13 is imprisonment from two to 15 years, depending on the nature of the crime. Individuals who contact children under the age of 13 through the internet for the purpose of sexual exploitation face imprisonment of one to three years.

The minimum age for consensual sex in the country is 13. If deceit is used to gain the consent of a minor under the age of 16, an individual can be charged upon parental complaint. The law specifically provides for imprisonment for one to two years or an equivalent fine for an individual who, by use of deceit, commits sexual abuse against a person over the age of 13 but younger than 16. The law defines nonconsensual sexual abuse as sexual acts committed against persons under 13 years, and it provides from four to six years in jail.

Penalties for recruiting children or persons with disabilities into prostitution are imprisonment from one to five years. If the child is under the age of 13, the term of imprisonment is four to six years. The same sentence applies to those who seek to victimize children through prostitution. The penalty for pimping children into prostitution is imprisonment from four to six years. If the minor is under 13, the term of imprisonment is five to 10 years.

Trafficking of teenage girls for commercial sexual exploitation remained a problem. Although trafficked women traditionally were 18 to 25 years of age, the government identified 12 child victims in the first half of 2013.

The law prohibits child pornography. The penal code criminalizes both using a minor “to prepare any type of pornographic material” and producing, selling, distributing, displaying, or facilitating the production, sale, dissemination, or exhibition of “any type” of child pornography by “any means.” The penalty for recruiting children or persons with disabilities for child pornography is one to five years’ imprisonment; if the child is under the age of 13, imprisonment is five to nine years. Knowingly possessing child pornography also is penalized, carrying a potential prison sentence of up to one year. The penalty for the production, sale, or

distribution of pornography in which a child under 18 years of age was involved is imprisonment from one to four years or up to eight years if the child is under 13.

In July the Supreme Court confirmed a 29-year prison sentence of an engineer for child pornography and sexual abuse of minors. In June a court imposed a three-year prison term on a member of the National Police for distributing child pornographic material through the internet.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see travel.state.gov/content/childabduction/english/country/spain.html.

Anti-Semitism

According to Jewish community leaders and the NGO Movement against Intolerance, while violence against members of the approximately 48,000-member Jewish community was rare, anti-Semitic incidents, including graffiti against Jewish institutions, continued.

The Observatory on Anti-Semitism in Spain reported 35 anti-Semitic events in 2012, most of them on websites and social media, followed by anti-Semitic graffiti, and to a lesser extent verbal assaults and damage to property. Acts of physical violence against individuals or property were almost nonexistent, and the Ministry of Home Affairs linked only three crimes to anti-Semitism.

On March 4, a Barcelona court sentenced Jaime T. to two years in prison for spreading Nazi, racist, and homophobic propaganda against Jews, Muslims, and other minorities on the internet.

The Anti-Defamation League reported that in August the imam of a mosque in Azuqueca De Henare delivered a sermon in which he called for all Jews to be killed.

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits, with fines of up to one million euros (\$1.25 million), discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, access to information technology and communication, including social media, and the provision of other government services. The government generally enforced these provisions effectively. The law mandates access to buildings for persons with disabilities. While the government generally enforced these provisions, levels of assistance and accessibility differed among regions. Children with disabilities attended school, and there were no patterns of abuse in educational or mental health facilities. The government requires companies with more than 50 workers to reserve 2 percent of their jobs for persons with disabilities.

The law defines sexual acts committed against unconscious persons or mentally ill persons as nonconsensual sexual abuse, and it provides from four to six years in prison. Penalties for recruiting persons with disabilities into prostitution are imprisonment from one to five years. The penalty for pimping persons with disabilities into prostitution is imprisonment from four to six years. The penalty for recruiting persons with disabilities for pornography is one to five years' imprisonment.

The Ministry of Home Affairs reported a link to disability bias in 290 crimes.

National/Racial/Ethnic Minorities

The Ministry of Home Affairs and the Ministry of Health, Social Services, and Equality had a map of "hate crimes" in the country. On April 24, Secretary of State for Security Francisco Martinez announced in the senate that during 2013 there were 1,172 "hate crimes." According to Martinez, between 60 and 80 percent of victims did not report hate crimes because they believed the crime would not be addressed. Martinez told senators that security forces received specific training to record discrimination even if the victim does not agree with it. Crimes motivated by bias were connected to racial or ethnic origin bias (381 cases), religious bias (42), and poverty bias (four).

On April 27, during a soccer game, a spectator threw a banana at Football Club Barcelona player Dani Alves and called him a monkey (Alves is Afro-Brazilian). Soccer team Villarreal banned the person who threw the banana from all future stadium events.

In June the public prosecutor of the province of Barcelona for hate crimes presented a complaint against the presidents of the political parties National Alliance and the Falange Spain for incitement of violence. During a demonstration in Barcelona in October, these political parties called for the use of violence against Catalan proindependence groups similar to what Basque terrorist group ETA employed during its armed struggle.

In 2013-14 the State Commission against Violence, Racism, Xenophobia, and Intolerance in Sports (in the Ministry of Home Affairs) recorded a total of eight racist incidents in soccer games and assessed fines that amounted to between 3,001 and 4,000 euros (\$3,800 and \$5,000) against 23 persons. After each game the police security coordinator sent the commission a report on any violent, racist, xenophobic, or intolerant behavior. Esteban Ibarra, a member of the Observatory against Racism and of Movement against Intolerance, minimized the commission's efforts, stating, "The attitude of the commission is indolent and fails to sanction violators. It tries to cover up as much as possible."

In April the Office of the Ombudsman reported that the racially motivated police checks continued in many cities

According to the domestic NGO Fundacion Secretariado Gitano, Roma continued to face discrimination in access to employment, housing, and education. The Romani community, which the NGO estimated to number 750,000, experienced substantially higher rates of unemployment, poverty, and illiteracy than the general population. The NGO's 2013 report reported 168 cases of discrimination against Roma (see also section 7.d.).

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The LGBT community was widely accepted throughout the country. Discrimination in employment is banned. The law can consider an anti-LGBT hate element an aggravating circumstance in crimes.

On October 2, the Catalan parliament approved the Law on Gay, Lesbian, Bisexual, and Transsexual People's Rights and on the Eradication of Homophobia, Lesbophobia, and Transphobia. The first of its kind in the country, the law provides members of the LGBT community greater protections than those provided by national law and prohibits discrimination based on sexuality. It reverses the burden of proof involved in cases of discrimination in the realms of

civil and social law. The law is limited to competencies of the regional government, such as the provision of education and health care.

The Ministry of Justice ordered all Spanish consulates to allow enrollment in the civil registry of children born through surrogacy. The order entered into force on July 14.

A report from the security forces indicated that of the 550 hate crimes recorded during the first three months of the year, 235 were focused on LGBT members.

In January a Barcelona court sentenced the manager of an Austrian transportation company based in Barcelona to three and one-half years in prison for accessing his employees' e-mail accounts without permission. He found information indicating two employees were gay and then conveyed that information to management in their Austrian office. His actions led to the dismissal of the two individuals (see also section 7.d.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows most workers, including foreign and all migrant workers, to form and join independent unions of their choice without previous authorization or excessive requirements. Military personnel and national police forces do not have the right to join unions, and judges, magistrates, and prosecutors are not free to join the union of their choice. The law allows unions to conduct their activities without interference.

The law provides for collective bargaining, including for all workers in the public sector except military personnel. Public sector collective bargaining includes salaries and employment levels, but the government retained the right to set these if negotiations failed.

The constitution and law provide for the right to strike, and workers exercised this right by conducting legal strikes. Any striking union must respect minimum service requirements negotiated with the respective employer. Law and regulations prohibit retaliation against strikers, antiunion discrimination, and discrimination based on union activity are illegal, and these laws were effectively enforced. According to the law, if an employer violates union rights, the right to conduct legal strikes, or dismisses an employee for participation in union, the

employer could face imprisonment from six months to two years or a fine if the employer does not reinstate the employee. These penalties were sufficient to deter violations.

Workers freely organized and joined unions of their choice. The government generally did not interfere in union functioning. Collective bargaining agreements covered approximately 80 percent of the workforce in the public and private sectors since the end of the year. On occasion employers used the minimum service requirements to undermine planned strikes and ensure services in critical areas such as transportation or health services.

Although the law prohibits antiunion discrimination by employers against workers and union organizers, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor including by children, but there were reports that such practices occurred.

The government effectively enforced the law, but prevention efforts remained minimal. Resources and inspections were adequate, but the government did not implement new awareness campaigns pertaining to forced labor. Penalties of five to 12 years' imprisonment were sufficiently stringent to deter violations.

Undocumented migrant men and women were forced to work in domestic service, agriculture, construction, and the service industry. Unaccompanied children remained particularly vulnerable to labor exploitation, sex trafficking, and forced begging.

Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous, such the agricultural, mining and construction sectors. The Ministry of Employment and Social Security has

primary responsibility for enforcement of the minimum age law and enforced it effectively in major industries and the service sector. Laws and policies provide for protection of children from exploitation in the workplace, and these laws generally were enforced.

There were reports that children were trafficked for the sex trade and forced begging. Foreign children intercepted at the borders are not automatically registered in police databases, making them vulnerable to exploitation including forced begging and commercial sexual exploitation (see section 6, Children).

The ministry had difficulty enforcing the law on small farms and in family-owned businesses, where child labor persisted. The government enforced effectively laws prohibiting child labor in the special economic zones. In 2011, the most recent year for which data is available, the Ministry of Employment and Social Security detected 19 violations related to child labor, affecting 24 minors. Penalties included imprisonment for six to 10 years and were sufficient to deter violations.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. While the government enforced these laws and regulations, discrimination in employment and occupation occurred with respect to race and ethnicity, gender, and sexual orientation (see section 6).

e. Acceptable Conditions of Work

The national minimum wage was 645.30 euros (\$806.63) per month. The Ministry of Employment and Social Security effectively enforced the minimum wage. For a family of two adults and two children, the poverty level was set at 15,445 euros (\$19,306) per year.

The law provides for a 40-hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. The law restricts overtime to 80 hours per year unless a collective bargaining agreement establishes a different level. Pay is required for overtime and must be equal to or greater than regular pay. The law provides for 22 annual vacation days and 14 federal holidays.

The National Institute of Safety and Health in the Ministry of Employment and Social Security has technical responsibility for developing occupational safety and

health standards, and the Inspectorate of Labor has responsibility for enforcing the law through inspections and judicial action when inspectors find infractions. At the end of 2012, there were 1,871 labor inspectors in the country. In 2013 penalties for violations averaged 875 euros (\$1,090) and were not sufficient to deter violations. Unions criticized the government for devoting insufficient resources to inspection and enforcement. In January the Association of Tax Inspectors reported that the informal economy amounted to 253.13 billion euros (\$316.41 billion), or 25 percent of the gross domestic product. At the end of 2013, 423,800 of the estimated 680,000 domestic employees were registered with the social security system. The remaining share of the estimated total remained outside the formal economy.

Through May the Ministry of Employment and Social Security recorded 170,265 accidents in the workplace. Of these, 168,748 were reported as minor, 1,331 serious, and 186 fatal. The law protects workers who remove themselves from situations that could endanger their health or safety without jeopardy to their employment. The government effectively protected employees in this situation.