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1. Nowhere safe: Civilians under attack in South Sudan (AFR 65/003/2014)  
[www.amnesty.org/en/library/asset/AFR65/003/2014/en/89dfe37e-3c3c-465b-b49a-ba3abaec3a91/af650032014en.html](http://www.amnesty.org/en/library/asset/AFR65/003/2014/en/89dfe37e-3c3c-465b-b49a-ba3abaec3a91/af650032014en.html)
  2. South Sudan: Investigate shooting of civil society leader (AFR 65/008/2014)  
[www.amnesty.org/en/library/asset/AFR65/008/2014/en/14d8fac1-d9e6-494f-be31-f3a5476f173/af650082014en.html](http://www.amnesty.org/en/library/asset/AFR65/008/2014/en/14d8fac1-d9e6-494f-be31-f3a5476f173/af650082014en.html)
  3. Comments on the 8 October Draft Security Bill (AFR 65/013/2014)  
[www.amnesty.org/en/library/asset/AFR65/013/2014/en/167e0a88-6009-4dd1-8554-9ab3b0e83b3d/af650132014en.pdf](http://www.amnesty.org/en/library/asset/AFR65/013/2014/en/167e0a88-6009-4dd1-8554-9ab3b0e83b3d/af650132014en.pdf)

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# SPAIN

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## Kingdom of Spain

Head of state: **King Felipe VI de Borbón (replaced**

**King Juan Carlos I de Borbón in June)**

Prime Minister: **Mariano Rajoy**

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**Throughout the year thousands of demonstrations were organized to protest against austerity measures imposed by the government. Reports of abuses by police against demonstrators continued. Thousands of migrants, including asylum-seekers and refugees, some fleeing from Syria, attempted to irregularly enter the Spanish enclave cities of Ceuta and Melilla from Morocco. Reports of unlawful deportations and excessive use of force by Spanish border guards persisted.**

## BACKGROUND

Spain ratified the UN Arms Trade Treaty in April, and in August became the first country to update its regulations on arms transfers to include the “Golden Rule” prohibiting the transfer of arms where there was a real risk that they would contribute to human rights violations.

The teaching of human rights ceased to be obligatory in primary and secondary

education following amendments to the Education Act adopted in December 2013.

On 9 November, the government of Catalonia held an informal consultation on the political future of Catalonia, in defiance of a Constitutional Court ruling ordering the consultation’s suspension. 80% of those who participated declared their support for independence.

No violent attacks by the Basque separatist organization Euskadi Ta Askatasuna (ETA) were reported during the year, after ETA announced the end of its armed struggle in 2011.

## FREEDOM OF ASSEMBLY

Throughout the year, hundreds of individuals were detained and fined for participating in spontaneous and mostly peaceful demonstrations of more than 20 people. The law regulating the right to freedom of assembly failed to recognize the right to hold spontaneous demonstrations.

By the end of the year, bills to amend both the Criminal Code and the Law on the Protection of Public Safety were still under discussion in Parliament. If approved, they would further restrict the exercise of freedoms of assembly and expression. The draft Law on the Protection of Public Safety, if adopted, would introduce 21 additional offences, including the unauthorized dissemination of images that might put a police operation at risk. It would also allow for the imposition of fines on the organizers of peaceful spontaneous protests and those showing a lack of respect for law enforcement officers.

## EXCESSIVE USE OF FORCE

Excessive force was frequently used by law enforcement officers to disperse and detain protesters.

In April, the Parliament of Catalonia banned the use of rubber balls by Catalan police. In previous years, several peaceful demonstrators were severely injured as a result of police firing rubber balls to disperse crowds.

In June, the Public Prosecutor requested the closure of the investigation into allegations of police abuses made by 26 participants in the “Surround Congress” rally in September 2012. A judicial decision on the closure of the case was still pending at the end of 2014. In the course of the rally, unidentified police officers beat peaceful demonstrators with batons, fired rubber bullets, and threatened journalists covering the events.

In September, the investigating judge in the case of Ester Quintana formally decided to prosecute two law enforcement officers for causing her serious bodily harm. She lost her left eye after being struck by a rubber ball fired by police officers at a demonstration in Barcelona in November 2012.

## COUNTER-TERROR AND SECURITY

Spain continued to decline to implement recommendations of international human rights bodies to abolish the use of incommunicado detention for those suspected of terrorism-related offences.

By January at least 63 members of ETA had been released following a ruling by the European Court of Human Rights in 2013 in the case of *Del Rio Prada v. Spain* that the Spanish Supreme Court’s “Parot Doctrine” on serious crimes violated the rights to liberty and to no punishment without law. In a reversal of earlier jurisprudence, a Supreme Court ruling in 2006 effectively excluded the possibility of early release for those sentenced to consecutive terms of imprisonment on multiple counts.

## DISCRIMINATION

Law enforcement officers continued to carry out identity checks on the basis of racial or ethnic characteristics. The draft Law on the Protection of Public Safety contained a provision requiring identity checks to respect the principle of non-discrimination.

During the year, data on hate crimes was made public by the Ministry of Interior for the first time. According to the Ministry, 1,172 hate crimes were registered in 2013, most on

the grounds of sexual orientation and identity and ethnicity. However, a protocol on the identification and registration of discriminatory incidents by law enforcement officers was not introduced. Not all regional security forces provided data on hate crimes.

Despite a 2013 Supreme Court ruling that the banning of full-face veils in municipal buildings in the city of Lleida was unlawful, similar legislation was introduced or proposed in several municipalities during 2014. In July, the Catalan government announced its intention to ban the wearing of full-face veils in public, but legislation to this effect had not been adopted by the end of the year.

## VIOLENCE AGAINST WOMEN

According to the Ministry of Health, Social Policy and Equality, 45 women were killed by their partners or former partners during the year.

In August, the CEDAW Committee found that Spain had violated its obligations under the CEDAW Convention by failing to protect Angela González and her daughter Andrea from domestic violence. Andrea was murdered by her father in 2003. Despite more than 30 complaints, and repeated requests for protection, the courts had authorized unsupervised visits between Angela González’ former partner and Andrea.

Statistics published during the year revealed a sharp decline in the rate of prosecutions of reported incidents of gender-based violence since the entry into force of the Law on Comprehensive Protection Measures against Gender-based Violence in 2005. The number of cases closed for lack of evidence by the specialized court for gender violence had increased by 158% between 2005 and 2013, prompting unheeded calls for a review of the effectiveness of both the Law and the specialized court .

## REFUGEES’ AND MIGRANTS’ RIGHTS

Unlawful treatment of migrants, refugees and asylum-seekers, including their unlawful deportation to Morocco, and unnecessary or

excessive use of force by law enforcement officials, were reported in the Spanish enclaves of Ceuta and Melilla throughout the year. By the end of the year, more than 1,500 Syrian refugees were waiting to be transferred to the mainland from the enclaves. In October, the Popular Party Parliamentary Group tabled an amendment to the draft Law on Public Security that would legalize summary expulsions to Morocco from Ceuta and Melilla.

In February a group of around 250 migrants, refugees and asylum-seekers originating from Sub-Saharan Africa attempted to swim across the sea border between Morocco and Ceuta. Officials from the Civil Guard employed anti-riot equipment, including rubber balls, blanks and smoke, to stop them. Fifteen people drowned. A judicial investigation was ongoing at the end of the year.

Hundreds of thousands of irregular migrants continued to have their access to health care limited as a result of the implementation of Royal Decree Law 16/2012. With some exceptions, undocumented migrants had to pay to receive health care, including primary health care. In November, the Council of Europe European Committee of Social Rights highlighted that Royal Decree Law 16/2012 contravened the European Social Charter.

By the end of the year, the authorities granted international protection to 1,205 people. Only 255 were granted refugee status. Despite the government's announcement in December 2013 that it would resettle 130 Syrian refugees, by the end of 2014 none had been resettled.

## **CRIMES UNDER INTERNATIONAL LAW**

The definitions of enforced disappearance and torture in Spanish legislation continued to fall short of international human rights standards.

Amendments to legislation governing universal jurisdiction in Spain that entered into force on 14 March limited the powers

of Spanish authorities to investigate crimes under international law, including genocide, enforced disappearance, crimes against humanity and torture, committed outside Spain. The reforms were criticized by the UN Working Group on Enforced or Involuntary Disappearances and the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in July.

## **IMPUNITY**

The rights to truth, justice and reparation for victims of crimes committed during the Civil War (1936 to 1939) and under Francisco Franco's rule (1939 to 1975) continued to be denied. Spanish authorities failed to adequately assist the Argentine judiciary, which has been exercising universal jurisdiction to investigate crimes under international law committed during the Franco era.

In July, the UN Working Group on Enforced or Involuntary Disappearances urged the Spanish authorities to strengthen efforts to establish the fate and whereabouts of persons disappeared during the Franco era.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In September the government withdrew a draft bill, approved in December 2013, which would have introduced a series of obstacles to accessing a safe and legal abortion and possibly increased the number of women and girls resorting to dangerous, clandestine abortion procedures. However, the government reaffirmed its intention to reform existing legislation and require parental consent for girls between 16 and 18 years of age wishing to access a legal abortion.