

# SPAIN 2015 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 on December 20 free and fair. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems included forced returns and mistreatment of asylum seekers by police, systemic corruption by government officials, and violence against women and children.

Other problems included the circulation of hate speech on the internet; the enactment of a new public security law that opponents alleged violates human rights; sexual harassment; inequality of opportunity and pay for women in the workplace; subjecting women and girls to sex trafficking; acts of anti-Semitic vandalism; and societal discrimination and violence against persons with disabilities, Muslims, ethnic minorities including the Roma, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

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.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **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: There were 47 deaths of those in custody in 2013 (the most recent information available), according to the nongovernmental organization (NGO) Coordinator for the Prevention of Torture.

Administration: 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 and the UN Human Rights Committee, in accordance with their standard modalities.

On April 9, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued a report on its visit to the country in July 2014. The report cited the lack of an antiviolence strategy as the reason for the frequent acts of violence and intimidation among detainees at the Zona Franca Center (Barcelona) for the Internment of Immigrants.

### **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 of which handle migration and border enforcement 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. There were isolated reports of corruption, which authorities handled promptly and appropriately.

### **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 at times, however, lengthy delays 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 allows 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 ostensibly to deter mistreatment or any violations of prisoner rights by police or guards.

In an annual report to the Catalan Authority for the Prevention of Torture released in December 2014, Catalonia's ombudsman expressed concerns for unnecessary delays in processing cases of detention. Defendants sometimes wait up to 12 hours

to obtain legal assistance and up to 24 hours to see a judge. The ombudsman said the process could be quicker than the legal limit of 72 hours.

#### **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 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.

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

The constitution prohibits such actions, and there were no reports that the government failed to respect 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 promote freedom of speech and press.

Freedom of Speech and Expression: 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 2014 there were 39 sentences with 70 persons found guilty. Another 142 persons faced trial for terrorism-related crimes. The law provides for punishment with imprisonment for one to four years for 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.

Press and Media 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. At year's end authorities were investigating to establish the identity of the perpetrators and the location of the crimes.

Censorship or Content Restrictions: Opposition parties appealed to the Constitutional Court the law on public security that went into force July 1. They argued the law penalizes lawful public protest. In July the UN Human Rights Committee report expressed its concern with the law and noted the law's large financial penalties and the prohibition against filming security agents.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The International Telecommunication Union estimated 76 percent of the population used the internet. Authorities monitored websites for material containing hate speech, advocating anti-Semitism, and terrorism.

### **Academic Freedom and Cultural Events**

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

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for this right, and the government generally respected it. In July the government adopted a new public security law which includes fines of up to 600 euros (\$660) for failing to notify authorities about peaceful demonstrations in public areas, up to 30,000 euros (\$33,000) for protests resulting in “serious disturbances of public safety” near parliament and regional government buildings, and up to 600,000 euros (\$660,000) for unauthorized protests near key infrastructure.

### **Freedom of Association**

The constitution and law provide this right, and the government generally respected it.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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 and other humanitarian organizations 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 is 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. A report by the UN Human Rights Committee in July noted cases in which authorities denied non-Syrians access to the asylum offices in Ceuta and Melilla.

According to Eurostat, during the year through July, the country received 5,920 asylum requests, compared with 2,174 requests during that same period in 2014. During the year 384 persons received refugee status. In July the government agreed to accept 1,300 asylum seekers, mostly from Iraq, Syria, and Eritrea, who arrived from Greece and Italy over the previous months. In September the government agreed to take another 14,931 refugees who were already in Europe, also mostly from Iraq, Syria, and Eritrea. By the end of the year, 12 asylum seekers arrived in the country from Italy for relocation.

Potential asylum seekers were able effectively to exercise their right to petition authorities. Authorities granted a lesbian who fled persecution in Cameroon and to whom authorities initially denied asylum the right to stay in the country after defense lawyers appealed to the ECHR, which temporarily halted her deportation.

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. The government has suspended the application of the EU's Dublin III regulation, by which 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.

Refoulement: The CPT reported that authorities routinely returned irregular migrants to Morocco. The CPT report stated that the forced return of irregular migrants is contrary to the European Convention of Human Rights and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Refugee Abuse: The CPT report stated that, at the Zona Franca center for the internment of immigrants in Barcelona, it received allegations of both physical mistreatment and verbal abuse, particularly regarding specific police officers, and it heard allegations of insults by police officers at the Aluche Center in Madrid. The CPT's report stated both centers had a prison-like atmosphere inappropriate for persons detained under alien legislation. The report criticized the practice of addressing detainees by their detention number rather than their name at both centers. Multioccupancy cells had no toilets and were locked from midnight to 7 a.m. The report cited the lack of an antiviolence strategy as the reason for the frequent acts of violence and intimidation among detainees at the Zona Franca center. In July the report by the UN Human Rights Committee also highlighted as problematic allegations of mistreatment of immigrants by government officials and violence between immigrants at the government's centers for the internment of immigrants.

In August a court in Melilla dismissed charges of human rights abuses committed against immigrants by the security forces under orders to prevent illegal entry into the country.

Durable Solutions: The government accepted refugees for resettlement from foreign countries and provided protections with the assistance of NGOs such as the Spanish Commission for Refugee Assistance. In July the government accepted 1,499 migrants from the EU migrant resettlement program.

The government assisted in the safe, voluntary return of refugees to their homes.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and provided subsidiary protection to approximately 285 persons in the first two quarters of the year.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

#### **Elections and Political Participation**

Recent Elections: Observers considered national elections on December 20 free and fair.

#### **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 compared to the complaints filed.

Corruption: According to the Attorney General's Office, in 2014 there were 17 guilty sentences, 35 new criminal cases were opened (compared with 55 in 2013), and there were 340 allegations of corruption.

The constitution provides for an ombudsman who investigates claims of police abuse. From January to August 17, the national ombudsman filed 896 ex officio judicial complaints, more than double the number of complaints filed in 2014. In 2014 the Office of the Ombudsman processed 23,186 complaints, a slight increase from the 22,692 complaints filed in 2013. The Anti-Corruption Prosecutor's Office and the Court of Auditors handled investigations 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.

During the first six months of the year, security forces arrested 201 persons in anticorruption operations.

On April 16, police searched the home and office of former International Monetary Fund managing director Rodrigo Rato, who also served as the country's minister of economy and vice president in the government of Jose Maria Aznar. The government accused Rato of money laundering, tax evasion, and fraud stemming from repatriation of capital to the country during a fiscal amnesty in 2012 which permitted evaders to regularize their undeclared assets with a one-off payment of 10 percent of their value. The tax office identified Rato's as one of 705 suspicious cases and turned the case over to the Ministry of Economy's Service for the Prevention of Money Laundering for further investigation. Rato was also involved in a case that began nearly three years ago to examine whether former Bankia managers misstated earnings before listing the bank on the Spanish stock market.

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. 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.

### **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 ruling party appoints the ombudsman after consultation with the opposition; the ombudsman was generally effective, independent, sufficiently resourced; and had the public's trust. In 2014, the latest year for which data were available, the ombudsman initiated 23,964 investigations (23,186 complaints, 289 unconstitutional appeals, and 489 ex officio cases) and concluded 8,013; another 5,722 were pending. She did not pursue 8,565 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, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or having other communicable diseases, 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-based 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 June 30 partners or former partners killed 17 women. The delegate noted that only three of the women killed had reported abuse prior to their deaths. According to the General Council of the Judiciary, of the 45,955 cases of gender violence prosecuted in 2014, 28,075 resulted in guilty verdicts (67 percent of the total). The Observatory against Domestic and Gender Violence reported 30,293 complaints of gender-based violence in the first three months of the year.

Figures released by the Ministry of Health, Social Services, and Equality listed 54 of the 88 killings in 2014 (61 percent) as gender-based violence. National homicide statistics through March--the latest month for which countrywide homicide statistics are available--indicated that gender-based killings represented 12 percent of total killings in the country (eight of 66).

During the year the Ministry of Health, Social Services, and Equality spent 4.8 million euros (\$5.3 million) on awareness campaigns across the country, an increase of 1.5 million euros (\$1.7 million) over 2014. This spending did not include local government use of the ministry's campaign images printed and disseminated at their own expense.

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 June the hotline handled 35,714 telephone calls, approximately 3,400 more than in the same period in 2014. The website for the support and prevention of gender violence received almost 43.6 million visits by June 30.

The UN Human Rights Committee report warned that mostly unreported gender-based violence continued to be a problem in view of the high level of violence suffered by immigrant women from North Africa.

In May, according to the Ministry of the Interior, seven regions and 97 city governments agreed to collaborate in the fight against gender-based violence. Deputy Interior Minister Francisco Martinez, speaking at a signing ceremony in the region of Extremadura, said the initiative sought to help women feel protected

by police throughout the country. Local government work would fold into VioGen, a national initiative designed to coordinate local- and national-level efforts to fight gender-based violence and support victims of it.

In April the Ministry of Health, Social Services, and Equality unveiled its 2015 anti-gender-based violence campaign “Say it. There is a way out of gender violence.” In July the Madrid Autonomous Community and the Ministry of the Interior announced that they would share a database to coordinate better the fight against gender-based violence.

On July 8, the Catalan parliament approved the Law for Effective Equality between Women and Men, which created an Observatory of Gender Equality to prioritize the struggle against 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. Under the 2013-16 National Strategy for the Eradication of Violence against Women, doctors must ask parents in the country to sign a declaration promising their daughter(s) will not undergo FGM/C when they visit countries where the practice is common. Once a family returns to the country, a doctor, who can start legal action against the parents if examination finds that the minors underwent FGM/C during their trip, must examine the girl(s) again. Doctors must also inform the parents of the health consequences of FGM/C.

During the year until June 30, police in Catalonia investigated eight cases of FGM/C. A report from the Wassu Foundation at the Autonomous University found that more than 6,000 girls in Catalonia were at risk of being subjected to the practice.

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 to 14 months’ salary. The court can increase penalties for victims the court determines may be especially vulnerable.

The Catalan Law for Effective Equality between Women and Men, adopted on July 8, emphasizes the fight against sexual harassment.

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, or violence.

Discrimination: Under the law women enjoy the same rights as men, including rights under family, labor, property, nationality, and inheritance laws. The law requires equal pay for equal work. According to the labor union General Workers' Union, women were underrepresented in decision-making positions and paid 22 percent less than men for comparable work (see section 7.d.).

The Catalan Law for Effective Equality between Women and Men, adopted on July 8, calls for equal representation in the public administration, coeducation in schools, equality plans for large businesses, and prohibition of the dissemination of sexist content on government-owned media.

## **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 October the Observatory against Domestic and Gender Violence reported that gender violence orphaned 39 children. According to the NGO Foundation for Children and Youth at Risk, mistreatment of children and adolescents decreased, compared with 2013. In 2014 the NGO received 363,183 telephone calls and emails reporting child violence, compared with 424,171 in 2013.

In July the Ministry of Justice dismissed the appeal of Angela Gonzalez, and refused to compensate her, arguing that ruling of the UN Committee on the Elimination of Discrimination Against Women (CEDAW) in Gonzalez' favor was not binding on the government, and stressing that there was no evidence of an error in the original decision. Gonzalez had sued the government for not providing her protection, prosecution, or compensation after her former partner killed her seven-year-old daughter, Andrea, in 2004. CEDAW had found in her favor. Gonzalez's lawyers announced that they would continue appealing to the local courts.

Early and Forced Marriage: The minimum age of marriage is 16 years for minors living on their own.

A reform of the penal code approved in January categorizes forced marriage as a crime punishable by from six months to three years and six months in prison. Forced marriage carries similar penalties that, until now, the law categorized as coercion. Immigrant groups from the Middle East and North Africa, and Romanian Roma often performed forced marriages. If they occur within families, they can be difficult to identify and prosecute.

In December 2014 the Catalan regional government, the regional police, and other local institutions approved a protocol to fight against forced marriage in the province of Girona. The protocol, which is the first of its kind in the country, holistically emphasizes the prevention, detection, assistance, reporting, monitoring, and protection of the victims. As of June 30, the Catalan police assisted 11 victims of forced marriage, six of which involved minors.

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 16, according to the revision of the penal code that went into effect July 1. The law defines nonconsensual sexual abuse as sexual acts committed against persons under 16 years old, and it provides from two to 15 years in prison, depending on the circumstances.

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.

The commercial sexual exploitation of trafficked teenage girls remained a problem.

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. The law also penalizes knowingly possessing child pornography; it carries 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 old was involved is imprisonment from one to four years or up to eight years if the child is under 13.

In July parliament approved the Law for the Protection of Children and Adolescents, which calls for the creation of a registry for sex offenders to bar them from activities in which they could be in the presence of minors.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/en/country/spain.html](http://travel.state.gov/content/childabduction/en/country/spain.html).

### **Anti-Semitism**

The Jewish community numbers approximately 48,000 persons. The descendants of Sephardic Jews expelled from the country 500 years ago have the right of return as full Spanish citizens.

According to Jewish community leaders and the NGO Movement Against Intolerance, anti-Semitic incidents continued, including graffiti against Jewish institutions, although violence against Jews was rare. According to the Ministry of the Interior, there were 24 cases of anti-Semitism in 2014 (2 percent of all hate crimes), up from four in 2013. Government institutions promote religious pluralism, integration, and understanding of Jewish communities and history, but their outreach did not reach all of the country's autonomous regions.

The Observatory on Anti-Semitism in Spain reported solidly rooted prejudices remain. The observatory reported 42 anti-Semitic events in 2014, mostly statements in print or audio-visual media (22), and to a lesser extent damage to property. Physical violence against individuals was almost nonexistent (one case), and the observatory identified seven cases of anti-Semitism in the public discourse.

In April the Civil Guard arrested a neo-Nazi group that painted a wall with neo-Nazi symbols and "Adolf Hitler was right." In May authorities arrested a 28-year-

old foreign national in Ribaforada for online incitement to kill Jews. An anti-Semitic tweet by Madrid city cultural official Guillermo Zapata was made public on June 13. The re-Tweeted message from 2011 read: “How would you fit five million Jews into [a small car]? In an ash tray.”

On August 17, organizers of the Rototom Sunsplash Festival in Benicassim (Castellon Province; Valencia Region) initially cancelled a concert by the Jewish American singer Matisyahu after receiving pressure from “BDS Valencia,” a self-described member of the boycott, divestment, and sanctions (BDS) movement against Israel. The campaign to oust the singer started August 9 after BDS Valencia published an open letter urging cancellation of Matisyahu’s concert due to the artist’s participation in pro-Zionist festivals and statements that Palestine does not exist. Matisyahu, in a Facebook post on August 18, described continued pressure by festival organizers to make an explicit statement on the Israel-Palestine conflict, “to pacify the BDS people.” The Ministry of Foreign Affairs subsequently issued a statement decrying the organizers’ initial decision. Organizers reversed their position within two days and reinvited the singer.

### **Trafficking in Persons**

See the Department of State’s Trafficking in Persons Report at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits, with fines of up to one million euros (\$1.1 million), discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The government generally enforced these provisions effectively. Of 1,285 reported hate crimes in 2014, 199 were committed against persons with disabilities (15.5 percent).

The law mandates access to buildings for persons with disabilities. While the government generally enforced these provisions, levels of assistance and accessibility varied among regions.

### **National/Racial/Ethnic Minorities**

According to data from the interior ministry, during the first eight months of the year, police registered 57 total hate crimes, 18 (32 percent) of which were linked to

racism. On April 14, Interior Minister Jorge Fernandez Diaz reported 1,285 hate crimes in 2014, 9.6 percent more than in 2013. The minister said the increase was due in part to improved data collection measures. Of this total, 475 were linked to racism (37 percent). Andalusia, Catalonia, Valencia, and the Basque Country were the regions with the highest numbers of hate crimes according the ministry data.

In June 2014 the Barcelona province public prosecutor for hate crimes presented a complaint against the presidents of the National Alliance and Falange Spain political parties for incitement of violence. During a demonstration in Barcelona in 2013, these political parties called for violence against Catalan pro-independence groups.

In its 2014 report, the Office of the Ombudsman reported that the National Police stopped racially motivated police checks, but noted that the Madrid Municipal Police continued the practice.

The UN Human Rights Committee criticized police profiling, especially of Roma. The report said that immigrants and ethnic minorities faced discrimination in housing, education, work, and health.

According to Fundacion Secretariado Gitano (FSG), one of the largest NGOs working with Roma in the country, 94 percent of Romani children now start school at the compulsory age of three, and more than 96 percent of those complete primary education, but dropout rates in secondary education still amounted to 64 percent in 2013, more than double the national average. Additionally, 91 percent of the country's Roma were literate, a gain of almost 5 percent over the last 10 years, according to the FSG. The FSG also noted that, despite many successes, Roma remained marginalized, and they were poorer when compared with other Spaniards. The reasons for this circumstance included high dropout rates, poor access to the labor market, and uneven use of universal health care. The FSG's 2014 annual report cited 151 cases of discrimination against Roma.

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

The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community was widely accepted throughout the country. The law bans discrimination in employment. The law can consider an anti-LGBTI hate element an aggravating circumstance in crimes.

In Catalonia the law provides members of the LGBTI community greater protections than those provided by national law and prohibits discrimination based on sexuality in competencies of the regional government, such as the provision of education and health care. It reverses the burden of proof involved in cases of discrimination in the realms of civil and social law.

The country's consulates enroll in the civil registry of children born through surrogacy.

According to the Ministry of the Interior, of the 57 reported hate crimes during the first eight months of the year, two (4 percent) were linked to the victim's sexual orientation. Of the 1,285 hate crimes recorded in 2014, 513 (40 percent of cases) targeted LGBTI persons. The LGBTI association Arcopoli also asserted that most of the attackers were under the age of 30.

LGBTI associations claimed that homophobia among persons between the ages of 16 to 20 was rising. According to the Observatory against Homophobia in Catalonia, five minors attacked homosexual individuals in the first half of the year.

The government fought LGBTI hate crimes by sensitizing police and social workers on sexual diversity, increasing awareness of LGBTI hate crimes, making reporting easier, and providing better assistance to victims of these crimes. Employing a whole-of-government approach, the government channeled its effort in this area through the Spanish Observatory against LGBT-phobia, an initiative created by the Spanish Federation of LGBTI and with the support of the Ministries of Health, Social Services, and Equality; and the Interior.

### **Other Societal Violence or Discrimination**

According to data from the Interior Ministry, during the first eight months of the year, police registered 57 total hate crimes, 23 (40 percent) of which were committed against Muslims. Of 1,285 reported hate crimes in 2014, 63 cases were committed against Muslims (5 percent).

## **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 a 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.

The government effectively enforced the law. It maintained strong prevention efforts, although the efforts focused more on forced prostitution than forced labor. 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.

Employers subjected migrant men and women to forced labor 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/](http://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 for those under the age of 18 the employment at night, for overtime work, or in sectors considered hazardous, such as agricultural, mining and construction sectors. Laws and policies provide for protection of children from exploitation in the workplace, and these laws generally were enforced.

The Ministry of Employment and Social Security has primary responsibility for enforcement of the minimum age law, and it enforced the law effectively in major industries and the service sector.

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 2013, the most recent year for which data is available, the Ministry of Employment and Social Security detected 13 violations related to child labor, affecting 13 minors. Penalties included imprisonment for six to 10 years and were sufficient to deter violations.

There were reports that criminals subjected children to trafficking in the sex trade and forced begging. Police databases do not automatically register foreign children intercepted at the borders, making them vulnerable to exploitation including forced begging and commercial sexual exploitation (see section 6, Children).

### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, national origin or

citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or having other communicable diseases. The penalty for violating the law is six months to two years imprisonment. 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). The government requires companies with more than 50 workers to reserve 2 percent of their jobs for persons with disabilities.

#### **e. Acceptable Conditions of Work**

The national minimum wage was 648.60 euros (\$713.46) per month, the equivalent of 7,783 euros (\$8,561) per year. For a family of two adults and two children, the poverty level in 2014 was set at 16,718.60 euros (\$18,390.46) per year. The Ministry of Employment and Social Security effectively enforced the minimum wage.

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. The law protects workers who remove themselves from situations that could endanger their health or safety without jeopardy to their employment.

The Inspectorate of Labor has responsibility for enforcing the law on occupational safety and health standards through inspections and judicial action when inspectors find infractions. At the end of 2013, there were 1,844 labor inspectors in the country. In 2013, 65,584 infractions amounted to 321,768,000 euros (\$353,944,800) in penalties that averaged 4,906 euros (\$5,397) per penalty. The penalties were not sufficient to deter violations. Unions criticized the government for devoting insufficient resources to inspection and enforcement. In May, Visa Inc. calculated that the informal economy amounted to 196 billion euros (\$216 billion) or 18.6 percent of gross domestic product. At the end of 2013, the social security system registered 423,800 of the estimated 680,000 domestic employees. The remaining share of the estimated total remained outside the formal economy.

Through May the National Statistics Institute recorded 179,091 accidents in the workplace. Authorities reported 177,596 of these as minor, 1,296 as serious, and 199 as fatal.