



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Spain](#)

2009 Human Rights Report: Spain

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

The Kingdom of Spain, with a population of approximately 46.6 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 in March 2008 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.

There were some reports of security forces abusing suspects and mistreating migrant children in detention centers, and authorities delayed legal assistance and the arraignment of arrested persons before a judge. In 2007 the terrorist group Basque Fatherland and Liberty (ETA) declared an end to its 2006 "permanent ceasefire" and continued its terrorist campaign of bombings. During the year the ETA was responsible for three deaths. 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.

As of December 31, there were 25 ETA terrorist attacks, resulting in three deaths and approximately 65 injuries. The deaths occurred in attacks on June 19 and July 30. Sixty-five persons were injured when a car bomb exploded outside the Guardia Civil barracks in Burgos on July 29, causing the collapse of the façade. Authorities arrested 35 ETA members in Spain, 17 in France, and 13 persons allegedly involved in ETA's street violence campaign during the year.

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 December 2008 the UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (hereinafter UN special rapporteur on human rights) called for the abolition of incommunicado detention wherein certain terrorist suspects can be held for up to 13 days prior to arraignment without the right to confer privately with the attorney of choice. In the report on his May 2008 visit, the UN special rapporteur on human rights stated that this type of detention facilitates the commission of torture and mistreatment. Between 2004 and 2007, the country's coordinator for the prevention of torture recorded 165 complaints of mistreatment during incommunicado detention.

The Coordinator for the Prevention of Torture (a group of Spanish human rights nongovernmental organizations (NGOs), universities, and bar associations) reported that in 2008 there were 520 reports of torture or mistreatment, down from 720 in 2007. According to the group, 68 of the reports involved local police authorities, 59 the national Guardia Civil, 187 the national police authorities, 45 the Mossos d'Esquadra (local Catalanian authorities), 45 the Ertzaintza (Basque authorities), and 74 prison staff. The autonomous regions with the highest number of complaints were Euskadi (97), Andalucia (82), Madrid (61), and Catalonia (45). The number of reports involving the Mossos d'Esquadra decreased from 128 in 2007 to 45 in 2008. Observers attributed the decrease in part to preventative measures, such as the use of surveillance cameras in detention and interrogation rooms.

On January 22, an African-American civilian crewmember of a U.S. Navy vessel was assaulted by two individuals who did not initially identify themselves as law enforcement officers. The crewmember was pinned to the ground and his clothing torn. The crewmember stated that the officers neither showed badges nor identified themselves as police. Witnesses reported that one of the officers drew a handgun and pointed at the head of the crewmember when fellow crewmembers attempted to assist him in what they believed to be a mugging. The assailants, later identified as local police officers, said they suspected the crewmember of involvement in drug-related offenses. No contraband was found; the crewmember received 10 stitches in his eyebrow as a result of injuries sustained during the arrest. There were no further developments by year's end.

In January the National Court sentenced two Catalanian police officers to six months in jail and fined them 450 euros (\$650) for mistreating a man arrested for allegedly robbing two tourists and sexually abusing one of them. The officers, whose actions were not deemed "serious" by the court, were charged with biting and humiliating the arrestee.

Also in January, a Barcelona court sentenced two Catalanian police officers to six months in jail for breaking the arm of a Guinean citizen during the course of his 2006 arrest. The court acquitted the officers of torture, finding that although excessive force was used, it was not employed as punishment or a means of interrogation. The court ordered the officers to compensate the Guinean 111,729 euros (\$160,500).

In February the Prosecutors' Office initiated an investigation into allegations of mistreatment brought by 85 persons detained in Madrid's internment center for foreigners. The detainees complained that authorities forced them to undress, beat them, and threatened them. They also claimed that the food served contained sedatives. A Ministry of Interior spokesman rejected the accusation, stating that international institutions that had inspected the facilities (including a delegation of the European Parliament) had approved of the living conditions.

On February 27, a San Sebastian court moved to continue the case against 15 members of the Guardia Civil for alleged torture against ETA members Igor Portu Juanean and Martin Sarasola Yarzabal during their arrest in January 2008. The trial had not begun by year's end.

On March 18, a Barcelona court sentenced three Catalanian police officers to prison for illegally arresting and beating a person in a disco in 2006. Two of the officers received four-year prison sentences and the third a three-year sentence. The court also ordered police to compensate the complainant 8,200 euros (\$11,700).

Prosecutors sought six-year sentences for four Catalanian police officers who allegedly assaulted a detainee in 2007. In June the Barcelona court found the officers had not mistreated the complainant or perjured themselves as the prosecutor claimed, but found them guilty of using excessive force. Three of the officers were fined 600 euros each (\$860), and the judge ordered them to compensate the complainant 1,610 euro (\$2,315). The Prosecutor's Office appealed the court's ruling.

In August the Paraguayan Ministry of Foreign Affairs complained that officials abused detained Paraguayan citizens in Madrid's Barajas airport. At year's end the government had not publicly responded.

In February 2008 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.

There were no developments during the year in case of a U.S. citizen residing in Morocco, who alleged that in July 2008 authorities in Cueta mistreated and unnecessarily detained him. 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 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 Catalanian regional police officers (Mossos d'Esquadra), who allegedly assaulted a detainee in 2007. As of December 2009, the trial had not begun.

Prison and Detention Center Conditions

Prison conditions generally met international standards. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

Prisons were overcrowded, with an overall inmate-per-cell ratio of approximately 1.7 for cells that were designed for one inmate. NGOs estimated the occupation rate to be 150 percent. Three new prison facilities opened during 2008.

Of the prison population, 8 percent was female. There are four facilities exclusively for female prisoners. Juveniles, those under the age of 18, are sent to separate detention centers.

The Council of Europe's Committee for the Prevention of Torture's 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 2008 the government ordered the installation of video cameras in detention areas in police and Guardia Civil stations. The UN special rapporteur on human rights reported in December 2008 that although systematic implementation had not been achieved, these initiatives had led to a decrease in torture complaints.

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 Guardia Civil, 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. In 2008 the national ombudsman filed 253 ex-officio judicial complaints, up from 26 complaints in 2007. During 2008 the ombudsman network processed 23,899 complaints, 4,325 of them relating to matters of justice, defense, and internal affairs.

In February a Barcelona judge sentenced a Guardia Civil officer to jail for alleged ties to a drug-trafficking network. A Guardia Civil captain and other Guardia Civil members were also implicated in the case and accused of stealing 400 kilograms of cocaine in the course of a drug confiscation operation.

In July a member of the Guardia Civil was charged with money laundering activities and involvement with Galician drug-traffickers. The accused was also suspected of having provided documents from his post at the Spanish embassy in Morocco to third parties in an attempt to discredit a criminal judge in A Coruña. While the case was pending, the government transferred the officer to the financial department.

In May 2008 the chief of police of Coslada (a Madrid suburb) and 25 local police officers were arrested on suspicion of involvement in a fraud ring. The judge authorized detention without bail for 13 of the arrested officers. As of October the case was pending.

Arrest Procedures and Treatment While in 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 Council of Europe's Committee for the Prevention of Torture'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 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.

The law stipulates that suspects held *incommunicado* have the right to an attorney and medical care, but they are neither allowed to choose an attorney nor see a physician of their choice. The court-appointed lawyer is present during police and judicial proceedings, but detainees do not have the right to confer in private with the lawyer.

In a December 2008 report to the UN Human Rights Council, the UN special rapporteur on human rights called for the elimination of *incommunicado* detention, stating that the "use of this exceptional regime not only entails a risk of prohibited treatment but also makes Spain vulnerable to allegations of torture and as a result weakens the legitimacy of its counterterrorism measures."

During the year the government continued to implement preventive measures to safeguard the rights of detainees held *incommunicado*, including the application of protocols and continuous video surveillance in the detention facilities and interrogation rooms. The UN special rapporteur, while acknowledging the decrease in complaints due to the government's

actions, called for systematic implementation since protocols varied, depending on whether local or national police forces were involved, and the application of protocols was inconsistent.

Lengthy pretrial detention was a problem. As of September approximately 22 percent of the 76,523 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.

The judiciary is structured hierarchically and divides the country's territory into autonomous communities, provinces, judicial districts, and municipalities. Generally, the courts are organized into five categories: civil, criminal, social, administrative, and military. Appeals against the decisions of lower courts are made to the higher court, as far up as the Supreme Court. The National Court, with country-wide jurisdiction, hears criminal cases of national or international importance (terrorism, counterfeiting, organized crime, and crimes that have occurred in more than one jurisdiction); provincial courts hear criminal cases in cases where the potential sentence is five years or less.

Since 1985 the country has employed the doctrine of universal jurisdiction, wherein the National Court may claim criminal jurisdiction in cases of serious human rights abuses over suspects whose alleged crimes were committed outside Spain, regardless of the nationality of the subject or victim. However, on May 19, the Spanish Congress approved a proposal limiting the application of universal jurisdiction. The joint text provides that the National Court will be able to handle cases arising abroad only when Spanish interests are affected by them (either the criminals are found in Spain or the victim is a Spaniard), and the crime is not being investigated in the country where it was committed or in an international court. On October 7, the Senate approved the legislation.

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.

In 2008 the European Court of Human Rights (ECHR) issued judgments that found two violations by the country of the right to a fair trial, as provided under Article 6 of the European Convention on Human Rights.

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 a human rights violation. Violations of human rights can be pursued either criminally or, if committed by the administration in other than a criminal offense, administratively. The national ombudsman, established by the 1978 Spanish Constitution, serves to protect and defend basic rights and public freedom on behalf of citizens.

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. 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.

In October 2008 Reporters without Borders identified 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 judicial sentence against the weekly *El Jueves* for printing an obscene cartoon of the prince and princess of Asturias; the summoning of daily *Gara* and *Deia* editors by a court for the publication of satirical images of King Juan Carlos; the Partido Popular's boycott of Grupo Prisa; and the firing of Cristina Peri Rossi by radio station Cataluña Radio for speaking in Castilian rather than Catalan.

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. According to International Telecommunication Union statistics for 2008, approximately 57 percent of the country's inhabitants used the Internet.

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.

In 2003 the Basque nationalist political parties Batasuna and Herri Batasuna were declared illegal by the Supreme Court because of their alleged ties to the terrorist group ETA. The decision cut the parties off from the state funding received by legal political parties, prohibited their representatives from contesting elections or holding public demonstrations or rallies, and froze their assets. The country's Constitutional Court later confirmed the decision and the parliament approved an indefinite ban.

In 2004 Batasuma and Herri Batasuma appealed their dissolution to the ECHR, where they alleged inter alia that the dissolution of the parties entailed a violation of freedom of association as provided under the European Convention on Human Rights. On June 30, the ECHR issued a judgment in which the court concluded unanimously that the parties' dissolution had not violated the Convention. The ECHR decision noted that dissolution was a response to a "pressing social need" and that the national courts had arrived at reasonable conclusions after a detailed study of evidence that allowed them to conclude there was a link between the applicant parties and the ETA.

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 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 had notorio arraigo status; however, they did not receive the same benefits and privileges granted to the other "deeply-rooted" religions.

Muslim and Protestant leaders continued to cite the work of the government's Foundation for Pluralism and Coexistence as a positive step for integrating non-Catholic faiths. The foundation provided funds (\$6.5 million during the year) to minority and religious groups to promote religious equality and dialogue. The funds were used for cultural, educational, and social integration programs and not for religious activities. Members of all religious groups also served as members of a government Committee of Advisors on Religious Freedom.

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. Muslims were sometimes 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.

Religious groups and municipal and other governmental authorities improved procedures for the treatment and reburial of disinterred remains. The national Federation of Jewish Communities (the official interlocutor between Spain's Jewish community and the government) and the Ministry of Justice created a nonbinding protocol for the national and local governments to follow in addressing such issues. The framework was used in reaching agreement on the reburial of Sephardic Jewish remains discovered in Toledo.

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.

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

On January 8, anti-Semitic graffiti appeared on the Chabad Lubavitch Jewish Studies Center of Barcelona.

On January 30, a man associated with the extremist "Republican Social Movement" attacked the facade of the Synagogue Shlomo Ben Adret in Barcelona with a bat. He was arrested by the regional police force.

On May 5, three men harassed the Israeli ambassador to Spain, Raphael Schutz, in public as he walked home from a sports event. The president of the Jewish Federation was similarly attacked with epithets when he appeared to speak at the invitation of a university in Madrid.

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 and threatened to throw stones at the group, while making gestures of cutting each other's throats. No charges were filed.

The government continued to prosecute suspects in cases stemming from anti-Semitism. In 2008 Pedro Valera, a distributor of Nazi literature in Barcelona, was sentenced to seven months in prison on a "justification of genocide" charge. In March Barcelona police arrested Oscar Panadero, the owner of the Kalki bookstore, and three other neo-Nazis for incitement to genocide.

There were also reports of vandalism against Catholic churches. On July 26, 20 Catholic churches were subjected to a graffiti attack by an anarchist group. The group painted messages such as "the only church that gives light is the one that is on fire," and in some cases sealed church doors with silicon. The Catalanian government and Barcelona's archbishop criticized the attacks.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf>.

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 internally displaced persons, refugees, returning 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 country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

There are no known restrictions on refugees' access to employment, health care, housing, education, law enforcement, or judicial redress. The country does accept refugees for resettlement from third countries and provides protections with the assistance of NGOs such as the Spanish Commission for the Assistance to Refugees.

Potential asylum seekers were effectively able to exercise their right to petition authorities. In its 2008 report, the national ombudsman reported that the sometimes hasty deportation of those attempting to enter the Ceuta territory illegally most

often stemmed from divergent interpretations of applicable regulations. In its 2007 report, the ombudsman criticized the requirement to prove membership in a religious faith as a prerequisite for accepting photographs (for official identification documents) wherein the applicant's head is covered. He asserted that the requirement was unconstitutional, violating basic religious freedoms. In 2008 the secretary of state for homeland security accepted the recommendation to suspend the rule.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

On October 15, the Parliament approved a new Asylum and Subsidiary Protection Law. The law provides "subsidiary protection" for those who do not meet the criteria for refugee status but who could face dangers such as torture or the death penalty if returned to their countries of origin. The law expands the rationale for providing additional protection beyond the currently contemplated "humanitarian reasons," and increases the length of protection from one year to three years.

The law also includes gender and sexual orientation as conditions for granting asylum; makes free legal assistance available to asylum seekers; provides a single process for both asylum and subsidiary protection (if asylum is denied, subsidiary protection will be automatically considered); contemplates family reunification for asylum seekers; allows asylum requests to be accepted at an embassy or consulate; and provides for the resettlement of refugees in neighboring countries in some cases.

According to the Ministry of Interior, during the first seven months of the year the country received 4,457 undocumented migrants by boat, a 40 percent decrease from the same period in 2008. Approximately 40 percent of these undocumented migrants entered the country by way of the Canary Islands, compared to 69 percent in 2007.

Spain continues to struggle with the treatment of unaccompanied migrant and refugee children. 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 in June 2008, confirmed violations of children's rights as previously reported by Human Rights Watch (HRW) in 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. According to the ombudsman's 2009 report, problems persist regarding documentation of legal residency for minors. A number of complaints were filed on behalf of minor wards of the state for whom residency permits had not been requested despite their express eligibility.

In follow-up visits during the year to centers for minors, the ombudsman reported several improvements and positive evaluations. Siete Puertas facility in Gran Canaria received an overall positive evaluation. La Esperanza in Cueta was noted for the personnel's high level of day-to-day involvement with the minors. Overcrowding continues to be a problem in several centers, however, and substantial repairs are needed in many of the centers. Interviews with the minor residents at a center on Gran Canaria revealed alleged incidents of abuse by one of the caretakers; the authorities were informed of the urgent need for an investigation.

In an October 2008 report, HRW stated there were approximately 3,000 to 5,000 unaccompanied foreign children from North and West Africa in Spain, the majority of whom were in the Canary Islands, Andalusia, Madrid, and Catalonia. The report documented detention upon arrival in residential centers, where they were subject to possible abuse and expulsion without due process to countries where they are at risk of inhumane treatment. The report criticized the government's failure to provide children with independent legal representation during repatriation procedures, claiming that the fact that child protection services may initiate repatriation procedures and are also responsible for the child's representation presents a conflict of interest.

The number of unaccompanied children that the country repatriated in 2007-08 was low compared to the overall number of unaccompanied children in the country. In 2007, 27 children were repatriated. In December 2008 the Constitutional Court recognized children's right to defend themselves in court, irrespective of their guardians' decision.

The government also provided temporary protection to individuals who may not qualify as refugees. According to UNHCR statistics for 2008, the country granted refugee status to 151 persons. An additional 126 persons received subsidiary protection.

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

In March 2008 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.

On June 7, the country also held elections to the European Parliament that were considered free and fair.

There were 127 women in the 350-seat Congress of Deputies, 80 women in the 263-seat Senate, and nine women in the 17-member Council of Ministers.

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. In March 2008 she filed suit against the ruling Socialist Party's secretary for social movements and the director of the Women's Institute for labor harassment; the case was dismissed in July for lack of evidence.

Section 4 Official Corruption and Government Transparency

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

Also in February the Guardia Civil arrested 21 persons in Murcia for fraudulently issuing immigration documents. The arrestees included the chief inspector of Murcia's immigration office.

In March, 17 persons were arrested as a result of construction contract irregularities in Palma. Among those arrested were a Balearic politician and the Mallorcan Council vice president. Arrests also took place in March in Zaragoza for alleged official involvement in "urban and economic crimes"; the mayor of La Muela was among those arrested.

In May the mayor of Arrecife and 20 others were arrested and were under investigation for corruption. They were suspected of receiving illegal commissions in exchange for awarding city contracts. The case was pending at year's end.

In June 2008 the anticorruption prosecutor ordered the arrest of 25 persons suspected of defrauding the municipality of Estepona (Málaga). The accusations included 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. The trial had not begun by year's end.

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. In January Juan Antonio Roca, the suspected ringleader, and two other persons were sentenced to a total of 23 years and 10 months in jail.

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 granted access to citizens and noncitizens, including foreign media.

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

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

The national ombudsman, established by the 1978 constitution, serves to protect and defend basic rights and public freedom on behalf of citizens. The ombudsman accepted 23,899 cases in 2008—a 37.56 percent increase from 2007. A large number of the complaints were regarding income tax matters and telecommunications. Of the total number of cases received, the ombudsman approved 53.38 percent for follow-up, with 432 resolutions drafted.

On October 28, the Ministry of Equality announced the creation of a Council for the Promotion of Equal Treatment and No Discrimination due to Racial or Ethnic Origin. The council is advisory in nature—responsible for conducting studies, drafting reports, making recommendations to the government, and assisting discrimination victims. Representatives from six governmental ministries, autonomous communities, local government, NGOs, and business administrations will serve on the council. The council did not take any public actions during the year.

Section 6 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 2008 statistics of the General Counsel of the Judicial Power, women filed 145,125 complaints of abuse against their husbands, male partners, or former partners. According to an Amnesty International 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. A 2008 Government Delegate for Gender Violence report stated that 400,000 women suffered gender-related abuse.

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. According to statistics from 2008, there have been a total of 208,304 gender-related trials, with 80 percent of the cases resulting in a conviction.

More than 50 offices provided legal assistance to victims of domestic violence, and there were 293 shelters for battered women. A 24-hour toll-free national hotline advised battered women on finding shelter and other local assistance. As of July the hotline took calls in Spanish, German, Arabic, Bulgarian, Chinese, Portuguese, Romanian, and Russian. According to statistics from 2007, there were 1,614 specialized security force officers to protect victims of domestic violence. As of February 2008, there were 83 specialized courts dealing exclusively with domestic violence cases as well as 90 specialized judicial units.

Female genital mutilation (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 had 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. In 2008 Catalonian regional police prevented the genital mutilation of 104 girls.

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. Efforts to combat prostitution included installation of video cameras in heavily trafficked areas, advertising campaigns discouraging prostitution, restrictions on prostitution near schools, local regulations establishing municipal license requirements, and fines for clients of prostitution services in the streets. There was no evidence that police or other security forces participated in or tolerated prostitution, nor was there evidence that police or security forces targeted persons in prostitution for abuse.

The law prohibits sexual harassment in the workplace; however, harassment was reported to be a problem. According to the National Institute of Statistics, more than 9 percent of women experienced some form of sexual harassment during 2007.

Couples and individuals decide freely and responsibly the number, spacing, and timing of their children, and enjoy the information and means to do so free from discrimination, coercion, and violence. Obstetric and postpartum care is provided under the national health plan. According to statistics compiled by the World Health Organization in 2005, there were approximately four maternal deaths per 100,000 live births in the country. Contraception is easily accessed, including emergency contraception, which is available without a doctor's prescription.

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. Unemployment for women continued to be higher than the male average, at 18.2 percent compared to 17.8 percent. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men. According to the National Statistics Institute, as of November 2008 women in the country earned 26.3 percent less than men.

Children

Citizenship is derived from one's parent (*jus sanguinis*). In rare cases where a child born within the country does not acquire his or her parents' nationality, the country will grant nationality.

There were reports of child abuse. In 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 to 2007, 48 children died as a result of child abuse, and at least six children died from abuse in 2008. A report by the RSC published in April 2008 indicated that an average of 12 children died per year from abuse. Since 2007 the government has run a public awareness campaign on child abuse featuring billboards and radio and television advertisements.

In February the national ombudsman issued a report on the mistreatment of children in protection centers for migrant children. The ombudsman asserted that many of these centers violated children's rights and reported incidents of tying up children and prohibiting attendance at school or recreation. The report indicated that many institutions practiced isolation measures and that 75 percent of the institutions administered drugs to minors to alleviate agitation. Some centers regularly searched children's rooms, and there were reports of children being forced to undress for authorities, both without sufficient justification. Children in detention centers complained that they were not allowed sufficient visits from family members and that calls they received were not private. After visiting 27 of the 58 centers in the country, the ombudsman pointed to a lack of staff training and insufficient salary as key factors contributing to the alleged mistreatment.

Trafficking of teenage girls for commercial sexual exploitation was a problem. The minimum age for consensual sex in Spain is 13. If deceit is used in gaining the consent of a minor under 16 years, an individual can be charged, upon parental complaint. The law specifically provides that an individual who, by use of deceit, commits sexual abuse with a person over 13 years and under 16 will be punished with imprisonment for one to two years or an equivalent fine. Unconsenting sexual abuse is defined as sexual acts committed against persons under 13 years, unconscious persons, or mentally ill persons.

The law prohibits child pornography. Article 189(1)(a) of the penal code criminalizes using a minor "to prepare any type of pornography material"; Article 189(1)(b) criminalizes producing, selling, distributing, displaying, or facilitating the production, sale, dissemination, or exhibition, of "any type" of child pornography by "any means." Knowingly possessing child pornography is also penalized, carrying a potential prison sentence of up to one year. Penalties for the production, sale, or distribution of pornography in which a child under 18 years of age has been involved is imprisonment from one to four years, or up to eight years' imprisonment if the child is under 13.

Trafficking in Persons

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

In March a report by the UN office on Drugs and Crime identified Spain as both a destination of trafficked women for sexual exploitation and a gateway for women to be trafficked elsewhere in Europe. There were also reports of trafficking of both men and women for the purpose of forced labor (primarily in agriculture, construction, and domestic employment). There was an increase in the number of minors trafficked into the country for forced begging. 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 incentive 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 trafficking cases that occurred outside the country.

On May 14, the EU Court of Justice criticized the country for not having adapted its national legal framework to comply with EU norms regarding the issuance of temporary residency permits to foreign citizens who cooperate in combating trafficking in persons.

In May police arrested 23 ringleaders of a network that trafficked Nigerian women into the country under threat of voodoo curses.

On June 16, more than 750 Catalanian police participated in a large-scale raid to search 72 alleged sweatshops controlled by Chinese organized crime for exploited labor. Authorities arrested 75 persons for allegedly exploiting 450 Chinese workers.

On July 14, the government convened its first meeting of the Social Forum against The Trafficking of Human Being for Purposes of Sexual Exploitation. The forum, whose creation was called for in the government's 2008 National Plan to Combat Trafficking in Persons for the Purposes of Sexual Exploitation, comprised of representatives of 13 NGOs and 10 national ministries, as well as representatives from the regional and municipal governments. At the forum, Equality Minister Bibiana Aido announced that the country's security forces had identified 1,618 trafficking victims during 2008.

On July 28, the national police arrested nine individuals in Alicante for their alleged role in a network that sexually exploited Romanian women. According to press reports, 53 trafficking victims—some of whom were underage--were found in the raid.

On August 19, the national police, together with German authorities, conducted a raid that resulted in the arrest of 53 persons and the execution of 20 search warrants. Those detained allegedly belonged to a network that created false documents used to illegally traffic Nigerian women into Germany for sexual exploitation, under threat of voodoo.

The Ministry of Interior coordinates antitrafficking efforts and works closely with the Office of the President, Ministry of Labor and Social Services, Ministry of Justice, and 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 it coordinated efforts and shared data with the Guardia Civil 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.

There was no evidence that government officials participated in, facilitated, or condoned trafficking. The government had several programs to prevent trafficking, including a toll-free hotline that offered information to trafficking victims and potential victims. Local governments continued demand-reduction campaigns. On February 12, the Spanish Network Against Trafficking in Persons, with participation from the government, organized a conference in Madrid that unveiled a basic guide to help identify and protect trafficking victims. The event also sought to raise awareness among the public of trafficking in persons.

The State Department's annual *Trafficking in Persons Report* can be found at <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 2008 the National Assembly approved a law that establishes fines for discrimination against persons with disabilities of up to one million euros (\$1.5 million). In March the government approved a strategic plan to promote the employment of persons with disabilities.

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.

The Ministry of Interior reported that there were 163 racist and xenophobic incidents recorded in 2008. The European Network Against Racism estimated that there were approximately 4,000 racially motivated crimes in the country annually. Groups continued to call for official government tracking and publication of information on racially motivated crimes and for the justice system to adequately address the racial component of crimes.

In December 2008 the government adopted legislation creating a "Human Rights Plan of Action," committing itself to 172 measures, many related to the abolition of racism and intolerance. Specific measures call for the adoption and implementation of a strategy to fight racism and xenophobia, educational programs for media to combat hostile or discriminatory perceptions and stereotypes, and collaboration with public and private media on sensitization to and promotion of human rights. The government has completed several of the measures. In September congress reformed the Asylum Law to provide further protection for refugees. In November congress approved changes to the Law of Foreigners' Rights and Liberties, guaranteeing the right of reunion, association, education, union membership, and free judicial assistance.

In September 2008 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. Later in the month, 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.

In April 2008 several train security guards allegedly attacked a Maghreb man in Barcelona. According to one witness, nine or 10 guards kicked the man, 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. In 2008 the FSG received 90 complaints of social discrimination from the Roma population. In April the president of the Asociación Nacional Presencia Gitana reported that 70 percent of Roma over the age of 16 were illiterate and that only 30 percent of Roma children regularly attended school.

In October the EU Directorate for Health and Consumer Affairs reported that 12.6 percent of Roma in the country suffered some kind of chronic disease. The study further stated that life expectancy was much lower for the Roma community compared with the general European population. The percentage of Roma age 75 or older was 25.7 percent, while 51 percent of the remaining EU population fell into this category.

Acceder, a program aimed at expanding social inclusion through labor market integration, promoted equal opportunity for the Roma population. The program promoted labor-contract employment as an alternative to self-employment and as a vehicle for building social inclusion. Approximately 71 percent of the 44,591 persons served at the 48 employment centers since 2000 were Roma and 55 percent were women. More than 32,351 work contracts had been signed.

In April 2008 the Council of Europe's Commission against Racism and Intolerance adopted a 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.

In 2008 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, dismissed in June, against the PSOE's secretary for social movement.

In July 2008 the UN special rapporteur against racism asserted before the Catalanian parliament that political parties in the country attempted to exploit racism to gain electoral advantage. After visiting Sikh, Roma, evangelical Christian, and Muslim communities in Catalonia, the special rapporteur noted that these communities were excluded from mainstream society and experienced difficulty practicing their religions due to the small size of their places of worship.

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

The lesbian, gay, bisexual, and transgender community was widely accepted throughout the country. Lesbian, gay, bisexual, and transgender organizations were numerous, and there were no reported impediments to their operation.

From June 27 through July 5, Madrid celebrated Gay Pride, culminating in a July 4 parade in which more than one million persons participated in a secure celebration. The parade was authorized by authorities, and police provided sufficient protection to marchers.

Other Societal Violence or Discrimination

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 2008 the NGO 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 April, 39 doctors at the sole hospital on Ibiza (one of the Balearic Islands) announced their decision to leave their jobs due to a new requirement that doctors be tested for fluency in Catalan. The decree, approved by the Balearic government on March 27, requires that doctors working in public service speak Catalan and provides a window of three years for them to learn it. The doctors' union asserted that the requirement was not for public benefit but rather the result of a "political obsession." In response to the decree, 2,500 persons participated in a demonstration protesting the Catalan language requirement.

According to security forces, 4,000 persons participated in a demonstration in Barcelona in September 2008 to protest the government's linguistic policies and to defend the right to have school classes taught in Castilian.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, including foreign and migrant workers, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers did so in practice. However, military personnel and national police forces do not have the right to join unions, while judges, magistrates, and prosecutors are not free to join the union of their choice.

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. An estimated 10 percent of those covered by collective bargaining agreements were actually union members.

The International Trade Union Confederation (ITUC) noted that 63 percent of temporary workers were immigrants. The ITUC further stated that although in theory workers on fixed contracts were covered by collective bargaining agreements, in practice more and more workers were individually negotiating directly with employers and managers and undermining the collective bargaining process.

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 were trafficked to the country for commercial sexual exploitation and that children were trafficked for forced begging. Men were also trafficked for forced labor, mainly in agriculture and construction. Migrant women and children from Romania and Bulgaria remained particularly vulnerable to labor exploitation.

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 and forced begging.

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 national minimum wage of 624 euros (\$896) per month generally did not provide a decent standard of living for worker and family. In December 2008 the government increased the minimum wage by 24 euros as part of the plan to reach a target minimum wage of 800 euros by 2012. The government reviews the minimum wage at least annually (and as often as quarterly if needed), based upon the consumer price index and consultation with the business community. 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 generally did not understand that they had such legal protections.