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World Report 2015 - Spain

Spain

The government responded to increased attempts by migrants and asylum seekers to enter Spanish enclaves in Morocco, Ceuta, and Melilla (in the latter, up 234 percent compared to 2013), with enhanced border control. Fifteen people died in February as they attempted to reach Ceuta by sea; the Spanish Guardia Civil fired rubber bullets and tear gas in their direction. The judicial investigation into the deaths was ongoing.

In September, a judge in Melilla charged the head of the local Guardia Civil over summary returns to Morocco. NGOs documented pushbacks and excessive use of force. Several investigations and trials were ongoing in Spain against a handful of officials for violence against detainees in immigration detention facilities.

The European Commission, the Council of Europe, and the UN expressed concern about proposed legal changes to formalize summary returns from the enclaves to Morocco. The government announced in November it would create border posts where asylum seekers could register.

Widespread opposition forced the government to abandon, in September, a bill that would have restricted access to safe and legal abortion. The government indicated it would pursue changes to require parental consent for 16 and 17 year olds.

Government bills to modify the criminal code and create a new public security law, under examination in parliament at time of writing, raised concerns about interference with fair trial rights and the rights to peaceful assembly and freedom of expression. In October, the ECtHR ruled twice against Spain for failing to investigate effectively allegations of ill-treatment during incommunicado detention and endorsed the CPT's recommendations to Spain to allow access to a lawyer from the outset of detention and medical examination by a doctor of choice.

In September, data showed mortgage evictions remain a serious problem, exposing vulnerable persons to insecure housing and significant debt, and the government announced an extension of the moratorium on evictions without broadening narrow criteria. The CJEU ruled in July, for the second time in two years, that Spain's inadequate safeguards against unfair mortgage terms violate EU law.

In separate July reports, the UN Working Group on Enforced Disappearances and UN special rapporteur on truth and justice criticized March reforms limiting the ability of courts to prosecute suspects of grave international crimes committed outside Spain. Both made recommendations to ensure accountability for Franco era crimes, including by making enforced disappearance a domestic crime. In October, a military court indicted five servicemen for the 2004 torture of two Iraqi prisoners in Iraq.

Spain ratified the Istanbul Convention in April, and at time of writing continued a review of existing national law on domestic violence. By the end of August, 28 women had been killed by their intimate partner since the start of the year.

According to the Spanish General Council of the Judiciary, the number of people with disabilities stripped of their legal capacity increased 172 percent between 2005 and 2013.

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