



## 2008 Human Rights Report: Spain

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Kingdom of Spain, with a population of approximately 46.1 million, 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 is usually named to head the government as president. The national election held on March 9 was free and fair. The Spanish Socialist Workers Party (PSOE) won the multiparty election, and Jose Luis Rodriguez Zapatero was reelected president. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were some reports of security forces abusing suspects and mistreating migrant children in detention centers, and authorities delayed the arraignment of arrested persons before a judge and delayed legal assistance to arrested persons. There were also reports that authorities at times expelled illegal migrants without adequate screening for potential asylees. In June 2007 the terrorist group Basque Fatherland and Liberty (ETA) declared an end to its 2006 "permanent ceasefire" and continued its terrorist campaign of bombings. As of December 5, the ETA was responsible for four deaths during the year. Jewish groups reported isolated acts of vandalism and anti-Semitism, Muslim groups reported some societal discrimination, and there were incidents of societal violence against other minorities. Domestic violence and trafficking in persons were also reported.

### RESPECT FOR HUMAN RIGHTS

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.

During the year, there were 32 ETA terrorist attacks, resulting in four deaths and approximately 39 injuries. The deaths occurred in the attacks on March 7, May 14, September 20, and December 3. Others were injured in attacks on April 17, June 1, and October 30. During the year, authorities arrested 79 ETA members and 78 persons allegedly involved in ETA's street violence campaigns. Those arrested included two members who confessed to involvement in the 2006 bombing at Madrid's international airport that killed two Ecuadorians, the suspected leader of the ETA, and three of his chiefs, all of whom were believed to have taken part in planning the airport bomb attack, as well as nine other ETA members implicated in a May 14th attack that killed a member of the civil guard. The ETA has killed eight persons since the 2006 airport attack.

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 generally respected this prohibition; however, there were reports of police mistreatment and impunity.

In its annual report released in May, the country's coordinator for the Council for Europe's Committee for the Prevention of Torture (CPT) reported that, in 2007, 720 persons filed mistreatment complaints against security forces, an 18 percent increase from 2006. After a June visit to Tenerife, Madrid, and Victoria, Amnesty International (AI) Secretary General Irene Khan stated that officials mistreated persons in custody, adding that such mistreatment was not systematic, but was an "extended practice" in all parts of the country.

On February 22, a Basque Country Court judge interrogated eight members of the Spanish security forces charged with mistreating an alleged ETA member arrested in January. After his arrest, the suspect spent four days in a hospital's intensive care unit. He told the judge that the prison guards beat him. The Ministry of Interior claimed the guards used justified force to thwart an escape attempt.

On May 3, a video was released on "YouTube" that showed private security forces at a Madrid subway station beating a male immigrant at the subway's entrance. According to media reports, Metro authorities fired the agents, but did not report the attack to authorities.

In July a U.S. citizen residing in Morocco alleged that authorities in Cueta mistreated and unnecessarily detained him. The subject complained that the guards humiliated him during a strip search, repeatedly threatened him, and refused him access to a restroom. He received medical attention when he later collapsed in his cell, but was not examined for mistreatment. Authorities suspected the man was using a false passport and allegedly denied him access to counsel and detained him without a hearing for three full days, as allowed by law. As of year's end, the government had not investigated the allegations.

Prosecutors sought a six-year sentence for four Catalan regional police officers (mossos d'esquadra), who allegedly assaulted a detainee in March 2007. As of December the trial has not begun. In December 2007 a Barcelona judge initiated a trial against six regional police officers for mistreating a Romanian citizen in July 2006. In November four officers received two- to seven-year jail sentences, another defendant was fined, and one acquitted. In a separate case, prosecutors sought a four-year prison sentence for regional police officers who mistreated a detainee in the Barcelona police station. This trial had not begun by year's end.

On March 5, the prosecutor's office sought a four-month jail sentence for three Catalan regional police officers, who assaulted and injured a Guinean citizen in a Barcelona police station in 2006.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

Prisons were overcrowded, with an inmate-per-cell ratio of approximately 1.7 where cells were designed for one inmate. Three new prison facilities opened during the year.

The CPT's July 2007 report on its 2005 visit to the country cited numerous allegations of mistreatment, including some of a serious nature. The report noted that inmates lacked adequate protection against mistreatment, and

recommended that jails maintain a log of inmate injuries and possible origins observed during the admission medical examination. In February the government ordered the installation of video cameras in detention areas in police and civil guard stations. Although media reports indicated that the cameras were used only from time to time or when ordered by a court, there were stations that used the cameras systematically.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

Police forces include the national police and the civil guard, both under the authority of the central government, as well as municipal police and police forces under the authority of Catalonia and the Basque Country regional governments. All police forces operated effectively, with isolated reports of corruption. The constitution provides for an ombudsman who investigates claims of police abuse. The national ombudsman filed 26 ex officio judicial complaints, including several regarding instances of death during incarceration. During 2007 the ombudsman network processed 1,746 complaints relating to matters of justice, defense, and internal affairs.

#### Arrest and Detention

The law provides that police may apprehend suspects with probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing. According to the CPT's July 2007 report, the requirement that an arrested person must be brought before a judge within 72 hours was not rigorously met in practice. Detainees were not generally informed of their right to the services of a lawyer free of charge, and it was common practice for detained persons to be granted access to a lawyer only at the moment when they made a formal statement while in law enforcement custody. Detainees generally were promptly informed of the charges against them. The courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety.

In certain rare instances involving acts of terrorism or rebellion, the law allows authorities to detain persons for up to five days prior to arraignment with the authorization of a judge. In these cases, a judge also may order incommunicado detention for the entire duration of police custody, which may be extended by the court up to 13 days. Human rights observers indicated that this power carried the potential for abuse. Authorities responded that this form of detention was rare.

The law stipulates that suspects held incommunicado have the right to an attorney, but not necessarily to their attorney of choice. The Spanish Bar Association selects an attorney for the detainee.

Lengthy pretrial detention was a problem. As of July approximately 25 percent of the 71,114 persons in prison were pretrial detainees. Under the law authorities may not detain suspects for more than two years before putting them on trial unless a judge authorizes a further delay, which may extend to four years. In practice pretrial detention was usually less than one year.

#### e. Denial of Fair Public Trial

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

#### Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense if indigent), confront witnesses, present witnesses on their behalf, and have access to government-held evidence. Defendants enjoy a presumption of innocence and the right to appeal.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

An independent and impartial judiciary exists for civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

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

The independent media remained active and generally expressed a wide variety of views without restriction. Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede such criticism.

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. In June 2007 Arnaldo Otegi, the leader of the ETA's political front, was sentenced to 15 months in prison for glorifying terrorism while participating in the 2003 commemoration of the 25th anniversary of the death of an ETA member; Otegi was released from prison on August 30.

A 2007 Constitutional Court ruling stated that Holocaust denial could no longer be punished by incarceration, since it is permissible in the framework of freedom of speech. Previously, the law provided punishment of up to two years in prison for the offense. The court concluded that imprisonment for the offense of justifying the Holocaust or genocide would be compatible with the constitution.

This year's report of the NGO Reporters Without Borders criticized the ETA for threatening journalists, contending that several journalists in the country required personal protection or chose to leave the Basque Country due to such threats. The NGO asserted that the country did not meet European Union standards for freedom of the press. On June 8, the ETA detonated a bomb outside printing facilities of the newspaper El Correo near Bilbao. The ETA detonated a bomb November 20 near the Mt. Arnotegi television transmitter station on the outskirts of Bilbao, causing serious structural damage. The station, aside from transmitting public television and radio signals, also provides support for police, emergency and security forces' internal communication systems. On December 31, ETA

attacked the headquarters of the Basque News and Informational Channel (EITB), a regional television station, with a 100-kilo (220-pound) car bomb. Extensive material damage to the building, which also houses other media outlets, including Atena 3, Onda Cero, El Mundo, Deia, Marca, and Expansion, was reported; however, there were no injuries or casualties and normal operations resumed within a few hours.

#### Internet Freedom

There were no government restrictions on access to the Internet. Authorities monitored Web sites for material containing hate speech and advocating anti-Semitism; there were no reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Internet access was readily available from a number of providers. The government did not require Internet service providers to restrict public access to any Web sites.

#### Academic Freedom and Cultural Events

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

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

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

#### c. Freedom of Religion

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

The constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Roman Catholicism was the dominant religion and enjoyed the closest official relationship with the government. The Roman Catholic Church benefited from financing through the tax system in that taxpayers, regardless of denomination, could elect to dedicate a small percentage of their taxes to the Roman Catholic Church. The government also provided some direct funding to the Roman Catholic Church, as well as funding for religion teachers in public schools, military and hospital chaplains, and other indirect assistance. Jewish, Muslim, and many Protestant communities with "notorio arraigo" ("deeply rooted" traditional) status received some tax benefits through agreements with the government, but enjoyed fewer privileges than the Roman Catholic Church. Jehovah's Witnesses, Buddhists, and the Church of Jesus Christ of Latter-day Saints have obtained notorio arraigo status; however, they do not receive the same benefits and privileges granted to the other "deeply-rooted" religions.

Muslim and Protestant leaders cited the work of the government's Foundation for Pluralism and Coexistence as a clear step for integrating non-Catholic faiths. The government attributed significant increases in the number of non-Catholic religious organizations officially registering with the Ministry of Justice to this foundation, since registration was required to apply for foundation funds.

There were isolated instances of local and regional government policies that ultimately restrict some individual religious groups. The Jewish, Islamic, and Protestant federations reported that the building permit process for construction of new sites of worship could be difficult and lengthy, especially for sites in central urban locations. The Islamic Commission reported that sometimes new mosque construction was forced into less visible suburban areas,

primarily because of resistance from neighborhood groups.

Numerous Muslims were forced to worship in converted buildings, often called "garage mosques," because there were few buildings dedicated to Islamic worship for their growing numbers, and some localities resisted selling Muslims land and providing the necessary legal permits to build.

On February 20, the Observatory for Religious Freedom and Conscience declared that observant believers in the country were treated as "second-class citizens" for not sharing the ideology of the party in power. The observatory also criticized the Partido Popular's (People's Party's) proposal to prohibit the Muslim veil in schools.

On February 15, the leadership of the Islamic Cultural Center of Valencia (CCIV) reported that its request to the Valencia city council for land to build a new, larger mosque had not received a response for nearly two years. The CCIV's facilities were spread among multiple properties and the community was unable to accommodate the significant increase in adherents in recent years.

#### Societal Abuses and Discrimination

The growth of the country's immigrant population occasionally led to social friction, which in isolated instances had a religious component. Muslims continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates in the country. During the year Muslims reported encountering no obstacles to practicing their religion in the country.

Jewish community leaders reported that, while violence against the approximately 48,000-member Jewish community was rare, anti-Semitic incidents, including graffiti against Jewish institutions, continued to be a problem.

On August 28, an organized Israeli tour group was confronted by a group of skinheads, who shouted "Heil Hitler" while raising their arms in a Nazi salute. The skinheads spat in the tour guide's face. The skinheads picked up stones and threatened to throw them at the Israelis, while making gestures of cutting each other's throats.

An August 2007 law went into effect that established sanctions against sports teams and stadiums for prohibited actions by professional athletic clubs, players, or fans. The law resulted from a long history of fans insulting players based on their race or religion.

In October construction workers in Toledo uncovered an ancient cemetery from which skeletal remains were subsequently disinterred without religious supervision. Based on anthropological studies, experts believe the cemetery to be a Sephardic Jewish burial ground. Construction was halted while the Federation of Jewish Communities of Spain (FCJE), international rabbinical groups, representatives from the Spanish Ministries of Justice and Foreign Affairs, and local authorities negotiated a solution.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. 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 providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

#### Protection of Refugees

The laws provide 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. According to UNHCR 2007 statistics, the country granted refugee status to 204 persons. An additional 340 persons received subsidiary protection.

During the first seven months of the year the country received 7,165 undocumented migrants, a 9 percent decrease from 2007. In 2007 approximately 92 percent of undocumented immigrants were repatriated to their countries of origin and approximately 69 percent of the undocumented migrants entered the country by way of the Canary Islands.

In its June briefing to the Human Rights Committee, Amnesty International (AI) expressed concern for the rights of asylum-seekers and refugees, stating that their rights are being violated by measures aimed at controlling migration. According to AI, Spain's migration policies lead to "increasingly grave consequences for migrants who, due to the nature of the obstacles faced in migrating, have been forced to travel dangerous routes by unsafe means... suffering abuses at the hands of criminal networks." AI also raised concerns about restricted access to legal assistance and interpretation services, as well as accelerated deportation processes.

According to the NGO Save the Children, the government repatriated minors without ensuring their safety in their country of origin. The ombudsman made recommendations in its annual report to modify certain procedures to guarantee the legality of the repatriation of minors. According to 2007 government statistics, the government repatriated 0.4 percent of unaccompanied, undocumented minors.

The national ombudsman, designated to protect and defend basic rights and public freedom on behalf of citizens, opened an investigation into conditions in the country's Canary Islands detention centers in September 2007. The report, released on June 8, confirmed violations of children's rights as previously reported by Human Rights Watch (HRW) in July 2007. The ombudsman concluded that, one year after the HRW investigation, care of unaccompanied migrant children in the Canary Islands remained inadequate. Despite some improvements, including renovation of the La Esperanza emergency center, separate housing for children below the age of 15, and school enrollment of children below the age of 16, systemic shortcomings of these centers remains unchanged. Specifically, the ombudsman found that there were credible reports of past mistreatment of children in the La Esperanza center; that children were often housed for up to a year in overcrowded, unsafe, and substandard facilities that were intended only as temporary shelters; that children were detained in police stations upon arrival; did not receive the documentation they were entitled under the law, thus becoming undocumented migrants after reaching the age of 18.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

During the year Jose Luis Rodriguez Zapatero of the Socialist Party was reelected president in a free and fair national election. Governmental power was shared between the central government and 17 regional governments. Political parties operated without restriction or outside interference, and linguistic and cultural minorities had representation and participated in both local and national political parties.

There are 124 women in the 350-seat Congress of Deputies, 79 women in the 264-seat Senate, and nine women in the 17-member Council of Ministers. Approximately 33 percent of the parliamentary seats are held by women.

The government did not keep statistics on the ethnic composition of the parliament, but linguistic and cultural minorities were represented. The Catalan parliament included a member of Moroccan origin. There were Muslim political parties in the city enclaves of Ceuta and Melilla in North Africa. Roma had little representation in government. In 2007 the government appointed the first Roma to a high-level position, as an advisor in the Women's Institute, a division of the Ministry of Labor and Social Affairs. She was later fired for publicly accusing her employer of preventing her from performing her normal work duties. During the year she filed suit against the PSOE's Secretary for Social Movements and the Director of the Women's Institute for labor harassment; the case was pending at year's end.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these provisions effectively. There were several reports of government corruption during the year, particularly in local government.

On May 8, the chief of police of Coslada (a Madrid suburb) and 25 local police were arrested on suspicion of involvement in a fraud ring. On May 14, a judge authorized detention without bail for 13 of the arrested officers. Trial proceedings had not begun.

In June the anticorruption prosecutor ordered the arrest of 25 people suspected of defrauding the municipality of Estepona (Málaga). The accusations include misuse of public office, bribery, fraud, and money laundering. PSOE Estepona Mayor Antonio Barrientos, and other PSOE local leaders, were among those arrested. PSOE immediately expelled Mayor Barrientos from the party. Since April 2006, nine mayors have been accused of corruption-related offenses.

In 2007, 86 persons were charged in connection with the 2006 investigation into corruption and financial crimes in the Marbella local government. The mayor, former police chief, and much of the local government of Marbella were charged with crimes that included real estate graft, bribery, and embezzlement. Juan Antonio Roca, the suspected ringleader, made bail in April with a bond of one million euros (approximately \$1.3 million); none of the trials of persons connected with the case had started by year's end.

Public officials are subject to financial disclosure laws. The Ministry of Public Administration is responsible for managing and enforcing the Law of Conflicts of Interest. The government also has a code of good governance that applies to all high government officials.

The law mandates public access to government information, and the government generally complied.

#### 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 cooperative and responsive to their views.

#### 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 enforced it effectively.

##### Women

The law prohibits rape, including spousal rape, and the government effectively enforced the law. According to 2007 government statistics there were 6,845 cases of sexual assault, harassment, and aggression.

The law prohibits violence against women, and independent media and government agencies paid close attention to gender violence. According to 2007 statistics the General Counsel of the Judicial Power, women filed 126,293 complaints of abuse against their husbands, male partners, or former partners. According to an AI report, more than 600,000 women over the age of 18 were victims of gender-based abuse during 2007, but only 21 percent filed a complaint against their male partners.

The law establishes prison sentences of six months to a year for domestic violence, threats, or violations of restraining orders, with longer sentences if serious injuries result. In 2007 statistics, the most recent available, there were a total of 43,048 gender-related trials, and 66 percent of the sentences issued were condemnatory. Since January 2005, when the Law against Gender Violence went into effect, authorities have convicted more than 300,000 persons for gender-related violent crimes.

Over 50 offices provided legal assistance to victims of domestic violence, and there were approximately 293 shelters for battered women. A 24-hour toll-free national hotline advised battered women on finding shelter and other local assistance. According to December 2007 statistics, there were 1,614 specialized security force officers focused on protection of victims of domestic violence. As of February, there were 83 specialized courts dealing exclusively with domestic violence cases, and 90 specialized judicial units.

FGM is prohibited. In Catalonia the law requires that a doctor examine immigrants considered to be in danger of FGM when they travel to and from their countries of origin. Parents whose children are determined to have been subjected to FGM risked losing custody.

Catalonian regional police have implemented procedures to prevent FGM through the early detection of potential victims, immediate reporting of possible cases to appropriate authorities, and, when possible, preventing the travel of potential victims. The Catalonian police detect an average of 40 FGM cases a year and prevented travel in 18 cases during the first six months of the year.

There is no law prohibiting the act of prostitution, but forcing others into prostitution and organizing prostitution rings are crimes; it is illegal to profit from the prostitution of another person. Prostitution was reported to be a problem despite continued efforts by local governments, notably those of Madrid and Barcelona, to discourage it. In July 2007 the Madrid city government installed 31 video cameras in one of the city's largest parks where prostitutes often gathered at night. In February another 30 cameras were installed in Madrid's downtown streets. Other efforts to combat prostitution included advertising campaigns discouraging prostitution, restrictions on prostitution near schools, and police actions such as street closings to deter clients from seeking prostitutes.

The law prohibits sexual harassment in the workplace; however, harassment was reported to be a problem.

According to the National Institute of Statistics, over 9 percent of women experienced some form of sexual harassment during 2007.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Women's Institute worked to ensure the legal rights of women, combat economic discrimination, and integrate women into the professional workplace. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men. According to the National Statistics Institute, women in Spain earn 26.3 percent less than men.

#### Children

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

There were reports of child abuse. In February 2007 the director of the Reina Sofia Center (RSC) for the Study of Violence stated that 8 percent of children suffered psychological or physical mistreatment, but that only a small fraction of these cases were reported to the authorities. From 2004-07, 48 children died as a result of child abuse and, as of July, four children had died from abuse in 2008. A report by the RSC published in April indicated that an average of 12 children a year died from abuse. Since November 2007 the government has run a public awareness campaign on child abuse featuring billboards and radio and television advertisements.

Trafficking of teenage girls for commercial sexual exploitation was a problem.

#### Trafficking in Persons

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

The country was both a destination and transit point for persons trafficked for the purpose of commercial sexual exploitation and, to a lesser degree, forced labor (primarily in agriculture, construction, and domestic employment). Trafficked women were usually 18 to 24 years of age, but some girls were reportedly trafficked as young as 16. Women were trafficked primarily from Latin America (Colombia, Brazil, and Honduras), Eastern Europe (Romania and Russia), and sub-Saharan Africa (Nigeria). Persons were also trafficked from China for labor exploitation.

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. In the case of women from Eastern Europe, severe violence and threats were the methods most often employed by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture, but forced them into prostitution upon their arrival. NGOs reported an increase in cases in which traffickers allowed their victims to keep a portion of the money they earned through prostitution to reduce their desire to escape the trafficking network.

The law prohibits trafficking in persons for labor and sexual exploitation. The prescribed penalties for sex trafficking are five to 15 years' imprisonment, commensurate with the prescribed penalties for rape. The penalty for labor trafficking is four to 12 years in prison. The law also prohibits the exploitation of prostitutes through coercion or fraud and of workers in general, with penalties ranging from five to 10 years' imprisonment. In 2007 the government passed numerous acts of legislation that increased the penalties for trafficking by two to six years if the offender is found to be a part of a criminal organization and that gives courts authority to prosecute cases trafficking that occurred outside the country.

In February the Spanish Network against Trafficking in Persons estimated that between 40,000 and 50,000 women are sexually exploited every year in the country. The Federation of Progressive Women, in its report Fight Against Trafficking of Women, estimated that over 18,000 foreign women are sexually exploited in the country each year and that the number of victims identified reflects only half of the actual total.

According to media reports, security forces dismantled 41 trafficking networks and made 233 trafficking arrests from January through July.

In June the national police dismantled a network that was illegally trafficking Brazilian women for sexual exploitation purposes. The police arrested 37 persons; nine of them were leaders of the network.

On April 14, 24 Russian women were detained in Caceres for being undocumented and 10 others were charged with trafficking. Since the national operation investigation's beginning in April 2007, a total of 86 persons have been arrested for trafficking.

In April Spanish authorities freed several Honduran women who were being held against their will and forced into prostitution in Valencia.

The national police also dismantled a sexual exploitation ring whose victims were primarily Russian women. The 18-month investigation resulted in 76 trafficking arrests. An additional 53 persons living in Russia were identified as participants in the criminal trafficking organization.

In 2007 statistics officials identified 1,035 sex trafficking victims and 445 labor trafficking victims.

During the year police dismantled 240 trafficking networks, arrested 1,039 persons, and freed 2,288 victims. During the year the government announced that it would allot six million euros (\$7.8 million) to fund an antitrafficking cooperation agreement with several Central American countries.

The Ministry of Interior coordinates antitrafficking efforts and works closely with the Office of the President, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. The Immigration Networks and Falsified Documents Unit (UCRIF), a special unit of the national police, covers trafficking in persons. The UCRIF intelligence unit analyzed statistical data and trends and coordinated efforts and shared data with the civil guard and Interpol. Regional national police officers conducted quarterly reviews to set goals in combating trafficking and to assess progress in meeting previous goals.

The law permits trafficking victims to remain in the country if they agree to testify against their perpetrators. Victims are given a 30-day "reflection period" to recover in a safe environment before being required to decide whether to cooperate with the investigation and prosecution of their traffickers. After legal proceedings conclude, victims have the option of remaining in the country or returning to their country of origin. Representatives of the government's violence education programs for female victims and an NGO partner reported that 89 percent of the victims they assisted filed criminal charges.

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. Victims received medical assistance, including emergency care, through the national health care system.

The government has several programs to prevent trafficking, including a toll-free hotline that offers information to trafficking victims and potential victims. Local governments continued demand-reduction campaigns. The city of Madrid targeted potential sex solicitors with the slogan, "Do not contribute to the perpetuation of 21st Century

slavery." Military forces deployed outside the country as international peacekeepers received antitrafficking training. Under the slogan "There are no excuses," the government warned travelers against child sex tourism. In January the Ministries of Labor and Social Affairs and Foreign Affairs and the NGO Save the Children hosted an international conference on child trafficking that addressed child sex tourism.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities.

In April the National Assembly approved a law that establishes fines for discrimination against persons with disabilities of up to one million euros (approximately \$1.3 million).

#### National/Racial/Ethnic Minorities

There were instances of societal violence and discrimination against members of racial and ethnic minorities, and the government undertook efforts to combat the problem.

According to the European Network on Racism and Xenophobia there are approximately 4,000 racially motivated crimes in the country annually, while the government only reports between 90 and 120 such crimes. On April 10, AI released a report that asserted the government has not taken sufficient steps to fight racism and deprives the public of information in an effort to conceal the problem. The report, entitled *Between Aversion and Invisibility*, also noted that the country that does not track or publish information on racially motivated crimes and asserted that the justice system does not sufficiently address the racist component of many crimes.

On September 6, a Spanish Roma killed a Senegalese citizen in Roquetas de Mar, Almeria. The killing set off a seven-hour neighborhood riot that resulted in the burning of two apartment buildings and attacks against members of the security forces that injured three officers. Four sub-Saharan Africans were arrested for their involvement. On September 7, a group of sub-Saharans attacked an ambulance and set fire to street containers in the same neighborhood. Four other arrests were made and the national ombudsman opened an investigation into events. The association "Almería Acoge" denied that the death was racially motivated.

On April 5, several train security guards allegedly attacked a Maghreb man in Barcelona. According to one witness, nine or 10 guards kicked the victim, who subsequently filed an official complaint. The witness provided testimony before a judge, but no further action was taken by year's end.

The Romani population continued to face discrimination. According to the domestic NGO Fundacion Secretariado Gitano (FSG), Roma continued to face discrimination in access to employment, housing, and education. The Romani community, which the FSG estimated to have a population of 600,000, experienced substantially higher rates of unemployment, poverty, and illiteracy than the general population. A 2007 FSG study indicated that 80 percent of Romani children did not finish compulsory secondary education. The FSG 2007 annual report also states that 26 percent of Roma ages 16 to 65 are illiterate. In 2006 unemployment among Roma was at 13.8 percent, while unemployment country-wide was 9 percent.

On April 2, the Council of Europe's Commission against Racism and Intolerance adopted resolution which stated that Roma, and in particular Romani women, still faced particular difficulties and discrimination in their access to employment, housing and social services and, reportedly, in the treatment they received within the criminal justice system. The resolution also noted continued difficulties in ensuring equal access to education for Roma, with Romani students exhibiting higher levels of absenteeism, drop-out rates, and poor performance than non-Romani children, especially at the secondary school level.

A Romani association in Madrid (Hierbabuena) accused the PSOE of discriminating against Roma when the government fired a high-level Romani advisor to the Department of Ethnic Minorities within the Women's Institute. The advisor was terminated after filing a harassment suit in July against the PSOE's secretary for social movement.

On July 2, the United Nations Special Rapporteur against Racism asserted before the Catalanian parliament that political parties in the country attempt to exploit racism to gain electoral advantage. After visiting Sikh, Roma, Evangelical, and Muslim communities in Catalonia, the Special Rapporteur noted that the communities were excluded from the mainstream of society and experienced difficulty practicing their religions due to the small size of their places of worship.

#### Other Societal Abuses and Discrimination

There were no reports of major societal violence or discrimination based on sexual orientation.

There were no reports of major societal violence or discrimination against persons with HIV/AIDS.

The controversy regarding official language policies continued, with complaints that current policies offend the right to an education in the "mother tongue," or Castilian Spanish. In 2007 the ombudsman received approximately 100 complaints regarding Catalonia's linguistic policies, and in March the "Platform in Defense of the Freedom of Choice in Language Election" filed a formal complaint against a school in the Basque Country. The school had refused to offer all classes in Spanish.

In October 2007 an estimated 5,000 writers, politicians, journalists, academicians, actors, and filmmakers signed a manifesto criticizing Cataluña Radio for firing a journalist for speaking in Castilian (Spanish), rather than Catalan (Catalonia's regional language).

According to security forces, 4,000 people participated in a demonstration in Barcelona on September 28 to protest the government's linguistic policies and to defend the right to have school classes taught in Castilian.

#### Section 6 Worker Rights

##### a. The Right of Association

The law allows workers, except military personnel, judges, magistrates, and prosecutors, to form and to join independent 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 allows unions to conduct their activities without interference, and the government protected this right in practice. 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.

##### b. The Right to Organize and Bargain Collectively

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 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.

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 women and children were trafficked for commercial sexual exploitation and that men were trafficked for labor, mainly in agriculture.

#### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. While child labor was generally not a problem, there were reports that children were trafficked for sexual exploitation. The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs has primary responsibility for enforcement of the minimum age law and enforced it effectively in major industries and the service sector. The ministry had difficulty enforcing the law on small farms and in family-owned businesses, where some child labor persisted. Laws prohibiting child labor were enforced effectively in the special economic zones.

#### e. Acceptable Conditions of Work

The minimum wage was approximately 600 euros (approximately \$780) per month, which generally did not provide a decent standard of living for a single-income family. The Ministry of Labor and Social Affairs 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. By law overtime is restricted to 80 hours per year unless collective bargaining establishes 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 has technical responsibility for developing labor standards, and the inspectorate of labor has responsibility for enforcing the law through inspections and judicial action when infractions are found. Unions criticized the government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively enforced this right; however, employees with short-term labor contracts may not understand that they have such legal protections.