

Spain - Human Rights Scorecard ¹

Spain, officially the Kingdom of Spain, is a sovereign state located on the Iberian Peninsula in southwestern Europe, with archipelagos in the Atlantic Ocean and Mediterranean Sea, and several small territories on and near the North African coast.²

Official language: Spanish

Ethnic groups: 89.9% Spaniards; 12% Other

Government: Unitary parliamentary constitutional monarchy

- Monarch: Felipe VI

- Prime Minister: Mariano Rajoy

Death penalty: Abolitionist

Population: 46.77 million

Life expectancy: 82.38 years

Under-5 mortality: 4 per 1000

Adult literacy: 98 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected³

There are no reports that government security forces commit arbitrary or unlawful deprivation of life.

Freedom from disappearance



Respected⁴

There are no reports of politically motivated disappearances.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Respected⁵

While the government prohibits such practices and respects humane treatment of detainees, there were a few alleged reports of police mistreatment that courts dismissed.

Freedom from arbitrary arrest or detention



Respected⁶

The law outlaws arbitrary arrest, which the government generally respects.

Freedom from denial of fair public trial



Respected⁷

The law provides for an independent judiciary that the government respects.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁸

The constitution prohibits such actions. There were no reports of interference.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 19.92, Rank: 34 / 180 – Mostly free, diverse, or independent¹⁰

The new “transparency” law does not consider freedom of information a fundamental right. The government has created a media monitoring entity. Hundreds of media outlets have closed in the past five years.

Freedom from academic censorship



Respected¹¹

There are no reports of academic censorship.

Freedom of peaceful assembly and association



Partially respected¹²

The constitution provides for freedom of assembly, which the government generally respects. There are restrictions, however, as protestors face fines for failing to notify proper authorities before having a protest and are unable to protest near key infrastructure.

Freedom of religion



Partially respected¹³

The constitution provides for freedom of religion, while acknowledging a special relationship with the Catholic Church. Certain municipalities have banned Muslim women from veiling and Muslims have difficulty obtaining building permits for mosques.

Protection of refugees and stateless persons



Partially respected¹⁴

The government cooperates with the UNHCR to provide protection and assistance to refugees and asylum seekers. However, authorities routinely deny asylum to many and there are reports that refugees can be both physically and verbally abused in prison-like centers.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



1/ 7 – Free¹⁷

Spain has an active and free press, despite occasional excessive political intervention that poses a threat to free expression. Most media outlets are controlled by a limited number of Spaniards.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



1 / 7 – Free¹⁹

Citizens have the right to organize political parties. However, electoral reforms have made it difficult for small parties to win seats. The political parties in Spain also suffer from issues of corruption.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 58%, Rank: 36 / 168 – Some corruption²¹

The government has moderately enforced anti-corruption measures. However, public opinion shows that 74% of Spaniards believe their government’s efforts to fight corruption are ineffective and that corruption has actually increased.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²²

A wide variety of domestic and international human rights organizations operate in Spain without government restriction. The Spanish government is usually cooperative with these organizations.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 74.2%, Rank: 25 / 142 – Somewhat unequal rights²⁴

Gender-based violence is a significant problem in Spain as more than half of all homicides were gender-based. In addition, sexual harassment is a problem and women face discrimination in many realms, including employment where women are paid 22% less than men.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 95.1%, Rank: 4 / 165 – Somewhat protected²⁶

Spain ranks within the top 5 countries in the world for the rights of children. While child abuse cases have decreased, sexual exploitation of trafficked teenage girls remains a problem.

Rights of persons with disabilities



Respected²⁷

The law prohibits discrimination against disabled persons, with fines of up to one million euros. The law mandates access to buildings for persons with disabilities. The government generally enforced these provisions.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Somewhat respected²⁸

Authorities have prosecuted many individuals for anti-Semitic and Islamophobic hate speech. Non-violent acts of anti-Semitism occasionally occur in Spain. In addition, the UN Human Rights Committee has criticized police profiling of Roma.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Respected^{29 30}

Despite the wide acceptance of LGBT persons and government policies of non-discrimination, homophobia among the younger generations is rising. 40% of hate crimes in Spain target LGBT persons.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Respected³¹

The law allows for a range of independent union organization.

Freedom from forced or compulsory labour



Respected³²

The law prohibits any form of compulsory labour. The government effectively enforces this law.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³³

The minimum age of employment is 16, with certain restrictions until 18. Laws protecting children from exploitation were generally enforced. Child labour persists on small farms and family owned businesses, however, where the government has difficulty enforcing the law.

Right to acceptable conditions of work



Partially respected³⁴

The law provides a minimum wage and a 40-hour work week with a 36 hour rest period (weekend.) Unions have criticized the government for devoting insufficient resources to inspection and enforcement. In addition, penalties are not sufficient to deter health and safety violations.

Right to employment



26.7% - Extreme unemployment³⁵

The unemployment rate in Spain has tripled in the past decade and is not projected to decline in the near future.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2015." Amnesty International. Accessed August 2, 2016. <https://www.amnesty.org/en/latest/research/2016/04/death-sentences-executions-2015/>.

³ "Country Reports on Human Rights Practices for 2015 Spain." U.S Department of State. Accessed August 2, 2016. <http://www.state.gov/documents/organization/253115.pdf>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. Accessed August 2, 2016. <https://rsf.org/en/ranking>.

¹¹ "Country Reports on Human Rights Practices for 2015 Spain." U.S Department of State. Accessed August 2, 2016. <http://www.state.gov/documents/organization/253115.pdf>.

¹² Ibid. U.S. Department of State.

¹³ "Spain." International Religious Freedom Report for 2014. Accessed August 2, 2016. <http://www.state.gov/documents/organization/238648.pdf>.

¹⁴ "Country Reports on Human Rights Practices for 2015 Spain." U.S Department of State. Accessed August 2, 2016. <http://www.state.gov/documents/organization/253115.pdf>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed August 2, 2016. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁷ "Spain." Freedom in the World 2016: Spain. Accessed August 2, 2016. <https://freedomhouse.org/report/freedom-world/2015/spain>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed August 2, 2016. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Spain." Freedom in the World 2016: Spain. Accessed August 2, 2016. <https://freedomhouse.org/report/freedom-world/2015/spain>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt;

0-19 (15 countries): Extremely corrupt

²¹ "Spain." Corruption by Country. Accessed August 2, 2016. <https://www.transparency.org/country/#ESP>.

²² "Country Reports on Human Rights Practices for 2015 Spain." U.S Department of State. Accessed August 2, 2016. <http://www.state.gov/documents/organization/253115.pdf>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Spain." World Economic Forum. Accessed August 2, 2016. <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=ESP>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Score." The KidsRights Index. Accessed August 2, 2016. <http://www.kidsrightsindex.org>. See also Ibid. U.S. Department of State.

²⁷ "Country Reports on Human Rights Practices for 2015 Spain." U.S Department of State. Accessed August 2, 2016. <http://www.state.gov/documents/organization/253115.pdf>.

²⁸ Ibid. U.S Department of State. See also "Spain." International Religious Freedom Report for 2014. Accessed August 2, 2016. <http://www.state.gov/documents/organization/238648.pdf>.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed November 25, 2014. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2015 Spain." U.S Department of State. Accessed August 2, 2016. <http://www.state.gov/documents/organization/253115.pdf>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. Accessed August 2, 2016. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm.