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Spain

Country Reports on Human Rights Practices - 2005

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Spain, with a population of approximately 43 million, is a parliamentary democracy with a constitutional monarch. The March 2004 national election was free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. The following problems were reported:

- detainees, foreigners, and illegal immigrants were reportedly abused and mistreated by some members of the security forces
- lengthy pretrial detention and delays in some trials
- some societal violence against immigrants
- domestic violence against women
- trafficking in women and teenage girls for the purpose of sexual exploitation
- societal discrimination against Roma

The terrorist group Basque Fatherland and Liberty (ETA) continued its campaign of bombings. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists.

Islamist groups linked to those who killed 191 and injured more than one thousand persons in March 2004 remained active. The government continued to investigate and make arrests.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, one detainee died while in custody during the year. On July 25, Juan Martinez Galdeano died while in the custody of the Civil Guard in Roquetas (Almeria). The Ministry of Interior immediately launched an internal investigation, which concluded that Galdeano died as a result of a civil guard beating. The local civil guard commander was suspended, as were six of his subordinates, pending the judicial investigation of charges that included using banned weapons, obstructing an investigation, and providing false testimony. Legal proceedings were ongoing at year's end.

In July 2004 regional Catalanian police were accused of having killed Moroccan national Farid Bendaomed during an operation against drug trafficking. An investigation into the cause of Bendaomed's death was still ongoing at year's end.

In August, September, and October at least six sub-Saharan Africans died while trying to scale the fences that separate the Spanish enclaves of Ceuta and Melilla from Morocco. Some of the illegal immigrants suffocated or were trampled as hundreds tried to enter the enclaves. The Moroccan government acknowledged that four of the deaths were from shots fired by Moroccan security officials. Doctors without Borders and Amnesty International (AI) claimed that civil guards used "disproportionate force" to repel migrants and pushed migrants back to the Moroccan side of the fence, and reportedly several died as a result.

In response to the waves of illegal immigrants seeking to enter Ceuta and Melilla, the government began to enforce a repatriation agreement with Morocco, sending some of those who entered Ceuta and Melilla back to Morocco. Nongovernmental organizations (NGOs) demanded that the government cease repatriations because of reports that Morocco abandoned busloads of migrants in the desert rather than returning them to their countries of origin.

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings. ETA publicly claimed responsibility for its attacks.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, suspects charged with terrorism at times claimed that they were tortured and abused during detention. The Council of Europe Commissioner for Human Rights (COE/CHR) explained in his report on the country released in November that "it is common knowledge that systematic allegations of torture--regardless of whether there are any facts or evidence to corroborate them--are an obligation on any ETA activist from the very moment that the arrest takes place, as demonstrated by the documents found in flats occupied by activists of this terrorist organization and used in judicial proceedings."

There were reports that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants (see section 2.d.). According to AI, government investigations of such alleged abuses often were lengthy, and punishments were light.

The COE/CHR reported that "the NGOs I spoke to all agreed that torture and ill-treatment were not systematically practiced in Spain, although they expressed concern that complaints were not always systematically and effectively investigated." He further noted that "in spite of the persistent and violent terrorist attacks Spain has suffered since its transition to democracy 30 years ago...there has been no corresponding toughening of the legislation to curtail, restrict, or limit the rights of people detained for terrorist activities."

AI reported that in June 2004 an officer of the Catalan autonomous police was investigated for the alleged torture of a minor in a judicial inquiry in Lleida (Catalonia). Jordi Vilaseca Cantacorps was arrested in 2003 in connection with alleged acts of street violence and held incommunicado under antiterrorism legislation. He claimed he was forced to stand motionless for up to eight hours without food or water and then to kneel without moving for several hours more. Apparently exhausted and dehydrated, he collapsed and was taken to the hospital. On November 15, the newspaper *El Pais* reported that a judge ordered Vilaseca Cantacorps and two others to stand trial for using an explosive device to partially destroy the home of a political candidate in Tora, Spain, and for causing extensive damage to a television transmission tower in a suburb of Barcelona. There was no further mention of the outcome of the investigation nor any action taken against police for the alleged torture.

A 2004 AI report stated that torture was not present in a systematic form in the country, but certain practices such as holding detainees incommunicado could create conditions that allow for mistreatment. AI urged an end to legal provisions that allow police to hold suspects of certain terror-related crimes for up to five days with access only to a bar association-appointed lawyer. AI was also concerned about continuing reports of mistreatment of detainees in immigration detention centers and urged the government to broaden its definition of torture to include rape by authorities while in custody.

ETA bombings and attempted bombings caused numerous injuries and property damage. In May a car bomb in Madrid injured more than 50 persons. On June 25, a car bomb exploded in a Madrid stadium. In addition throughout August there were another 12 terrorist attacks in places such as Santiago de Compostela, Guernika, Boroa, Zaragoza, Guipuzcoa, Madrid, Alicante, and Vizcaya. During the year there were 41 ETA bombings causing 96 injuries. However, none of the injuries were serious.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however there were reports of overcrowding and abuse of prisoners.

In its report this year, AI reported instances of violent deaths, torture, and mistreatment in various prisons, some of which were overcrowded. For example, in May 2004 the government held inquiries into a riot at Quatre Camins prison in Catalonia in April 2004. After the deputy director and other prison officials were badly injured, off-duty prison guards reportedly went to the prison, formed a gauntlet, and beat 28 prisoners who were about to be transferred. In July 2004 the Catalonia justice ministry submitted a report to the public prosecutor, recognizing that up to 26 prisoners had been mistreated, but was unable to identify those responsible. It then transferred the case to the public prosecutor. In July the justice ministry dismissed the deputy medical director of Quatre Camins, and in September it announced that the director and deputy director of the prison had also been dismissed.

The government permitted prison visits by independent human rights observers.

In December a delegation of the COE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CAT) reviewed prison conditions in Madrid and Almeria and visited Melilla to examine civil guard procedures for the interception and treatment of foreign nationals at the border with Morocco. The delegation reiterated recommendations that the committee made in 2001 and 2003 to provide detainees with quicker access to lawyers; to reduce the length of incommunicado detention; and to provide detainees with access to their personal doctors rather than government doctors. The government replied that incommunicado detention is only used under strict judicial supervision and that most detainees have prompt access to their lawyers.

In March the COE/CHR and his team visited prisons throughout the country. He did not find evidence of any ill treatment of prisoners. However, his final report did describe recent growth in prison populations and the consequent overcrowding. The COE/CHR also noted the need to provide proper psychiatric care in all hospitals, the absence that along with overcrowding may be factors in the rising number of suicides in prison.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, there were reports of

incomunicado detention.

Role of the Police and Security Apparatus

Police forces include the national police (NP), municipal police, the civil guard, and police forces under the authority of the Catalonia and the Basque Country regional governments. All police forces operated effectively with isolated reports of corruption. Impunity was not a problem. The constitution provides for an ombudsman who investigated claims of police abuse (see section 4). Police internal investigators have 15 days to respond to inquiries from the ombudsman, and the ombudsman's office issues findings on the results of the investigation and can impose sanctions. The ombudsman can perform unannounced inspections of police facilities (see section 4).

Arrest and Detention

Police openly apprehended suspects with arrest warrants that were issued by a duly authorized official and based on sufficient evidence. The law calls for an expeditious judicial hearing following arrest, and this requirement generally was enforced in practice. Detainees generally were promptly informed of the charges against them. The courts released defendants on bail unless they believed that the defendants might flee or be a threat to public safety. The police allowed arrested persons prompt access to a lawyer of their choosing or, if they could not afford one, to a court-appointed attorney. In specific terrorism cases, the bar association provided a lawyer to the suspect. Police rarely used incomunicado detention, but the potential for abuse of detainees while in incomunicado detention was a problem (see section 1.c.) Police may not hold a suspect for more than 72 hours without a hearing, except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days--a total of 5 days--without a hearing. These detention procedures were generally respected by the police in practice.

There were no reports of political detainees.

Lengthy pretrial detention was a problem. As of the end of October the prison population was 61,200 of which 13,993 were pretrial detainees who have been confined for various lengths of time. Under the law suspects cannot be detained for more than two years before being brought to trial unless a judge, who may extend pretrial detention to four years, authorizes a further delay. In practice pretrial detention usually was less than one year.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The constitutional court has the authority to return a case to the court in which it was adjudicated if it determines that constitutional rights were violated during the course of the proceedings. The national court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights (ECHR) is the final arbiter in cases concerning human rights.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Trials were public and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense for the indigent), to confront witnesses, to present witnesses on their behalf, and to have access to government-held evidence. Defendants enjoy the presumption of innocence and the right to appeal to the next higher court.

Prolonged trial delays were a problem, but do not appear to be the result of corruption, judicial inefficiency, financial constraints, or staff shortages; rather they were a characteristic of the country's legal system.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were reports of limits on freedom of the press in the Basque region.

The independent media were active and generally expressed a wide variety of views without restriction.

In 2004 the European Commission presented a report that denounced the restraints placed on journalists in the Basque region, particularly in covering the de-legitimizing of the Batasuna political party, which was declared a terrorist organization (see section 3). The government imposed restrictions against publishing documents that the government interpreted as glorifying or supporting terrorism.

In 2003 the national court closed the Basque newspaper, *Euskalunon Egunkaria*, because of its links to the terrorist organization ETA. Subsequently the court continuously reviewed and renewed four-month extensions of the newspaper's closing. On November 24, the judge indicted eight of its leaders for "illicit association to an armed group." The paper has not re-opened, and the trial of the indicted leaders was ongoing at year's end.

In October 2004 Reporters without Borders expressed concern that ETA used terror against media that "does not cover the information according to its (ETA's) point of view." In October 2004 a journalist from the national daily *El Mundo* received a threatening letter from the ETA, and the ETA frequently intimidated journalists in the Basque region.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The constitution declares the country is a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements, but they enjoyed fewer privileges.

The law establishes certain privileges for officially recognized religious organizations. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations. The Church of Scientology filed an application for official recognition again in October 2004. However, the government declined to register the church on the grounds that the Ministry of Justice did not have the authority to overturn a 1990 Supreme Court decision to deny the church registration. The church continued to press for official recognition.

Societal Abuses and Discrimination

Muslim leaders expressed concern that some media reports in 2004 appeared to link the Islamic religion to the March 2004 terrorist attacks. They also expressed concern over housing and employment discrimination. The Islamic Federation reported that the building permit process for new mosque construction could be difficult and lengthy, especially for building sites in central urban locations. A project to construct two mosques in Seville continued to face significant public and bureaucratic opposition.

Jewish community leaders reported that there were 30 to 40 thousand Jews in the country. These leaders also report that while violent anti-Semitic acts against individual members of the community were rare, they were concerned about anti-Semitism expressed as vandalism against Jewish institutions. Jewish synagogues in Barcelona were vandalized in March. The vandalism included anti-Semitic graffiti on the walls of the synagogues.

In 2004 officials from B'nai B'rith claimed there was an increasing anti-Semitic tone in newspaper commentary and political cartoons as well as public displays of anti-Semitism at major sporting events. The government undertook more focused efforts on anti-Semitism, including organizing and hosting the June OSCE conference in Cordoba on "Anti-Semitism and Other Forms of Intolerance"; and the government's appointment of a special envoy to serve as a liaison between the Jewish community and international organizations dedicated to combating anti-Semitism. In January Justice Minister Lopez Aguilar presided over the official establishment of the Foundation for Pluralism and Coexistence, which provided government funding to Jewish, Muslim, and Protestant organizations to promote interfaith tolerance. The government created the foundation partly in response to attacks against Jewish persons and institutions. During the year the government declared and observed an annual Holocaust Remembrance Day.

In March Barcelona police detained a distributor of neo-Nazi music, Jordi R.P. He was arrested for distributing music that promotes the "Third Reich", anti-Semitism, and calls for a racial war. The Catalan police found in his home 600 CDs and other materials used for distribution of neo-Nazi materials praising the genocide and actions of Hitler.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

In response to large numbers of illegal immigrants seeking to enter Ceuta and Melilla, the government began to enforce a repatriation agreement with Morocco, returning some migrants who illegally entered Ceuta and Melilla to Morocco. NGOs demanded that the

government cease the repatriations because of reports that Morocco abandoned busloads of migrants in the desert rather than returning them to their countries of origin.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 111 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in assisting refugees and asylum seekers.

Between February and May, the government accepted more than 690 thousand applications for status normalization from undocumented migrants. By December it had normalized more than 570 thousand applicants, enabling migrants to participate in social security and other government programs.

In April SOS Racismo, a local human rights group, claimed that race-based attacks increased because some politicians linked Muslim immigration with crime. SOS Racismo said that the March 2004 terrorist attacks did not create a new xenophobia, rather that the attacks roused the existing societal suspicions toward the Muslim population.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In the March 2004 national election Jose Luis Rodriguez Zapatero of the Socialist Party became prime minister in a free and fair election. Governmental power was shared between the central government and 17 regional governments. Local nationalist parties participated in the political process as representatives of linguistic and cultural minorities.

In 2003 the Supreme Court unanimously declared Batasuna to be the political arm of ETA, a terrorist organization and, therefore, illegal. The delegalization means that Batasuna, Euskal Herritarrok, and Herri Batasuna were erased from the registry of political parties. They were not able to participate in any elections, none of their activities (meetings, publications, electoral process) were permitted, and their physical assets have been sold and the proceeds used for social or humanitarian activities. Despite the restrictions, Batasuna representatives retained their seats in the Basque parliament, although under a new organizational name. In March the Supreme Court prohibited candidate supporting the political platform Aukera Guztiak from running in the April regional Basque elections, ruling that it was an offshoot of the de-legalized Batasuna. In April the constitutional court upheld this decision. Nonetheless, the government did not block the participation of another party, the Communist Party of the Basque Lands, in the elections despite the group's official adoption of the Aukera Guztiak platform.

In parliament there were 126 women in the 350-seat lower house and 64 women in the 158-seat senate. There were 8 women in the 16-member cabinet.

The government did not keep statistics on the ethnic composition of the national parliament, but linguistic and cultural minorities appeared to be well represented. The Catalan parliament included a member of Moroccan origin. The Spanish city enclaves of Ceuta and Melilla in North Africa had Muslim political parties.

Government Corruption and Transparency

There were isolated reports of government corruption during the year.

The law provides for public access to government information, and the government generally provided it.

Section 4 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 generally cooperative and responsive to their views.

The law provides for an ombudsman, called the people's defender, whose duties included investigating complaints of human rights abuses by the authorities. The ombudsman operated independently from any party or government ministry, was elected every five years by a three-fifths majority of the congress of deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons; he could refer cases to the courts on his own authority. Government agencies were responsive to the ombudsman's recommendations. Several autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities. Throughout the course of the year, he made hundreds of official recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced it; however, domestic violence, trafficking in persons, and discrimination against ethnic minorities and immigrants were problems.

Women

Domestic violence against women was widely acknowledged to be a problem. The law prohibits violence against women, and the government effectively enforced it. During 2004, 23,550 people were convicted of domestic violence crimes. In January a new domestic violence law was enacted, providing for more severe penalties for violence against women or "especially vulnerable" victims. This law provided for six months to a year in jail for domestic violence (as well as threats and breaking a restraining order), with more prison time for serious injuries. According to the government, 62 women were killed as a result of domestic violence during the year. Through November women filed 55,155 complaints against their husbands or male partners. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hot line, that advised battered women on where to find local assistance or shelter, operated during the year. In addition the security services strengthened their support for battered women, adding 380 units to the existing 722 specialized units that focus on the victims.

Cases of battered women or women killed by their partners continued to increase in Catalonia. The regional government has opened a specialized center to assist victims. The center had a team of specialists that includes attorneys, social workers, psychologists, and educators.

The law prohibits rape, including spousal rape, and the government effectively enforced it. Through November, the government reported 6,825 cases of sexual assault, harassment, and aggression.

There is a requirement that a doctor examine female immigrants in Catalonia in danger of suffering from female genital mutilation (FGM) "ablation" when traveling to their countries of origin and again upon return. If they were victims of FGM, the parents could lose custody of the child. In practice doctors have not examined immigrants, because there was no suspicion that any such incidents took place.

Prostitution is legal, and was widely reported to be a problem. Forcing others into involuntary prostitution and organizing prostitution rings are illegal. Local governments, notably Madrid and Barcelona, continued campaigns to reduce the number of prostitutes, including antiprostitution advertising, restrictions on prostitution near schools, and police efforts (for example, road closings) to deter clients seeking prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, such harassment was widely reported to be a problem. From January to November 2004, the Women's Institute reported 419 complaints of sexual harassment. Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. An office in the Ministry of Labor and Social Affairs called the Women's Institute worked to ensure the legal rights of women, as well as to combat economic discrimination and integrate women into the mainstream of society and the economy. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men.

Children

The government was strongly committed to children's rights and welfare.

Education is compulsory until age 16 and free until age 18. There were no differences apparent in the treatment of girls and boys in education. According to the UN Economic and Social Organization (UNESCO) statistics for 2002 and 2003, 100 percent of primary school-age children attended school and 96 percent of secondary school-age children.

Access to the national health care system was equal for girls and boys.

The ministries of health and of labor and social affairs were responsible for the welfare of children. Several regional governments had an office of the defender of children, an ombudsman charged with defending children's rights.

There were isolated reports of child abuse.

Child prostitution occurred.

Trafficking in teenage girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime. From January to August, nearly three thousand teenagers who engaged in a variety of activities were rescued from the streets.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The law prohibits trafficking in persons for labor and sexual exploitation, with penalties ranging from 5 to 12 years' imprisonment. The law also prohibits the exploitation of prostitutes through coercion or fraud and the exploitation of workers in general, with penalties ranging from 5 to 10 years' imprisonment. According to an August Ministry of Interior report, during the first six months of the year police arrested more than 1 thousand persons accused of trafficking-related crimes, including illegal immigration (427 people in 67 networks), document falsification (249 people in 31 networks), and sexual exploitation (518 people in 95 networks).

The Ministry of Interior coordinates antitrafficking efforts and received support in its efforts from the office of the president, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. The NP has a special unit, the Immigration Networks and Falsified Documents Unit (UCRIF), which covers trafficking in persons-related issues. The UCRIF intelligence unit analyzed statistical data and trends, while coordinating efforts and sharing data with the civil guard and Interpol. Regional NP offices conduct quarterly reviews to set goals in combating trafficking and to assess success in meeting previous quarter goals.

The government has made the treatment of women a high priority with the passage of the October 2004 integral law against gender violence, a domestic violence law that provides for heavier sentences when violence is directed against women or "especially vulnerable" victims. When King Juan Carlos addressed the diplomatic corps in January, he emphasized the need to fight trafficking in persons networks. Within the Interior Ministry, the NP had primary responsibility for trafficking. In addition the Interior Ministry chaired an interagency committee that dealt with trafficking. Police cooperation with source countries led to 303 trafficking-related arrests in source countries in 2003. The government extradited seven persons for trafficking-related offenses in 2003.

Of four alleged members of an international prostitution ring arrested by Catalan police in September 2004, two were subsequently released, and two remained in prison awaiting trial at year's end.

The country was both a destination and transit country for trafficked persons for the purpose of sexual exploitation (most frequently involving forced prostitution and work in nude dancing clubs) and, to a lesser degree, forced labor (primarily agriculture, construction, and domestic employment) (see section 6.d.). Trafficked women were usually 18 to 30 years of age, but some girls were as young as age 16. Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree and more often for labor rather than for sexual exploitation.

The traffickers were generally organized criminals based in the source countries.

Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. Women from Eastern Europe reportedly were subject to more severe violence and threats by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture but then forced them into prostitution upon their arrival in the country. The media reported that criminal networks often lured their victims by using travel agencies and newspaper advertisements in their home countries that promised guaranteed employment in Spain. Typically in the case of Romanian organized networks, women were forced into prostitution where 90 percent of their earnings were marked for the criminal network; men were often employed in low-paying construction jobs. Clandestine clothing production and sales as well as work in restaurants were typical employment for illegal Asian immigrants, who came to the country with false documents through trafficking networks.

The law permits trafficking victims to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. In 2003 police reported that 250 victims agreed to testify and were granted short-term residency status.

The government worked with and funded NGOs that provided assistance to trafficking victims. In addition regional and local governments provided assistance either directly or through NGOs. The government's violence education programs for female victims and an NGO partner on trafficking reported that 89 percent of the victims they assisted pressed criminal charges.

The government contracted with an NGO, Project Hope, to provide protection, housing, and counseling support to the victims of trafficking or other abuse. Project Hope, backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid, provided assistance with medical and legal services, and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many referrals directly from police.

In March 2004 the Madrid city government began enforcement of its antiprostitution and antitrafficking campaigns by increasing police presence in targeted zones. The Madrid city government continued its extensive publicity campaign to discourage the potential clients of prostitutes with posters and advertisements in newspapers, on the radio, and on city buses.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice; however, levels of assistance and accessibility differed from region to region. The Ministry of Labor and Social Affairs was charged with protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Public opinion surveys indicated the presence of racist and xenophobic attitudes, which resulted in discrimination and, at times, violence against minorities. On July 21 AI asked the government to implement a national plan against racism and xenophobia in accordance with its European Union and international obligations to take appropriate measures to combat racism. According to AI, the government did not respond by year's end.

In July there were violent incidents in Jumilla by local residents who reportedly felt unsafe because of the increase in the number of immigrants during the summer season. In May in Villaverde (Madrid) there were violent attacks against immigrants after the stabbing and killing of a young citizen was blamed on a Dominican immigrant. Police said that dozens of teenagers took to the streets and attacked at least four recent immigrants, including an Ecuadorian girl.

On September 17, civil guards in Valencia arrested 22 neo-Nazis, accusing them of mistreating immigrants, weapons violations, and other crimes. The neo-Nazis organized so-called "hunts," in which they beat up immigrants and persons who did not support their philosophy. The group had a Web site that encouraged violence against minorities and offered weapons for sale. Such groups were said to be present in more than 90 cities throughout the country, including the autonomous community of Catalonia. Police detained as many as 126 neo-Nazis throughout the country, principally in Catalonia, Madrid, and Aragon.

The central and the Catalan governments' efforts to better integrate immigrants in Catalonia were primarily focused on helping minor and female immigrants. Immigrants were primarily Latin American, Moroccan, and East Europeans, as well as some West Africans.

At times the growth of the country's immigrant population led to social friction, which in isolated cases had a religious component. Muslim community representatives claimed that there were significant anti-Moroccan immigrant feelings (see section 2.c.).

According to the September report of the national NGO Fundacion Secretariado Gitano, Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding. In June the Ministry of Education and Culture and the Fundacion Secretariado Gitano signed a cooperative agreement that focused on improving the attendance of Romani children as well as education for adult Roma. In April the Ministry of Labor and Social Affairs along with Romani representatives established the State Council for Roma People to encourage the participation of Roma in social programs and increase cooperation between the government and the Romani community.

Languages or dialects other than Castilian Spanish are used in 6 of the 17 Spanish regions. The constitution stipulates that citizens have the "duty to know" Castilian, which is the official language of the state; however, it provides that other languages may also be official under regional statutes and that "different language variations of the country are a cultural heritage which shall be protected."

Laws in these regions promote the non-Castilian languages in schools and governmental activities. Critics contend that these efforts to promote the use of non-Castilian languages made it more difficult for Castilian speakers to live and work in those areas.

Section 6 Worker Rights

a. The Right of Association

The law allows workers, except those in the military services, judges, magistrates, and prosecutors, to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Approximately 15 percent of the workforce was unionized. The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers. The law provides for the right to strike and workers exercised this right by conducting legal strikes. A strike in nonessential services was legal if the union gave five days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. Child labor was generally not a problem. The statutory minimum age for the employment of children is age 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

e. Acceptable Conditions of Work

The minimum wage was approximately \$620 (513 euros) per month, which generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor and Social Affairs effectively enforced the minimum wage.

The law set a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Overtime is restricted by law to 80 hours per year, unless collective bargaining established a different level. Premium pay is required for overtime, up to a maximum of 80 hours per year.

The National Institute of Safety and Health in the Ministry of Labor and Social Affairs had technical responsibility for developing labor standards, but the inspectorate of labor had responsibility for enforcing the legislation through inspections and judicial action when infractions were found. Unions criticized the government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and the authorities effectively enforced this right; however, employees with short-term labor contracts may not understand they have such protections.

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