

Freedom in the World 2022 - Spain

Free

90

/ 100

[Political Rights](#) 37 / 40[Civil Liberties](#) 53 / 60

Last Year's Score & Status

90 / 100 Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

Spain's parliamentary system features competitive multiparty elections and peaceful transfers of power between rival parties. The rule of law prevails, and civil liberties are generally respected. Although political corruption remains a concern, high-ranking politicians and other powerful figures have been successfully prosecuted. Restrictive legislation adopted or enforced in recent years poses a threat to otherwise robust freedoms of expression and assembly. A persistent separatist movement in Catalonia represents the leading challenge to the country's constitutional system and territorial integrity.

Key Developments in 2021

- Regional elections were held in Catalonia and Madrid, in February and May respectively, amid strict health precautions due to the COVID-19 pandemic. In Catalonia, the leader of the separatist Republican Left of Catalonia–Sovereignists (ERC–Sobiranistes) was elected president of the region's autonomous legislature; in Madrid, incumbent president Isabel Díaz Ayuso of the conservative Popular Party (PP) won a second consecutive term.
- In June, all nine Catalan officials sentenced for their roles in the region's illegal 2017 independence referendum were granted a conditional pardon by the government. The pardon can be revoked if they commit any other crime within a certain period of time, and the officials remained banned from holding public office.
- A second national state of alarm, imposed in November 2020 with the approval of parliament, ended in May. In July, the Constitutional Court declared the first state of alarm in 2020 to have been partially illegal, ruling that the strict lockdown measures imposed during the state of alarm should have only been instituted under a state of emergency; the court issued a similar ruling regarding the legality of the second national state of alarm in October.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through 4 / free and fair elections? **4**

Following legislative elections, the monarch selects a candidate for prime minister, generally the leader of the party or coalition with a majority in the lower house. The parliament then votes on the selected candidate.

Prime Minister Pedro Sánchez's center-left minority government, which had taken power through a no-confidence vote in the parliament in 2018, failed to win passage for a budget bill in February 2019, and snap elections were scheduled for April. The ruling Spanish Socialist Workers' Party (PSOE) won a plurality of seats but could not secure the majority needed for a new government, triggering

repeat elections in November of that year. The PSOE again fell short of a majority, but after reaching a coalition deal with the left-wing party Unidas Podemos and securing the abstentions of Basque and Catalan nationalist lawmakers, Sánchez narrowly won confirmation for a new government in January 2020.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 4 / 4

The lower house of Spain's bicameral parliament, the Congress of Deputies, is composed of 350 members elected in multimember constituencies for each of Spain's provinces, with the exception of the North African enclaves of Ceuta and Melilla, each of which has one single-member constituency. The Senate has 266 members, 208 of whom are elected directly, and 58 of whom are chosen by regional legislatures. Members of both chambers serve four-year terms.

Spain's legislative elections are generally considered free and fair. In the November 2019 balloting, the PSOE secured 120 seats, followed by the conservative PP with 88, the far-right nationalist party Vox with 52, Unidas Podemos with 35, and the center-right Ciudadanos with 10. Among several other parties, the Basque Nationalist Party (PNV) and the ERC-Sobiranistes won 7 and 13 seats, respectively. In the Senate, the PSOE took 92 seats and the PP won 84.

The regions of Catalonia and Madrid held elections for their autonomous legislatures in February and May respectively, amid strict health precautions due to the COVID-19 pandemic. In Catalonia, the leader of the ERC-Sobiranistes was elected president of the region with the support of Together for Catalonia (JxCat), another separatist party. Madrid's elections were originally scheduled to take place in 2022, but in March 2021, incumbent president Isabel Díaz Ayuso of the PP called snap elections for May in order to avoid a vote of confidence. Despite criticism from the opposition, the May elections went ahead, and Díaz Ayuso won a second consecutive presidential term after the PP was able to form a single-party government with the electoral support of Vox.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Spain's constitution and electoral laws provide the legal framework for democratic elections, and they are generally implemented fairly.

The initiation and conduct of the October 2017 independence referendum in Catalonia featured a number of fundamental flaws. The exercise was prohibited by the courts on constitutional grounds, and the actions of both regional authorities and the PP-led central government at the time contributed to a chaotic environment that did not allow for fair and transparent balloting.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Citizens are free to organize political parties, which are able to function without interference in practice. While the PP and the PSOE once dominated the political system, corruption scandals, persistent economic woes, and the dispute over Catalonia have aided the rise of new alternatives in recent years, including Unidas Podemos on the left and Ciudadanos and Vox on the right.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

There have been multiple democratic transfers of power between rival parties since Spain returned to democracy in the late 1970s. By forming a ruling coalition with the PSOE in January 2020, Unidas Podemos became the first party other than the PSOE and the PP to enter national government during the democratic era.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 4 / 4

Voting and political affairs in general are largely free from undue interference by unelected or external forces. However, disinformation and other such manipulation in elections is a growing concern. In January 2021, the Freedom of Information Defense Platform (PDLI), a Spanish information rights organization, criticized social media companies for enforcing content moderation policies that allow the official accounts of political parties to be suspended or restricted during election campaigns, saying that such policies could unduly influence election outcomes.

In September, the *New York Times* reported that some Catalan separatist leaders had allegedly developed political ties with the Russian government in an attempt to obtain Russia's support for the separatist movement's aims; those involved deny the allegations.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights. Women are free to advocate for their political interests, and they are relatively well represented in practice, holding 43 and 38 percent of the seats in the Chamber of Deputies and the Senate, respectively.

Spain's system of regional autonomy grants significant powers of self-governance to the country's traditional national minorities, including Catalans and Basques.

Nine Catalan officials were sentenced to prison on sedition charges in October 2019 for their roles in the illegal 2017 independence referendum. One of them, Oriol Junqueras, was elected to the European Parliament in May 2019 while in pretrial detention; though the Court of Justice of the European Union (CJEU) ruled that his parliamentary immunity had been violated as a result of the continued pretrial detention, the Spanish Supreme Court found that Junqueras's conviction disqualified him from taking his seat. The European Parliament then declared the seat vacant. Junqueras was released from prison in June 2021, after all nine officials were granted a conditional pardon by the government; the pardon can be revoked if they commit any other crime within a certain period of time. The officials remain banned from holding public office.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Elected officials are generally free to make and implement laws and policies without undue interference. However, the political system has failed to produce a stable governing majority in the parliament since 2015, resulting in frequent and inconclusive elections, a sharp decline in the passage of legislation, and an increased use of mechanisms like executive decrees to advance the government's agenda without the approval of lawmakers. The instability has hampered the national government's capacity to address major challenges such as the separatist movement in Catalonia and the COVID-19 pandemic.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 3 / 4

Concerns about official corruption often center on party financing. Though most party expenses are funded by the state, a 2007 law allowed political parties to use commercial bank loans. In 2012, Spain strengthened rules on political financing by restricting access to loans, increasing transparency, and establishing an audit framework. In 2015, new legislation prohibited banks from forgiving debt owed by political parties. In the past several years, lawmakers have also strengthened rules on asset disclosure and conflicts of interest for high-ranking officials and enacted more severe penalties for corruption-related crimes.

Although the courts have a solid record of investigating and prosecuting corruption cases, the system is often overburdened, and cases move slowly. Among other high-profile proceedings during 2021, in October, the National Court judged the PP to be responsible for more than €120,000 (\$130,000) in unpaid taxes related to earlier renovations to the party's headquarters in Madrid, and sentenced former party official Luis Bárcenas to two years in prison for using "over €1 million (\$1.1 million) in undeclared funds" to pay for the renovation work.

Former king Juan Carlos I left the country in 2020 for the United Arab Emirates (UAE) amid an ongoing investigation into possible tax evasion and money laundering.

C3 0-4 pts

Does the government operate with openness and transparency? 3 / 4

Legal safeguards to ensure government transparency include asset-disclosure rules for public officials and laws governing conflicts of interest. The Transparency Act, which took effect in 2014, is meant to facilitate public access to government records, though freedom of information activists have reported onerous procedures and called for improvements to the law, as well as mechanisms to access more judicial and parliamentary documents.

The Council of Europe's (CoE) Group of States against Corruption (GRECO) has noted that the Council of Transparency and Good Governance (CTBG), the body tasked with monitoring compliance with transparency obligations, lacks adequate training and financial and human resources. Moreover, civil

society organizations continue to report that the Sánchez government frequently resists complying with requests or orders to disclose information in practice. In January 2021, the president of the CTBG, appointed by Sánchez in October 2020, dismissed Esperanza Zambrano, the CTBG's director of appeals, after she "issued resolutions contrary" to the government's position. Civil society groups and members of the opposition have expressed concern that Zambrano's dismissal represents an attack on the independence of the CTBG.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 3 / 4

Spain has a free press that covers a wide range of perspectives and actively investigates high-level corruption. However, consolidation of private ownership poses a threat to media independence, and ownership in the print and online media sectors is less transparent than in broadcast media.

After a years-long process, in April 2021, a new board of directors was elected to govern the public broadcaster, the Spanish Radio and Television Corporation (RTVE). The new elections were intended to strengthen RTVE's independence; however, several Spanish information rights organizations have criticized the renewal process, saying that most of the board members were selected "based on political agreement" rather than on merit.

Journalists have sometimes faced harassment and physical assaults from protesters and the police while covering demonstrations in recent years, and many claim that the authorities regularly attempt to prevent journalists from fully reporting on "sensitive issues," such as the arrival of migrants to the country. Media freedom organizations have also criticized the government, saying the PP has attempted to use the judicial system in order to obstruct journalistic investigations.

A controversial public safety law that took effect in 2015, nicknamed the "gag law" by its critics, established large fines for offenses including spreading images that could endanger police officers or protected facilities. Journalists have faced penalties for alleged violations of the law while reporting on police actions.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public 4 / and private? 4

Religious freedom is guaranteed in the constitution and respected in practice. As the country's dominant religion, Roman Catholicism enjoys benefits not afforded to others, such as financing through the tax system. However, the religious organizations of Jews, Muslims, and Protestants also have certain privileges through agreements with the state, including tax exemptions and permission to station chaplains in hospitals and other institutions. Other groups that choose to register can obtain a legal identity and the right to own or rent property. The penal code contains a provision to punish blasphemy, but prosecutions are rare in practice.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political 4 / indoctrination? 4

The government does not restrict academic freedom in law or in practice.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics 3 / without fear of surveillance or retribution? 4

Private discussion remains open and vibrant, but more aggressive enforcement of laws banning the glorification of terrorism has begun to threaten free speech, with dozens of people—including social media users and several performers—found guilty in recent years for what often amounts to satire, artistic expression, or political commentary. In 2017, the Supreme Court ruled that a person could violate the law even if there was no intention to "glorify" a terrorist group or "humiliate" its victims. Individuals have also been prosecuted for insulting the monarchy, the flag, and other state institutions.

In February 2021, rapper Pablo Hasél—convicted of "glorifying terrorism" and insulting the crown in 2018—was arrested after failing to turn himself in to begin his 9-month sentence. Hasél's arrest prompted criticism from international and domestic human rights organizations and led to widespread protests across Spain. Another rapper, Valtònyc, fled the country in 2018 after being convicted of similar charges; in December, a Belgian court rejected Spain's request that he be extradited in order to serve out his sentence.

In March, the European Court of Human Rights (ECHR) ruled that the right to freedom of expression of two board members of a local nonprofit organization had been violated when, in 2015, they were convicted of libel for publishing an open letter “complaining of the conduct of a judge in proceedings affecting them;” the ECHR ordered Spain to pay damages to both men. The same month, the CoE called on Spanish authorities to strengthen legal guarantees of the right to freedom of expression.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 3 / 4

The constitution provides for freedom of assembly, and the authorities typically respect this right. However, the public safety act that took effect in 2015 imposed a number of restrictions, including fines of up to €600,000 (\$670,000) for participating in unauthorized protests near key buildings or infrastructure. Participants in protests on a variety of local concerns have faced smaller but still substantial fines under the law in practice. In March 2021, the CoE recommended that the government should reform this law due to its “repressive potential.”

Human rights nongovernmental organizations (NGOs) have reported an escalation in police violence during demonstrations in recent years, and in March, the ECHR condemned Spain for failing to investigate allegations of police brutality during a 2012 protest.

Two of the Catalan independence leaders convicted of sedition in 2019, Jordi Cuixart and Jordi Sànchez, were prosecuted for leading protests aimed at preventing police from halting the banned 2017 referendum. Human rights groups have argued that the 2019 prison sentences were excessive and set a harmful example regarding freedom of assembly. They were released from prison under the conditions of the partial pardon issued to the group in June 2021.

A number of protests took place throughout Spain in 2021, including demonstrations by human rights activists, Catalan independence groups, workers’ rights organizations, and antivaccine protesters. A COVID-19-related ban on public gatherings in Madrid prevented planned marches for International Women’s Day from taking place in March, prompting criticism from human rights NGOs. The ban was lifted in May, when the national state of alarm ended.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Domestic and international nongovernmental organizations operate without significant government restrictions.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

With the exception of members of the military and national police, workers are free to organize in unions of their choice, engage in collective bargaining, and mount legal strikes. In April 2021, the parliament repealed provisions of the penal code that had allowed sentences of up to three years in prison to be given to workers found to have “coerced” others to support a strike.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 3 / 4

The constitution provides for an independent judiciary, and the courts operate autonomously in practice. However, the CoE has criticized the fact that under current law, the 12 judges who sit on the 20-member General Council of the Judiciary—which oversees the courts and is responsible for appointing, transferring, and promoting judges—are not directly elected by their peers, but appointed through a three-fifths vote in the parliament, as with the other eight members who are not judges. This arrangement has exposed the body to political disruptions. The council’s membership was due to be renewed in late 2018, but the opposition PP denied the governing parties the necessary supermajority; the incumbent council continued to operate on an interim basis during 2021, raising concerns about the legitimacy of its judicial appointments and other decisions.

A November 2021 Supreme Court ruling upheld the 2019 conviction of Judge Salvador Alba on charges of judicial malpractice and bribery for conspiring to force fellow judge and Podemos lawmaker Victoria Rosell out of office on false grounds.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 3 / 4

The authorities generally observe legal safeguards against arbitrary arrest and detention, though judges can authorize special restrictions on communication and delayed arraignment for detainees held in connection with acts of terrorism. Defendants typically enjoy full due process rights during trial. However, high-profile cases related to Basque and Catalan nationalism in recent years have featured flaws—including disproportionate charges and penalties as well as unjustified pretrial detention—that drew criticism from international organizations.

In December 2020, the Supreme Court unanimously ruled that Arnaldo Otegi—leader of the Basque separatist party Euskal Herria Bildu, which holds several seats in the parliament—would have to stand trial again on charges for which he had already served a prison sentence. The Constitutional Court temporarily suspended Otegi's new trial in late 2021.

Since the beginning of the COVID-19 pandemic, civil society groups have reported that authorities arbitrarily enforce lockdown rules in a way that disproportionately affects racial minority groups and migrant workers. In May 2021, Spain's ombudsman reported an increase in mistreatment allegations and raised concerns over the authorities' use of the Law on Citizen Security to impose fines during the 2020 and 2021 states of alarm.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war 4 / and insurgencies? 4

The population faces no major threats to physical security. The potential for terrorist attacks by radical Islamist groups remains a concern, though Basque Fatherland and Freedom (ETA), a separatist group that carried out terrorist attacks for decades, formally dissolved in 2018.

Prison conditions generally meet international standards, but reception centers for irregular migrants suffer from overcrowding and other problems, which were compounded by health risks during the COVID-19 pandemic.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the 3 / population? 4

Women, racial minorities, and LGBT+ people enjoy legal protections against discrimination and other mistreatment, though a degree of societal bias persists. In July 2021, a young man was killed by a group of people allegedly shouting homophobic slurs. A police investigation into the attack remained ongoing at year's end. Some minority groups—including Roma—remain economically marginalized and are allegedly subject to police profiling.

Spain is a major point of entry to Europe for irregular migrants and refugees, with most making the crossing by sea; in 2021, some 39,000 people arrived in the country. International human rights groups have criticized the Spanish authorities, saying that migrants and asylum seekers are often housed in poor conditions, with many being held in improvised camps that allegedly violate human rights standards.

Separately, thousands of migrants and refugees regularly congregate at the land border between Morocco and the Spanish enclaves of Ceuta and Melilla. In February 2020, the grand chamber of the ECHR upheld the legality of a controversial practice in which Spanish authorities summarily return people who cross the enclaves' borders unlawfully, for example by scaling fences. During 2021, several unaccompanied minors arrived to Ceuta from Morocco and were summarily returned; the ombudsman and dozens of human rights NGOs condemned the returns, saying that the government had failed to comply with the legal standards governing the practice, violating the rights of the minors.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of 4 / residence, employment, or education? 4

There are few significant restrictions on individuals' freedom to travel within the country or abroad, or to change their place of residence, employment, or education. However, the authorities have been criticized for failing to grant documented asylum seekers free movement within Spanish territory, despite multiple court rulings on the matter.

Freedom of movement within Spain was temporarily restricted in both 2020 and 2021 during the country's two COVID-19-related states of alarm. In July 2021, the Constitutional Court ruled that Spain's first state of alarm in 2020 had been partially illegal, and that such restrictions should have been imposed under a state of emergency. The court ruled in October that the second state of alarm, which ended in May 2021, had also been unconstitutional.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The legal framework supports property rights, and there are no major restrictions on private business activity.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

Personal social freedoms are generally respected. Same-sex marriage has been legal in Spain since 2005, and same-sex couples may adopt children.

There are legal protections against domestic abuse and rape, including spousal rape; while both remain problems in practice, the government and civil society groups work actively to combat them. Abortion is legal, but can be difficult to access in practice: in 5 of Spain's 17 autonomous regions, no public hospital offers the procedure.

In March 2021, the parliament approved legislation to regulate voluntary euthanasia for people with "unbearable permanent conditions" and those who are terminally ill.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Residents generally have access to economic opportunity and protection from exploitative working conditions. Despite strong antitrafficking efforts by law enforcement agencies, however, migrant workers remain vulnerable to debt bondage, forced labor, and sexual exploitation.

Since 2019, the country's minimum wage has risen 31 percent; it will continue to increase until it reaches 60 percent of the average salary in Spain as part of a government-led effort to reduce the level of income inequality in the country, which is among the worst in the EU.

ecoi.net summary:

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