

2024 Country Reports on Human Rights Practices: Spain

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Spain during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1.

Life

a. Extrajudicial Killings

There were no reports the government or its agents committed arbitrary or unlawful killings during the year.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2.

Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

The law prohibited actions the government interpreted as celebrating or supporting terrorism, including public speeches and the publication of documents. The law provided for imprisonment from one to four years and fines for provoking discrimination, hatred, or violence against groups or associations based on ideology, religion or belief, family status, membership in an ethnic group, race, national origin, sex, sexual orientation, illness, or disability, as well as for those who offended religious sentiments, glorified terrorism, insulted the king or state institutions, or propagated hate speech. The law did not criminalize blasphemy, but fines could be levied against those who

offended the feelings of members of a religious belief or of those who do not have a religious belief. A range of civil society organizations and human rights groups pointed to these provisions of the law as limiting freedom of expression in the country.

Several nongovernmental organizations (NGOs) reported police continued to restrict individuals' freedom of expression by reporting them under the law on expression that allowed police to report individuals for disobeying orders, even if the individual was not engaged in an unlawful activity. The possible fine of up to 600 euros (\$629) would be determined by a competent authority. The law also penalized violent protests, insulting a security officer, and participating in unauthorized protests outside government buildings.

Amnesty International continued to express concern the law had a negative impact on the exercise of human rights of protesters, human rights defenders, and journalists for conduct protected by the rights to freedom of expression and peaceful assembly. The Office of the Ombudsman's annual reports repeatedly urged political parties to reform the law, seeking a proper balance between security and freedom.

Physical Attacks, Imprisonment, and Pressure

There were some reports that government officials and politicians verbally harassed certain media outlets and specific journalists.

The Federation of Associations of Spanish Journalists and the Press Association of Madrid criticized politicians for using social media to target journalists online and for insulting journalists in public remarks. In May during a parliamentary session, a member of parliament accused specific journalists by name of "spreading lies" based on their personal political and economic interests.

b. Worker Rights

Freedom of Association and Collective Bargaining

The constitution allowed most workers, including foreign and migrant workers, to form and join independent trade unions of their choice without previous authorization or excessive requirements. Military personnel and national police forces did not have the right to join and form trade unions. They could, however, form independent associations specific to their organizations. Judges, magistrates, and prosecutors could join only bar associations.

The constitution provided for the right of part-time and full-time workers to adopt collective bargaining agreements with employers' representatives. The law maintained in force expired collective bargaining agreements between unions and companies until another agreement was approved by both parties. Public-sector collective bargaining included salaries and employment levels, but the government retained the right to set the levels if negotiations failed. The government had the unilateral power to annul, modify, or extend the content and scope of collective agreements in the public sector, and all collective bargaining agreements had to be registered with the government.

The constitution and law provided for the right to strike, and workers exercised this right by conducting legal strikes. The law prohibited strikers from disrupting or seeking to disrupt harmonious relationships among citizens, disturbing public order, causing damage to persons or property, blocking roads or public spaces, or preventing authorities or entities from performing their duties freely. Any striking union had to respect minimum service requirements negotiated with the respective employer. Workers in diverse sectors went on strike and held demonstrations throughout the year demanding wage increases in response to rising inflation and living costs.

The law and regulations prohibited retaliation against strikers, antiunion discrimination, and discrimination based on union activity. According to the law, if an employer was convicted of violating union rights, including the right to conduct legal strikes, or dismissed an employee for participation in a union, the employer could face imprisonment from six months to two years or a fine if the employer did not reinstate the employee. The law did not explicitly criminalize making threats against workers who choose not to participate in labor strikes. The government considered this protection against threats to be covered under the broader provisions in the penal code regarding coercion.

Workers freely organized and joined unions of their choice. The government generally enforced applicable laws protecting freedom of association, collective bargaining, and the right to strike, and did not interfere in unions' functioning. Penalties for violations were commensurate with those for other laws involving denials of civil rights, such as discrimination, and were regularly applied against violators. Collective bargaining agreements covered 90 percent of the workforce in the public and private sectors. On occasion employers used the minimum service requirements to undermine planned strikes and provision of services in critical areas such as transportation or health services.

Although the law prohibited antiunion discrimination by employers against workers and union organizers, unions contended employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. There were also antiunion dismissals and interference in the activities of trade unions and collective bargaining in the public sector.

The law required firms to apply an appropriate sector-wide labor agreement to the service a subcontractor performed, such as cleaning, maintenance, or information support, and afforded workers on seasonal contracts the same rights as those on permanent contracts, including the right to severance pay. For companies that furloughed workers, the law established a requirement to protect those workers' rights.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a national minimum wage for all sectors, which barely met the official estimate for the poverty income level in 2023. In February the government increased the monthly minimum wage to 1,323 euros (\$1378), representing a 5 percent increase from 2023. The law provided for a 40-hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. The law restricted overtime to 80 hours per year unless a collective bargaining agreement established a different level. Pay was required for overtime and had to be equal to or greater than regular pay.

Occupational Safety and Health

The National Institute of Safety and Health in the Ministry of Labor had technical responsibility for developing Occupational Safety and Health (OSH) standards. OSH standards were appropriate for the main industries in the country and labor inspectors proactively identified unsafe conditions. The law protected workers who removed themselves from situations that could endanger their health or

safety without jeopardy to their employment. The most common OSH workplace violations were in the services sector, followed by the food, wood, iron, steel, and construction sectors.

Wage, Hour, and OSH Enforcement

The government effectively enforced minimum wage, overtime, and OSH laws in the formal economy. Penalties were commensurate with those for similar crimes, such as fraud. Penalties were regularly applied against violators. The Labor and Social Security Inspection Service, an autonomous agency attached to the Ministry of Labor, was the sole entity responsible for inspection and enforcement. It reviewed compliance with workers' rights protected under law and maintenance of the social protection system. The inspectorate had an insufficient number of inspectors and therefore could not enforce the law in all instances. Unions criticized the government for devoting insufficient resources to inspection and enforcement. Labor and social security inspectors had the authority to make unannounced inspections and initiate sanctions. They could also require the appearance of specific individuals by providing the documentation related to compliance concerns or through administrative proceedings. The government acted to prevent violations, particularly against vulnerable groups. In 2022, the last year for which data were available, inspectors carried out 584,563 actions related to occupational risk prevention (135,427); employment and labor relations including working conditions and gender equality (121,957); social security (179,732); and the irregular economy and foreign workers (133,843). Infractions of wage, hour, and overtime laws as well as social security benefits for workers were most common in the informal economy. In 2022 the most recent year for which data were available, the most common infractions identified by the inspectorate were hour and overtime violations, followed by employment contract violations and wage violations.

On May 11, the Council of Ministers approved a law to reinforce preventive measures for those working outdoors in extreme heat. Measures included reducing hours of labor and prohibiting certain tasks in high temperatures.

According to data published by the World Bank, the informal economy represented an estimated 20.6 percent of the country's gross domestic product in 2020, the most recent year for which data were available. Workers in the informal economy were not eligible for unemployment, pensions, or worker's compensation, although they were eligible for health care and education benefits. The government generally enforced labor laws in the informal sector.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

The law permitted police to apprehend suspects for probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions, police could not hold a suspect for more than 72 hours without a hearing. In certain rare instances involving acts of terrorism, the law allowed authorities, with the authorization of a judge, to detain persons for up to five days prior to arraignment. These rights were respected. Authorities generally informed detainees promptly of the charges against them.

The country had a functioning bail system, and the courts released defendants on bail unless they believed the defendants might flee, destroy evidence if released, or threaten public safety. If a potential criminal sentence was less than three years, the judge could decide to set bail or release defendants on their own recognizance. If the potential sentence was more than three years, the judge was obligated to set bail to release the accused.

The law allowed incommunicado detention when there was a threat to a person's life or physical integrity, or a need to avoid compromising criminal proceedings. By law incommunicado detention could only be applied by judicial order and was limited to 10 days' duration. In certain rare instances involving acts of terrorism, a judge could order incommunicado or solitary detention for the entire duration of police custody. The law stipulated terrorism suspects held incommunicado had the right to an attorney and medical care, but it did not allow them to choose an attorney or to see a physician of their choice. Court-appointed lawyers were present during police and judicial proceedings, but in some cases terrorism suspects did not have the right to confer in private with the lawyer.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3.

Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibited such practices, but there were reports government officials employed them. Courts dismissed some of these reports after formal investigations. The constitution provided for an ombudsperson to investigate claims of police abuse, and the Office of the Ombudsman served as the National Mechanism for the Prevention of Torture.

In September 2023, a Barcelona court sentenced six officers from the Catalonia regional police to one year in prison for beating, spitting on, and intimidating a young Black man in 2019. The sentence included a fine of 300 euros (\$315) and compensation of 80,000 euros (\$83,869) for the victim with the possibility the officers could avoid prison time if they participated in a program that promoted equal treatment and nondiscrimination. In January, the Catalan regional government expelled the officers from the force.

b. Protection of Children

Child Labor

The law prohibited all the worst forms of child labor. The statutory minimum age for the employment of children was 16, although permission from parents or guardians was required up to

age 18 unless the person was legally emancipated. The law also prohibited those younger than 18 from employment at night, overtime work, or employment in sectors considered hazardous, such as in agriculture, mining, and construction. Laws and policies provided for protection of children from exploitation in the workplace, and these laws generally were enforced.

Penalties were less than those for other analogous crimes, such as kidnapping. Penalties were regularly applied against violators. In 2022 the most recent year for which data were available, the Ministry of Labor detected 50 violations of child labor laws that involved 27 children between ages 16 and 18, and 28 violations involving 29 children younger than age 16. In 2022 there were 23 violations related to the safety and health of 31 working children. The Ministry of Labor had primary responsibility for enforcement of the minimum age law, and it enforced the law effectively in industries and the service sector.

Due to insufficient resources, the ministry did not always effectively enforce the law on small farms and in family-owned businesses, where some instances of child labor persisted. The government effectively enforced laws prohibiting child labor in the special economic zones. There were reports criminals exploited children in child sex trafficking (forced commercial sex) as well as pornography.

Child Marriage

The minimum age for marriage was 16. The government generally enforced the law. Forced marriage was punishable by fines and prison sentences of between six months and three years, with penalties increasing to prison sentences of five to eight years if the victim was determined to have been a victim of human trafficking. The law classified forced marriage as a crime of sexual violence.

NGOs working with refugees expressed concern regarding possible forced marriages among migrants.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Organizations working with refugees reported a generally well-functioning refugee reception system in the country and improved management of irregular migration despite major increases in land and sea migration, particularly to the Canary Islands.

Provision of First Asylum

The law provided for the granting of asylum or refugee status and the government had an established system for providing protection to refugees. Authorities reviewed asylum petitions individually, and there was an established appeals process available to rejected petitioners. The law permitted any foreigner in the country who was a survivor of violence against women or girls or of trafficking in persons to file a complaint at a police station without fear of deportation, even if that individual had undocumented status.

The Office for Asylum and Refugees, an office within the Ministry of the Interior, reported a significant increase in applications for international protection. The Ministry of the Interior reported it continued to reduce the backlog of pending asylum claims through increased staffing and training, improved processes, and interagency coordination. NGOs working with refugees reported that despite these improvements, individuals seeking to make asylum claims still faced significant challenges.

Individuals faced obstacles and delays in obtaining appointments to submit initial asylum applications to the Ministry of the Interior. In its 2023 report, the Office of the Ombudsman reported it processed more than 2,500 complaints related to the difficulty of obtaining appointments for requesting international protection. In June, an NGO working with refugees reported a black market for buying and selling appointments run by criminal hacking networks continued to be a problem. As a result, many asylum seekers were forced to pay exorbitant amounts to submit an asylum claim. The Ministry of the Interior and police made efforts to deter the criminal hacking networks and had some success in dismantling them, but the problem persisted despite government emergency funding to increase appointments. Non-Spanish speaking asylum seekers faced additional challenges in obtaining appointments in a timely manner.

Organizations, including the Spanish Commission for Refugees (CEAR) and UNHCR, reported wait times for asylum appointments were several months to a year and wait times for follow-up appointments often were more than one year. As each locality had a different system for provision of appointments, CEAR noted some migrants seeking asylum appointments traveled to other areas of the country, including the North African Spanish enclaves of Ceuta and Melilla, in search of appointments. According to NGOs, without an initial asylum appointment, individuals were left in undocumented status with the threat of deportation and no rights to work or receive social support services. UNHCR reported the need for additional training and resources for officers responsible for conducting asylum interviews in accordance with UNHCR standards and European Union regulations. UNHCR also cited the need for additional specialized interpreters and tools to increase quality standards for asylum interviews.

In 2023, CEAR and 20 other NGOs filed a complaint against the country at the European Commission for noncompliance with the EU's Magna Charter of Fundamental Rights, which protected the right to seek asylum, including timely processing and the principle of nonrefoulement, and called for the country to increase human and economic resources devoted to improving access to asylum and temporary protection. At year's end, the complaint remained under review.

Individuals who entered the country by irregular means were held in centers for temporary assistance for foreigners under police supervision for initial reception, biometric intake, and processing. The law permitted individuals to be held in such centers for a maximum of 72 hours. UNHCR continued to report the need for increased internal regulations in the centers to allow individuals to apply for asylum during their initial 72 hours in the country. The European Asylum and Support Office had an established presence in the Canary Islands and assisted with migrant reception, but it did not assist with processing asylum claims.

Resettlement

The government accepted refugees for relocation and resettlement. According to UNHCR, the government resettled 1,111 individuals in 2023, including 72 through a labor pathway that verified migrants had employment, including job training, prior to arrival in the country.

Individuals who had lived in the country at least two years, were not a citizen of the EU, European Economic Area, Switzerland, or a family member of citizens of these countries, and worked for at least six months – no matter the legal status of employment or whether self-employed – were eligible to apply for residency and work permits through a “training for residency” program. The program permitted undocumented migrants living in the country for at least three years to apply for residency permits if they secured a job contract for at least 30 hours of work per week, or 20 hours if they had children under their care. The law also included a provision to grant residency permits to undocumented immigrants who agreed to complete a worker training program in sectors facing labor shortages.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish population was estimated at 45,000 persons. The law considered denial and justification of genocide to be a crime if it incited violence, with penalties that ranged from one to four years in prison. The government generally enforced the law effectively.

The Ministry of the Interior reported a significant increase in the number of antisemitic hate crimes from 13 in 2022 to 23 in 2023, a 77 percent increase. The Observatory of Antisemitism of the Federation of Jewish Communities of Spain reported multiple antisemitic incidents during the year including antisemitic hate speech online and on social media, threats of violence against Jewish persons, and vandalism. Jewish community groups raised concerns regarding politicians' use of slogans they considered antisemitic.

On June 3, member of parliament and former social rights minister Ione Belarra organized an event held in parliament during which guest speakers glorified the October 2023 Hamas attack on Israel and stated that Israel had no right to exist.

The Academic Network Against Antisemitism in Spain, made up of educators, researchers, and students, was formed in May. Members noted a hostile environment on campuses and reported antisemitic incidents including harassment of Jewish students and scholars.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion and belief, please see the Department of State's annual *International Religious Freedom Report* at: <https://www.state.gov/religiousfreedomreport/>.