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Spain

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The Kingdom of Spain, with a population of approximately 45.1 million, is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral parliament, and the head of the largest political party or coalition is usually named president. The 2004 national election was free and fair. The Spanish Socialist Workers Party won the multiparty election, and Jose Luis Rodriguez Zapatero became 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 that security forces abused suspects and that migrant children in detention centers were mistreated. There were reports of delays in arraignment of arrested persons before a judge and delays in providing legal assistance to arrested persons. There were reports that authorities at times expelled illegal immigrants without adequate screening for potential asylees. On June 5, the terrorist group Basque Fatherland and Liberty (ETA) declared an end to its March 2006 "permanent ceasefire," and continued its terrorist campaign of bombings during the year, in addition to killing two Spanish Civil Guards in southern France. Societal problems included the following: 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.

On April 27, Almeria's provincial court sentenced civil guard Jose Manuel Rivas to 15 months in prison and three years of probation in connection with the 2005 killing of Juan Martinez Galdeano, who was beaten to death in civil guard custody. Two other civil guards were fined for their role.

On January 23, the Barcelona Provincial Court acquitted a Catalonian police officer charged with negligent homicide in the 2004 death of Moroccan national Farid Ben Daoud.

Unlike in the previous year, ETA was not responsible for any killings in Spain during the year; however, injuries resulted from a car bomb and an attempted assassination. On December 1, ETA killed two Spanish Civil Guard members in a small French town near the Spanish border.

The investigation into the deaths of two persons killed in ETA's December 2006 bombing of a parking garage at Madrid's international airport continued at year's end, with no suspects in custody.

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.

Amnesty International (AI) reported that in June a woman was arrested after trying to intervene during the violent arrest of another person in Barcelona. According to the AI report, the woman was then handcuffed and put in a police station cell, where she was severely beaten by four police officers. A police doctor recorded only minor bruising, but a medical report obtained after the woman's release noted multiple bruises on her body. In August she was fined for resisting arrest.

During the year Catalonian courts investigated six complaints against Catalonian regional police officers who allegedly subjected detained individuals to degrading treatment while in custody at Barcelona's main police station of Les Corts. Three of the complaints originated in 2006 and three in 2007.

On July 13, a Barcelona judge charged eight Catalonian police officials with mistreating four persons during their March 2006 detention in the Ciutat Vella and Sants-Montjuic police stations.

The 13 police officers charged with the June 2006 beating of Guatemalan citizen Luis Carrillo had not been tried by year's end due to the inability of authorities to locate Carrillo.

In its annual report released May 12, the Spanish coordinator for the Council of Europe's Committee for the Prevention of Torture (CPT) reported that 610 individuals in 2006 filed mistreatment complaints against security forces. This represented 32 fewer complaints than in 2005.

In its 2007 annual report, AI expressed concern for immigrants in the country "who are expelled without judicial supervision and who are victims of mistreatment and illegal detentions by security forces." Spanish police union Confederacion Espanola de Policia charged that AI and Spanish nongovernmental organization (NGO) SOS Racismo concocted such reports to get public funds.

In 2006 the European Commission against Racism and Intolerance reported that NGOs continued to receive reports from noncitizens, Roma, and citizens of immigrant origin asserting that they were victims of insulting and abusive speech, mistreatment, and violence by security forces. The report indicated that victims rarely filed complaints, and that such incidents were rarely investigated.

In 2006 four unknown persons severely beat an immigrant from the Maghreb region, who subsequently sought police assistance. Instead of assisting the victim, police handcuffed the man and left him inside a police car for more than 30 minutes before seeking medical attention.

The results of the government's investigation into alleged security force abuse and mistreatment of detained illegal aliens in 2006 had not been released by year's end.

On August 24, the ETA detonated a car loaded with 100 kilograms of explosives outside the civil guard headquarters in Durango, injuring two civil guards and causing significant property damage. On October 9, ETA terrorists tried to kill the bodyguard of a Basque politician by planting a bomb on his car; the bodyguard escaped the burning car and survived.

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 1.6. Two new prison facilities opened during the year.

On July 10, the CPT issued the report on its 2005 trip to Spain. The authors collected numerous allegations of ill-treatment, 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 observed during the admission medical exam, including information about the possible origin of such injuries. The government's formal response, issued concurrently by the CPT, acknowledged the concerns of the CPT, examined several of these cases, and attempted to address certain legal concerns raised by the committee.

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 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 2006 the ombudsman network processed 3,663 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 report discussed above, 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 on 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, but not necessarily to their attorney of choice. The Spanish Bar Association, not the government, selects an attorney for the detainee. Human rights observers indicated that this power carried the potential for abuse. Authorities responded that this form of detention was rare.

Lengthy pretrial detention occurred. As of November 1, the prison population was 66,809, 24 percent of whom 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 for the indigent), to confront witnesses, to present witnesses on their behalf, and to have access to government-held evidence. Defendants enjoy the presumption of innocence and the right to appeal.

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.

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. An active and independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were 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 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. For example, Arnaldo Otegi, the leader of ETA's political front, was sentenced in June to 15 months in jail for glorifying terrorism during his participation in the 2003 commemoration of the 25th anniversary of the death of an ETA member.

On August 23, authorities arrested and extradited Gerd Honsik to face charges in Austria, where he was accused of "Holocaust denial." Honsik was sentenced to one to two years in prison. Promotion or justification of genocide had been a criminal offense in the country, but the Constitutional Court ruled in November that the section of the penal code that punished "the spreading of ideas or doctrines that negate genocide crimes" was unconstitutional.

The trial of Holocaust denier Pedro Varela, who was arrested and charged with defending genocide and incitement to racial hatred in 2006, had not begun by year's end.

Reporters without Borders' annual report criticized the terrorist organization ETA for threatening journalists, contending that several journalists in Spain required personal protection due to these threats.

Internet Freedom

There were no government restrictions on access to the Internet or 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. However, authorities monitored Web sites for material containing hate speech and advocating anti-Semitism, and took action in at least one case; in April the government shut down the Web site of R.E. Aitor for posting neo-Nazi material.

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.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right. 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 had "notorio arraigo" ("deeply rooted" traditional) status and received some tax benefits through agreements with the government, but enjoyed fewer privileges than the Roman Catholic Church. In January Jehovah's Witnesses received notorio arraigo status, as did the Buddhists in November (and the Church of Jesus Christ of Latter-day Saints in 2003); however, they do not receive the same benefits and privileges granted the other "deeply-rooted" religions, which reached separate agreements with the government in 1992. In May the government indicated that rather than negotiate individual agreements with each of these religious groups, it would amend the laws governing tax benefits and privileges for religious groups to extend these benefits to all groups achieving notorio arraigo status. Parliament did not adopt this proposal prior to disbanding in December in advance of elections.

On October 11, the National Court ruled that the Church of Scientology should be listed with other religious groups in the country, overturning a 2005 ruling by the Ministry of Justice, which had treated Scientology as a cultural association. The Church of Scientology officially registered with the Ministry of Justice as a religion on December 12.

On separate occasions, leaders of the Muslim and Jewish communities complained about difficulties in securing permits and approvals to construct new places of worship. Specifically, efforts to construct a mosque in Seville met with judicial hurdles that the Seville Mosque Foundation claimed were prompted by societal prejudice against Islam. Bermejales 2000, a neighborhood association that gathered 1,500 signatures to oppose the construction, filed a judicial action in 2006. On May 17, the deputy mayor of Seville stated that the city was denying the construction of the mosque. However, on November 28, a court in Seville ruled that construction could take place as planned.

Muslim communities complained of the lack of Islamic cemeteries in the country. As of September, the Ministry of Justice was working to increase cooperation between local governments and Islamic communities to address these concerns.

The law mandates public funding for teachers in Catholic, Islamic, Protestant, and Judaic studies in public schools when at least 10 students request instruction. Muslim leaders complained that the demand for Islamic instruction far outstripped the government's capacity to provide it.

Societal Abuses and Discrimination

The growth of the country's immigrant population at times 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.

On January 29, in Catalonia, a far-right politician introduced a measure before the city council of Vic calling for the prohibition of the full face-covering veil, or "hijab," in public. The measure was defeated and drew criticism from other council members in Vic and from the media.

In November 2006 a Muslim woman was badly beaten by four women in Santa Cruz de Tenerife, Canary Islands for wearing a hijab. The assailants called the woman a "moor" based on her Islamic dress. The victim, a Spanish convert to Islam, reported that the assault took place in front of witnesses in the neighborhood, none of whom came forward by year's end.

No arrests were made for the November 2006 vandalism of the Colon Park mosque in Corboba.

Unlike in the previous year, there were no arson attacks on mosques in the enclave city of Ceuta in North Africa. Authorities had not charged anyone in connection with the 2006 arson attacks.

Jewish community leaders reported that while violence against persons in the approximately 40,000-member Jewish community was rare, anti−Semitic attacks including graffiti against Jewish institutions continued.

In June construction workers in Tarrega uncovered an ancient cemetery from which the bones of 158 people were subsequently disinterred without religious supervision. Based on the finding of rings with Hebrew names in some of the graves, as well as the site's positioning with respect to the town's old Jewish quarter, it appeared that the cemetery existed before the Jewish expulsion from Spain in 1492. At the request of international and local Jewish groups, the remains from the Tarrega cemetery were reburied in the Jewish Cemetery of Barcelona on July 30.

Local municipal governments are the competent authority with respect to cemeteries and burials, and religious groups have reported varying degrees of success in gaining satisfactory treatment and reburial of disinterred remains, as well as access to cemeteries designated for particular religions, particularly Islamic cemeteries. The Federation of Jewish Communities in Spain had drawn up a nonbinding protocol for the national and local governments to follow in addressing such issues. The Ministry of Justice convened a December conference of municipal governments to clarify local government responsibilities concerning religious freedom, including respect for burial sites.

On August 14, in Cordoba, unknown persons defaced the Synagogue of Cordoba and the Casa Safarad (Sephardic House) with anti−Semitic and neo−Nazi graffiti, as well as threats written in German. Similar synagogue-defacing continued in Barcelona; no suspects were arrested. Earlier in the year neo-Nazi groups in Cordoba reportedly defaced a statue of the renowned 12th century Sephardic rabbi, Maimonides.

After investigation, R.E. Aitor of Barcelona was arrested on April 18 for maintaining a Web site that disseminated Nazi ideology. A search of his apartment turned up considerable amounts of propaganda and weapons. He was released on orders from the court; the Web site was closed down.

On August 12, the "Law against Violence, Racism, Xenophobia and Intolerance in Sport" went into effect. The law established sanctions against teams and stadiums for prohibited actions, including closures, suspensions, and demotion in divisional standings for actions perpetrated by professional athletic clubs, players, or fans. The law resulted from a long history of fans insulting players based on their race or religion, including, for example, a November 2006 soccer game in which fans shouted anti−Semitic slurs at an Israeli player.

On August 23, authorities arrested Holocaust denier Gerd Honsik to face charges in Austria where Holocaust denial is a crime. Honsik was sentenced to one-to-two years in jail.

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.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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.

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

Protection of Refugees

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

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. According to the Office of the UN High Commissioner for Refugees (UNHCR), in 2006 the country granted refugee status to 168 people. An additional 172 persons received subsidiary protection, and 16 were admitted for humanitarian reasons.

The government cooperated with the UNHCR and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in assisting refugees and asylum seekers.

During the year the country received far fewer undocumented migrants from Africa than in 2006, when more than 30,000 sub-Saharan migrants entered the country through the Canary Islands. During the year, 12,478 undocumented immigrants reached the Canary Islands, approximately 92 percent of whom were subsequently repatriated to their countries of origin. The government repatriated a total of 55,938 undocumented immigrants during the year.

In April the Spanish Commission for Assistance to Refugees (CEAR) appealed the government's decision to transfer 23 migrants from Kashmir, who were interdicted at sea, to Mauritania, where they were held for approximately two months in Spanish custody pending repatriation. According to CEAR, their detention in Mauritania should not have exceeded 40 days and should have included legal representation; CEAR also alleged that repatriation of the 23 to Kashmir could constitute refoulement. The government granted asylum to six individuals, repatriated 13 to Pakistan, and another European nation accepted the remaining four. On July 19, CEAR called on the government to make efforts to ensure that the returned migrants would not face persecution.

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.

There continued to be concerns about the quality of detention centers. On July 5, Human Rights Watch (HRW) reported that hundreds of unaccompanied migrant children were at risk of violence and mistreatment at Canary Island detention facilities. HRW charged that the facilities were overcrowded, did not provide access to public education, left children unprotected, and unduly restricted their freedom of movement.

An investigation was ongoing into the allegations that police officers sexually abused detainees being held at the Center for the Internment of Aliens in Malaga; in 2006 several NGOs called on the government to close the facility, alleging a "plague of irregularities."

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 regularly occurring, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In 2004 Jose Luis Rodriguez Zapatero of the Socialist Party became president in a free and fair national election. Governmental power was shared between the central government and 17 regional governments. Linguistic and cultural minorities had representation in, and participated in, both local and national political parties.

There were 129 women in the 350-seat Congress of Deputies (lower house) and 61 women in the 259-seat Senate (upper house). There were seven women in the 16-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. During the year 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.

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.

By September 86 persons had been 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 of the corruption, remained in custody awaiting trial at year's end. None of the trial proceedings for the 86 persons accused had begun by year's end.

Public officials were subject to financial disclosure laws passed in 2005; the Ministry of Public Administration was the agency responsible for managing and enforcing the Law of Conflicts of Interest. In addition the government enacted a code of good governance in 2005 to apply to all high government officials.

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

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were 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. The government reported 6,331 cases of sexual assault, harassment, and aggression through November.

The law prohibits violence against women, and independent media and government agencies paid close attention to gender violence.

During the year women filed 63,347 complaints of abuse against their husbands, male partners, or ex-partners, approximately the same number as the previous year. According to the Ministry of Labor and Social Affairs, more than 600,000 women over the age of 18 (3.6 percent) were victims of gender-based abuse during the year.

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. Between June 29, 2005, and June 30, 2007, authorities convicted 49,968 men of gender-related violence out of a total of 69,200 prosecutions. During 2006 the special gender courts issued 29,617 restraining orders against men.

Over 50 offices provided legal assistance to victims of domestic violence, and there were approximately 293 shelters for battered women. A 24-hour free national hotline advised battered women on where to find shelter and other local assistance. During the year there were 1,614 specialized police officers focused on protection of victims of domestic violence (an increase of 1,109 officers since 2004).

As of October there were 70 specialized courts dealing exclusively with domestic violence cases, and 90 specialized judicial units.

A June 2006 AI report entitled *More Rights*, *the Same Obstacles* found that the implementation of the government's domestic violence law was uneven and that regions outside the capital generally provided fewer resources for battered women.

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 this practice risked losing custody. In practice there were no medical examinations of immigrants because there was no suspicion that FGM took place.

In June the Court of Girona prohibited a three-year-old girl from traveling to Gambia with her mother due to suspicion that the girl would be subjected to FGM. In August the Girona Commission against Female Genital Mutilation prohibited three girls from traveling to their country of origin for the same reason. In another eight cases, parents were not allowed to travel with their daughters unless they agreed to a medical exam of the girls upon their return. As of June, the Womens' Institute had reported two FGM-related complaints.

Prostitution is not illegal, but forcing others into prostitution and organizing prostitution rings are crimes; it is illegal for anyone to profit from the prostitution of another. Prostitution was reported to be a problem. Local governments, notably those of Madrid and Barcelona, continued efforts to discourage prostitution. In July the Madrid City Hall installed 31 video cameras in one of the city's largest parks where prostitutes gathered at night. Other efforts to combat prostitution included advertising campaigns discouraging prostitution, restrictions on prostitution near schools, and police actions such as road closings to deter clients from seeking prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem.

The law prohibits sexual harassment in the workplace; however, harassment was reported to be a problem. According to the Women's Institute, 15 percent of women experienced some kind of sexual harassment during 2006, although only 1 percent asked for assistance. The institute reported 490 cases of sexual harassment from January through November.

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.

Children

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

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

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

The Ministry of Health and the Ministry of Labor and Social Affairs were responsible for the welfare of children. Several regional governments had an office of the children's defender, an ombudsman charged with defending children's rights. In June the Congress of Deputies approved a revision of the law to establish tougher penalties on juvenile offenders aged 14 to 17. The new law also permits underage witnesses and victims of crimes to testify via videoconference without having visual confrontation with the defendant.

There were reports of child abuse. In February the director of the Reina Sofia Center for the Study of Violence said that child abuse had increased 150 percent from 2001 to 2005. The Reina Sofia Center announced in September that 8 percent of Spanish children suffer psychological or physical mistreatment, but that only a small fraction of these cases were reported to the authorities. In November the government launched a public awareness campaign on child abuse featuring billboards and radio and television advertisements.

Trafficking of teenage girls for 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 25 years of age, but some girls were reportedly as young as 16. Women were trafficked primarily from Latin America (Colombia, Ecuador, and Brazil), Eastern Europe (Romania, Russia, and Ukraine), and sub−Saharan Africa (Nigeria).

The traffickers were generally organized criminals based in the source countries. Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. 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 dampen the victims' desire to escape the trafficking network.

The law prohibits trafficking in persons for labor and sexual exploitation. Penalties ranged from five to 15 years' imprisonment. The law also prohibits the exploitation of prostitutes through coercion or fraud and the exploitation of workers in general, with penalties ranging from five to 10 years' imprisonment. In December 2006 the Council of Ministers approved a prison sentence increase of two to six years for traffickers belonging to a criminal organization.

In June security forces dismantled a network for the commercial sexual exploitation of women, resulting in the arrest of 88 persons. Also in June police dismantled three international networks that sexually exploited men and women from Paraguay, Brazil, and Venezuela; 10 persons were arrested. In July police also broke up a network that exploited laborers from Morocco. During investigations conducted during the year, approximately 300 trafficking victims were located.

During 2006 the government launched 272 trafficking−related investigations, indicted 113 persons for trafficking, and secured 178 convictions with an average sentence of 5.1 years. Police dismantled 240 trafficking networks, arrested 1,039 persons, and freed 2,288 victims.

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 offices conducted quarterly reviews to set goals in combating trafficking and to assess success in meeting previous quarterly goals. During the year 200 police and civil guard officers worked exclusively to combat trafficking of women and children.

The law permits trafficking victims to remain in the country if they agree to testify against the perpetrators. Victims have a 30−day "reflection period" to recover in a safe environment before being required to decide whether to cooperate with police investigation and prosecution of their traffickers. After legal proceedings conclude, victims are given the option of remaining in the country or returning to their countries of origin.

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. Representatives of the government's violence education programs for female victims and an NGO partner on trafficking reported that 89 percent of the victims they assisted pressed criminal charges.

The government contracted with Project Hope, an international order of nuns whose domestic branch focused solely on abused women, to provide protection, housing, and counseling to victims of trafficking. Project Hope operated shelters in Madrid, provided assistance with medical and legal services, and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many referrals directly from police. The Catalonian regional and municipal government contracted with Caritas for the same services.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in 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 among regions. The Ministry of Labor and Social Affairs has the responsibility of protecting the rights of persons with disabilities.

In July the minister of labor and social affairs appointed a person with disabilities as director general for the coordination of sector and handicapped policies, the first-ever selection of a person with disabilities for a high-level government position.

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.

Spanish male Sergi Xavier Martin assaulted an Ecuadorian woman on the Barcelona subway on October 7. Subway surveillance tapes and eyewitness accounts of the unprovoked assault indicated that the attacker's sole motivation was that the victim was an immigrant. The attacker subsequently told reporters that he had had too much to drink. Finding that he was not a flight risk, authorities released the individual on bail pending a trial.

On November 4, five young people severely beat a 56-year old Colombian citizen in the Las Rozas township of Madrid, while shouting "Viva España." The NGO "Movimiento contra la Intolerancia" declared it a racist attack. At year's end no suspects had been arrested.

On November 13, a judge ordered the pretrial detention of Roberto Alonso de la Varga on charges of having attacked Congolese citizen Miwa Buene in February, leaving him a quadriplegic. The maximum sentence is over two years in prison; the trial had not begun by year's end.

In June the NGO SOS Racismo warned of an increase in xenophobic attitudes in Catalonia, based on the increase in council seats obtained by far−right political parties in the May municipal elections in two towns in the Barcelona area. Noting that such parties based their electoral strategy on claiming an alleged relationship between immigration and crime, SOS Racismo charged that fighting ultraright organizations was not a priority for authorities, and noted that arrests of ultraright and neo−Nazi members for violent acts dropped by almost two−thirds in 2006. SOS Racismo also estimated that over 300 Spanish Web sites espousing hatred and violence toward various groups, including immigrants, were operational.

On February 28, the police arrested six persons accused of attacking immigrants in Catalonia. The individuals were members of the "Young Workers Front," and police seized documents and books on holocaust denial and Nazi glorification as well as 26 weapons, including firearms, and almost 4,000 rounds of ammunition. The individuals were tried and convicted.

The investigation into the September 2006 attack on Gambian citizen Bakari D. was ongoing at year's end. A suspect was identified, but had not yet faced trial. Authorities concluded that the attack did not constitute a hate crime.

The Roma 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 Roma community, whose estimated size, according to FSG, was 600,000, experienced substantially higher rates of unemployment, poverty, and illiteracy than the general population. A September 2006 FSG study indicated that up to 80 percent of Romani children did not finish their required secondary education.

FSG's August report credited national and regional governments with taking several important steps to improve the cultural acceptance and social wellbeing of the Roma population, including providing assistance to several NGOs dedicated to improving the condition of Roma. In March the government created the Fundacion Instituto de Cultura Gitana to develop and promote Roma history, culture, and language.

In October an estimated 5,000 writers, politicians, journalists, publishers, academicians, actors, and filmmakers reportedly signed a manifesto criticizing the firing of Cristina Peri, a writer/journalist for Catalunya Radio who said she was fired for speaking in Castilian rather than Catalan.

Other Societal Abuses and Discrimination

There was no major societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS. Gay marriage is legal.

Section 6 Worker Rights

a. The Right of Association

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

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers. The law provides for the right to strike and workers exercised this right by conducting legal strikes. A strike in nonessential services was legal if the union gave five days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer.

There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for sexual 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. 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 primary responsibility for enforcement lies with the Ministry of Labor and Social Affairs, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

e. Acceptable Conditions of Work

The minimum wage was approximately $876 (600 euros) 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.

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