



Freedom in the World 2014 - Spain

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2014 Scores

Status: Free

Freedom Rating (1 = best, 7 = worst): 1.0

Civil Liberties (1 = best, 7 = worst): 1

Political Rights (1 = best, 7 = worst): 1

OVERVIEW

Following a decade-long housing and construction boom, the global financial crisis that started in 2008 revealed the troubled state of the Spanish financial sector. In June 2012, Spain began the process of obtaining a €41 billion (\$55.6 billion) bailout of its banking sector, initiating a deep reform. The continuation of stringent austerity measures imposed in response to the financial crisis, an unemployment rate that remained above 25 percent for all of 2013 – with youth unemployment at 54.3 percent at the end of the year – and a wave of foreclosures and evictions have resulted in social discontent across large sectors of Spanish society. Spain's economy returned to growth in the second half of 2013 after nine consecutive quarters of decline, and was projected to grow slightly in 2014.

In 2013, several notorious corruption investigations in Spain, implicating politicians at all levels, resulted in mounting public anger toward the country's political and economic elite, the destabilization of the Spanish government, and, according to some analysts, threats to investor confidence in the country. Public anger was also directed at ongoing cuts to education spending coupled with a controversial education reform passed by parliament in November. A law approved by the government in December that made abortions illegal except in the case of rape or when a pregnancy poses a serious mental or physical risk to the woman drew condemnation from women's rights groups and opposition politicians; the law was considered likely to be approved by parliament.

A referendum on the independence of Catalonia, planned for 2014 by the regional Catalan president but deemed illegal by the Spanish government, further strained relations between the regional and central governments. Diplomatic tensions between Spain and the UK mounted over the British colony of Gibraltar, but critics accused the Spanish government of using this as a smoke screen to divert attention from domestic issues.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 39 / 40*A. Electoral Process: 12 / 12*

The Congress of Deputies, the lower house of Spain's bicameral parliament, has 350 members elected in multimember constituencies, except for the North African enclaves of Ceuta and Melilla, which are each assigned one single-member constituency. The Senate has 264 members, with 208 elected directly and 56 chosen by regional legislatures. Members of both the Senate and Congress serve four-year terms. Following legislative elections, the monarch selects the prime minister – usually the leader of the majority party or coalition. The parliament must then elect the candidate. The country's 50 provinces are divided into 17 autonomous regions; with powerful regional parliaments, Spain is one of the most decentralized countries in Europe. National and regional elections are considered free and fair. Spain is a member of the European Union.

In early general elections held in November 2011, the right-wing Popular Party (PP) trounced the center-left Socialist Party (PSOE), capturing 186 out of 350 seats in the lower house, while the PSOE took only 111 seats, its worst showing in 30 years. PP leader Mariano Rajoy replaced the PSOE's José Luis Rodríguez Zapatero as prime minister.

B. Political Pluralism and Participation: 16 / 16

People have the right to organize political parties and other competitive groups of their choice. For example, the Bildu party in the Basque region, which was formed after the political wing of the militant Basque separatist group Euskadi Ta Askatasuna (ETA), or Basque Fatherland and Freedom, was permanently banned in 2002, won seats in regional elections in 2012. The opposition has realistic opportunities to gain power, but due to the electoral law, only two major parties, the PP and the PSOE, have a genuine chance. Other parties such as the left-wing Izquierda Unida or the liberal Unión Progreso y Democracia have seen increasing gains in elections. However, some regional electoral reforms make it more difficult for these parties to win seats. An independence movement in the region of Catalonia has gained steam, and Catalan President Artur Mas continues to press ahead with plans to hold a referendum on Catalan independence in November 2014; the Spanish government says it will block the referendum, which it claims violates the Spanish constitution.

C. Functioning of Government: 11 / 12

There was a string of developments in high-profile corruption investigations in 2013, most notoriously connected to the so-called Bárcenas case, involving the ruling PP. The case concerned allegations that a slush fund – allegedly administered by a former party treasurer, Luis Bárcenas – had been used for many years to make illegal cash payments to party leaders, including to Rajoy, possibly in exchange for favorable treatment of the construction companies that allegedly made the illegal donations. Rajoy and other party leaders denied receiving payments. Bárcenas is in jail awaiting trial. Another ongoing case has implicated the son-in-law of King Juan Carlos I, Iñaki Urdangarín, who is accused of misappropriating millions of Euros in his role as chairman of a charitable organization. Urdangarín's wife, Princess Cristina, was also under investigation. High-profile corruption scandals have also rocked the Catalan and Andalusian regional governments. All these events contributed to Spain's slump to rank 40 out of 177 countries and territories in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 57 / 60*D. Freedom of Expression and Belief: 15 / 16 (-1)*

Spain has a free and active press, with more than 100 newspapers (many of them regional) covering a wide range of perspectives and actively investigating high-level corruption. However, due to the economic crisis, Spanish media have suffered from ownership consolidation: very few

media groups control most TV and radio stations, and most newspapers and magazines are also in the hands of a few. Media organizations had suffered over the course of the economic crisis, and according to a study released in December 2013 by the Madrid Press Association, more than 4,400 journalists lost their jobs in 2013 as 73 media organizations closed. In August 2012, the state-owned broadcaster, RTVE, removed several journalists who strongly criticized the ruling PP. Excessive political intervention into the creation of new TV and radio stations is considered an obstacle to freedom of the press, especially at the regional and local levels.

Freedom of religion is guaranteed through constitutional and legal protection. Roman Catholicism is the dominant religion and enjoys privileges that other religions do not, such as financing through the tax system. The role of Catholicism in political decision-making is evident in the proposed law restricting abortions and in elements of the education reform law passed in 2013 that increase the role of religion in the classroom. Jews, Muslims, and Protestants have official status through bilateral agreements with the state, while other groups, including Jehovah's Witnesses and Mormons, have no such agreements.

The government does not restrict academic freedom. However, large protests by educators and students in October demonstrated discontent with ongoing austerity-driven cuts to education funding that critics say will disadvantage lower-income students, particularly with respect to paying for university. There was also public dissatisfaction with a reform to the education system passed in November that gave greater weight to exam scores and prioritized the Spanish language over regional languages in schools, among other measures.

E. Associational and Organizational Rights: 12 / 12

The Constitution provides for freedom of assembly, and the government respects this right in practice. Large anti-austerity protests and strikes took place across the country throughout 2013. A draft bill approved by the government late in 2013 that set fines of up to €30,000 (\$40,000) for several protest-related offenses was criticized by civil liberties groups as an affront to freedom of assembly. The bill was expected to pass in the PP-dominated parliament. Domestic and international nongovernmental organizations operate without government restrictions. With the exception of members of the military, workers are free to strike, organize, and join unions of their choice.

F. Rule of Law: 15 / 16 (+1)

The Constitution provides for an independent judiciary. However, some important members of judicial institutions such as the Constitutional Court and the General Public Prosecutor are elected by politicians. Experts believe a new reform approved by the government in June weakens judicial independence by removing the power of judges to nominate members of the General Council of the Judiciary and reducing the number of permanent positions on that body. The European Court of Human Rights in Strasbourg stopped several foreclosures in Spain during 2013 that were the result of onerous mortgage terms. In October, the same court struck down the "Parot doctrine," a Spanish sentencing practice that was used to keep some prisoners (mostly ETA terrorism detainees) incarcerated for most of the 30-year maximum allowed by law; the court ruling applied only to the particular sentence challenged in the case, but it was expected to have wider ramifications as the court found that the Parot doctrine violated the European Convention on Human Rights. An austerity measure adopted in 2012 denies public health coverage to illegal immigrants.

G. Personal Autonomy and Individual Rights: 15 / 16

A lack of access to credit has created obstacles to private business activity, especially for small and medium-sized firms. Women enjoy legal protections against rape, domestic abuse, and sexual harassment in the workplace. Violence against women, particularly within the home, remains a

serious problem, with up to 50 women killed in 2013. The proposed abortion law was criticized by the opposition and abortion rights groups for rolling back women's rights. Same-sex marriages are legal, and same-sex couples may adopt children. Trafficking in men, women, and children for the purposes of sexual exploitation and forced labor remains a problem.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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