

Spain 2023 Human Rights Report

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 may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

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

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment, and Other Related Abuses

The constitution and laws prohibited such practices, but there were some reports law enforcement officials employed them. Courts dismissed some of these reports. The constitution provided for an ombudsman to investigate claims of police abuse, and the Office of the Ombudsman served as the National Mechanism for the Prevention of Torture. According to a May report released by the Office of the Ombudsman, in 2022 the ombudsman received 47 complaints of police abuse, such as threats, coercion, insults, or harassment. From September 2021 to August 2022, the Office of the Prosecutor reported 13 police officers were found guilty of verbally abusing inmates and the Ministry of Justice reported 45 police officers were found guilty of verbally abusing citizens.

Defend the Defenders, a consortium representing multiple nongovernmental organizations (NGOs) dedicated to protecting freedom of assembly, called on police to end the use of rubber bullets, which they called obsolete technology and responsible for debilitating injuries. In November 2022, the Public Prosecutor's Office of the Provincial Court of Cadiz (Andalusia) dismissed a complaint filed by a metalworkers' union in November 2021 after concluding the police response was not "unusual" for socio-labor conflicts. According to the complaint, police used 900 rubber bullets during the protests, resulting in numerous injuries.

On September 15, a Barcelona court charged five police officers involved in an incident in which Roger Español lost an eye after being hit by a rubber bullet in 2017 while waiting to vote in the illegal Catalan independence referendum. In the same ruling, the judge charged Español for throwing a portable police barrier at a line of police officers. The trial date was not announced.

On June 29, the Supreme Court established the doctrine that the decisions of the United Nations Committee against Torture cannot be considered binding on the Administration or the Spanish courts for the purposes of constituting sufficient evidence to declare the State's financial responsibility, and annulled a compensation of 3,000 euros (\$3,140) to a woman for injuries sustained following her arrest in Cordoba after ruling that the decisions of the United Nations Committee against Torture could not be considered sufficient to bind Spanish courts for the financial responsibility.

Prison and Detention Center Conditions

Prison conditions were generally safe, and prisoners were usually well treated. In a report published in June regarding the country's government-operated foreigner internment centers (CIE), the Jesuit Migrant Service reported barriers for migrants to report abuses by police in the centers, insufficient access to health care, and lack of NGO access to the centers.

Administration: Authorities conducted investigations of credible allegations

of mistreatment.

Independent Monitoring: The government generally permitted monitoring by independent nongovernmental observers. Observers included the Office of the Ombudsman, the Committee for the Prevention of Torture (CPT), and the UN Subcommittee on Prevention of Torture, in accordance with their standard operating procedures. In 2022 the ombudsman made 62 onsite visits to assess conditions of confinement facilities.

d. Arbitrary Arrest or Detention

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.

Arrest Procedures and Treatment of Detainees

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 the accused 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 provided detainees the right to consult a lawyer of their choice. If the detainee was indigent or did not select a lawyer, the government appointed legal counsel.

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. The court-appointed lawyer was present during police and judicial proceedings, but terrorism suspects did not have the right to confer in private with the lawyer.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Judicial analysts and judges' associations expressed concern regarding the lack of political agreement since 2018 to appoint new members to the General Council of the Judiciary (CGPJ), which selected the presidents of most of the country's courts.

In July the European Commission issued its annual assessment of the rule of law in the country with recommendations to strengthen the CGPJ statute; initiate reforms to allow most appointments to the body to be made by judges themselves; adopt legislation for a mandatory registration of lobbyists; reduce the length of investigations and prosecutions; and advance access to information by revising the Law on Official Secrets.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

The country endorsed the 2009 Terezin Declaration but had no immovable property restitution laws because, as the European Shoah Legacy Institute noted, private and communal property were not seized from Spanish Jewish communities during the Holocaust. The government participated in the 1998 Washington Conference on Holocaust Era Assets and was a signatory to the International Council of Museums Code of Ethics. Some Jewish groups contended the government had not sufficiently investigated the movement of Nazi-looted art works through the country or sufficiently researched existing art collections in the country to ascertain whether they included Nazi-looted art. The Federation of Jewish Communities of Spain (FCJE) reported there were no existing or prior cases of compensation or restitution in the country stemming from the Holocaust. The FCJE estimated very few survivors of the Holocaust resided in the country and said, for this reason, the government only considered property restitution on a case-by-case basis.

In January the Galicia-based Pontevedra Museum returned two 15th-century Dieric Bouts paintings, “Mater Dolosa” and “Ecce Homo,” to the Polish Ministry of Culture, after determining that the works were looted

from Poland by Nazi officials between 1939 and 1945. The works had been in the Pontevedra Museum collection since 1994, when they were acquired by a private collector. The Polish government contacted the Pontevedra Museum in 2020 regarding the Nazi-looted works and the museum agreed to repatriate them. The legal process took roughly two years.

A case filed by the family of Lilly Cassirer, a Jewish woman who fled Germany in 1939, against the Madrid-based Thyssen-Bornemisza Museum for the restitution of the Camille Pissarro painting “Rue St. Honore in the Afternoon, Rain Effect,” in 2019 remained unresolved.

The Department of State’s *Justice for Uncompensated Survivors Today (JUST)* Act report to Congress, released publicly in 2020, can be found on the Department’s website: <https://www.state.gov/reports/just-act-report-to-congress/>.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibited such actions and there were reports that in some cases the government may have failed to respect these prohibitions.

In January three independent UN-appointed human rights experts demanded the Spanish government thoroughly investigate an alleged spying operation against leaders and activists from the Catalonia region. According

to the allegations, the government used Pegasus and Candiru surveillance software to target as many as 65 cellphones belonging to Catalan pro-independence leaders between 2017 and 2020. Targeted individuals reportedly included the sitting and several former presidents of the Catalan regional government, European Parliament members, Catalan jurists, activists, and politicians.

In July a separate investigation into the alleged use of Pegasus software to hack the cellphones of President Pedro Sanchez, Minister of Defense Margarita Robles, and former Foreign Minister Arancha Gonzalez Laya in May and June 2021 was stalled. A National Court judge ordered a provisional dismissal after ruling there was lack of evidence due to noncompliance from the Israeli Pegasus software developer, NSO Group.

On March 21, Members of the European Parliament (MEPs) called for Spanish authorities to continue cooperating with investigations related to Pegasus software. MEPs urged Spain to reconsider a reform of the Law of Official Secrets to modify the framework governing the Spanish National Intelligence Center. The reform had been postponed in February.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the

Press and Other Media

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 generally to promote freedom of expression, including for media members.

Freedom of Expression: The law prohibited, subject to judicial oversight, actions including public speeches and the publication of documents the government interpreted as celebrating or supporting terrorism. The law provided for imprisonment from one to four years and fines for persons convicted of 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 Crown and 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 rights groups pointed to these provisions of the law as limiting freedom of expression in the country.

Independent media were active and expressed a wide variety of views

generally without restriction. Nonetheless, in July Reporters Without Borders condemned the barring and exclusion of several news organizations from press conferences after the Spanish Supreme Court ruled in March 2021 that such actions on the grounds of “hostility” to a political party did not violate the General Electoral Regime law given that they had “no real impact on the conduct of the elections.”

The Law on the Protection of Citizen Security, known as the “gag law,” penalized violent protests, insulting a security officer, resisting or disobeying a security officer, and participating in unauthorized protests outside government buildings. On March 14, the Congress of Deputies decided against reforming the “gag law,” re-enforcing clauses on the use of riot control equipment, including rubber bullets by security officers, penalization for insulting or disobeying a security officer, and provisions endorsing refoulement. Several NGOs, including Amnesty International, Greenpeace, and Defend the Defenders, declared the decision against the reform would continue to negatively impact human rights in the country. RSF urged the country to adopt measures recommended by the European Commission to fight against Strategic Lawsuits Against Public Participation (SLAPPs) to protect journalists against the misuse of the “gag law.”

RSF stated police continued to arrest journalists and courts sometimes favored the police’s version of events over that of journalists. RSF also reported members of the press were subjected to lawsuits that sought to

deny their right to protect the confidentiality of their sources.

Several NGOs reported police continued to restrict individuals' freedom of expression by issuing fines for doing so under the Law on the Protection of Citizen Security. The law allowed police to fine individuals up to 600 euros (\$640) for disobeying orders, even if the individual was not engaged in unlawful activity.

Violence and Harassment: There were some reports of government officials and politicians verbally harassing certain media outlets and specific journalists. RSF reported there was a growing number of journalists facing harassment on social media from polarized politicians and trolls (see Freedom of Expression above).

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: RSF reported individuals and companies sometimes filed lawsuits against media outlets critical of them, which led smaller outlets to practice self-censorship.

Libel/Slander Laws: Under the law slander was an offense punishable by imprisonment of six months to two years or a fine. During the year the law was not used by the government or individual public figures to restrict public discussion or retaliate against journalists or political opponents.

National Security: Human rights groups criticized the antiterrorism law as overly broad, particularly the section of the penal code that criminalized the

glorification of terrorism, which they maintained restricted the right to freedom of expression.

Since January activists filed at least five complaints against law enforcement officials for allegedly infiltrating and spying on social movements in the regions of Catalonia, Valencia, and Madrid. The officers were accused of working undercover from two to six years, maintaining sexual and emotional relationships with women activists, with one lasting nearly four years. Defender of Defenders and other human rights groups pressed the Ministry of the Interior for an explanation but reported no response.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Authorities monitored websites for material containing hate speech or promoting antisemitism or terrorism.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The Law on the Protection of Citizen Security provided for fines of up to 600 euros (\$640) for failing to notify authorities regarding peaceful

demonstrations in public areas, up to 30,000 euros (\$32,100) for protests resulting in “serious disturbances of public safety” near parliament and regional government buildings, and up to 600,000 euros (\$642,000) for unauthorized protests near key infrastructure. By law any protester who refused to disperse upon police request could be fined.

Human rights groups maintained the law unduly restricted the right of peaceful assembly and expressed concern that fines were used to silence demonstrators. Defend the Defenders reported an increase in the number of demonstrators receiving fines.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

Organizations working with refugees reported a generally well-functioning

refugee reception system in the country and improved management of irregular migrant arrivals to the country's coasts, particularly to the Canary Islands. Irregular land and sea migration increased by 57.5 percent during the first 10 months of the year compared with the same period in 2022, with 44,404 arrivals as of October 31, according to data from the Ministry of the Interior. Sea arrivals increased by 65.7 percent (43,290 as of October 31). Arrivals of migrants to the Canary Island increased 111.2 percent and arrivals to the Peninsula and to the Balearic Islands increased 9.4 percent. According to the UN High Commissioner for Refugees (UNHCR), the government's limited resources for evaluating new arrivals continued to make it difficult for the government to distinguish between economic migrants and those seeking international protection.

The government cooperated with UNHCR, the International Organization for Migration (IOM), and other humanitarian organizations to provide protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. The Ministry of the Interior reported granting refugee status to 5,421 individuals January 1 – September 30 and to 6,830 individuals in 2022.

Access to 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 gender-based violence (GBV) or of trafficking in persons to file a complaint at a police station without fear of deportation, even if that individual had undocumented status.

In September the Office for Asylum and Refugees (OAR), an office within the Ministry of the Interior, reported an increase in applications for international protection from 65,482 in 2021 to 118,842 in 2022. 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 obstacles.

Individuals were often unable to obtain online appointments to submit initial asylum applications to the Ministry of the Interior. One NGO working with refugees reported criminal hacking networks routinely reserved all the asylum appointments when the ministry first made them available, then sold the appointments to asylum seekers using popular buy-and-sell marketplace applications, often for several hundred euros. As a result, many asylum seekers were forced to pay criminal organizations to submit an asylum claim. The Ministry of the Interior and law enforcement made efforts to deter the criminal hacking networks, but the issue persisted. 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. 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 for officers responsible for conducting asylum interviews in accordance with UNHCR standards and European Union (EU) regulations. UNHCR also cited the need for additional specialized interpreters and tools to increase quality standards for asylum interviews.

In June CEAR and 20 other NGOs filed a complaint against the country at the European Commission for noncompliance of the European Union's Magna Charter of Fundamental Rights, which protected the right to seek asylum, including timely processing and the principle of non-refoulement, and called for the country to increase human and economic resources devoted to improving access to asylum and temporary protection.

Individuals who entered the country by irregular means were held in centers for temporary assistance for foreigners (CATEs) under police supervision for initial reception, biometric intake, and processing. The law permitted individuals to be held in CATEs for a maximum of 72 hours. UNHCR continued to report the need for increased internal regulations in CATEs to

allow individuals to apply for asylum during their initial 72 hours in the country, citing the ability to apply for asylum in CATEs to be rare and unevenly applied. The European Asylum and Support Office had an established presence in the Canary Islands and assisted with vulnerable migrants identified as having potential protection needs but it did not assist with processing asylum claims.

Refoulement: Bilateral agreements with Morocco and Algeria allowed the country to deport irregular migrant arrivals of citizens from those countries, usually without administrative processing or a judicial order.

In May Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, urged the country to prohibit "summary expulsions" and refoulement of migrants in Ceuta and Melilla and to end bilateral agreements that facilitated the deportation of irregular migrants. The ombudsman and NGOs continued to criticize this practice, known as "hot returns." An agreement between Spain and Morocco permitted the Spanish Maritime Safety Agency to operate from Moroccan ports and to return irregular migrants it rescued off the Moroccan coast to shore in Morocco rather than to Spain.

UNHCR reported at least 37 testimonies of refoulement to Morocco of asylum seekers from Sudan, Yemen, Syria, Chad, and Palestine. In June five Yemeni nationals who arrived by sea in Ceuta were returned to Morocco by law enforcement, despite showing identification and claiming they sought

asylum in Spain. Separately, on August 24, the Spanish Civil Guard intercepted a boat carrying 168 men heading to the Canary Islands. After four days' detention on board, the men were allowed to disembark in Senegal but were refused the opportunity to seek asylum in Spain.

Abuse of Refugees and Asylum Seekers: In January Human Rights Watch (HRW) claimed that the country's "hot returns" policy contributed to the deaths of migrants at land and sea borders, including during the June 24, 2022, incident when approximately 2,000 migrants, primarily from sub-Saharan Africa, attempted to cross from Morocco into Spain's North African enclave of Melilla. Spanish NGOs estimated the death toll from that incident as high as 40. Witnesses claimed Moroccan security officials beat migrants to death while several NGOs alleged Spanish law enforcement pushed back migrants from the fence separating Melilla from Morocco.

The Ministry of the Interior denied law enforcement's role in the incident and downplayed the event, which later resulted in a Congress of Deputies vote to reprimand the Minister of the Interior. In December 2022, the investigation carried out by the State Attorney General's Office concluded that the event did not take place on Spanish soil and that the law enforcement response was proportionate and appropriate. NGOs, including HRW and Amnesty International, criticized the lack of a thorough criminal investigation. In March the ombudsman and NGOs called for better protocols to protect migrants and regulate asylum rejection and initiated

proceedings to attempt to reopen the investigation into the incident. CEAR also expressed concern in its 2023 annual report that there was a double standard for persons applying for asylum fleeing the conflict in Ukraine, in comparison to those fleeing from other countries.

UNHCR, NGOs, and the Office of the Ombudsman continued to cite concerns regarding the treatment of unaccompanied and accompanied child migrants. In March the Ombudsman reported an increase in the number of unaccompanied minors from 3,048 in 2021 to 11,417 in 2022. CEAR stated the government continued to use obsolete tests for age determinations of individuals who reported they were younger than age 18, resulting in many children being legally determined to be adults. UNHCR reported the tests could take several months, delaying children's access to benefits. As of September, more than 1,600 unaccompanied minors had arrived in the Canary Islands. UNHCR reported centers housing unaccompanied children in the Canary Islands continued to be overcrowded. NGOs reported that unaccompanied children in protection centers or immigration detention centers were vulnerable to trafficking.

Employment: Immigration regulations allowed unaccompanied migrant children to apply for work authorization starting at age 16 and allowed undocumented migrants between ages 18 and 23 who had previously been unaccompanied children under the care of the government before the regulations took effect to do the same. As of August, more than 19,365

migrants between the ages of 16 and 23 received work permits and another 2,780 individuals were in the application process.

Access to Basic Services: UNHCR reported an increase in the number of denials of access to temporary reception centers for foreigners (CETIs), which were under the jurisdiction of the national government, in Melilla and Ceuta despite available capacity. According to UNHCR, access to basic services, such as hot water, basic supplies, legal assistance, interpreters, and psychological support were below minimum standards.

Durable Solutions: The government accepted refugees for relocation and resettlement working with NGOs such as CEAR, Accem, and the Spanish Red Cross. According to UNHCR, the government resettled 630 individuals in 2022.

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 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 the “training for residency” program introduced in August 2022. 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. From September 2022 to August 2023, 17,888 permits were granted.

The government assisted in the safe, voluntary return of failed asylum seekers and migrants to their homes or the country from which they came.

Temporary Protection: The government provided temporary protection to individuals whose applications for asylum were pending review or who did not qualify as refugees.

As of September 30, the Ministry of the Interior reported granting temporary protection to 181,660 individuals fleeing Ukraine since March 2022. As a result of Russia's war in Ukraine, in March 2022, the country implemented the EU's Temporary Protection Directive (TPD) and extended the TPD's protections to all Ukrainians present in Spain prior to February 24, including students, tourists, and undocumented Ukrainians. It also extended protections to third country nationals previously residing in Ukraine, whether as permanent residents or temporarily, such as students. The government simplified procedures for temporary protection applications to provide for a turnaround time of less than 24 hours and automatic conferral of residence and work permits, as well as social benefits including access to the public health system and schooling. The Ministry of Inclusion, Social Security, and Migration (Ministry of Inclusion) managed a hotline, a website in Spanish and Ukrainian, and four Centers for the Reception, Attention and

Referral for Displaced Persons (CREADE) in Madrid, Barcelona, Alicante, and Malaga to assist new arrivals. The centers, each managed by a partner refugee assistance NGO, provided initial orientation and temporary shelter, assistance with applying for temporary protection and obtaining residency and work permits, assistance with identifying job opportunities for adults and school enrollment for children, and transportation to Spain's various regions to NGO-provided short-term housing or to stay with family or friends. The Ministry of Inclusion reported it had assisted 102,254 individuals in the four reception centers and provided housing for 13,926 individuals since the TPD. In June Minister of Inclusion José Luis Escrivá announced the CREADE centers would remain open permanently to all nationalities.

As of September 30, the Ministry of the Interior reported that the government granted international subsidiary protection to 2,899 individuals. Additionally, the government granted one-year residency permits on humanitarian grounds to 38,716 applicants, most of them from Venezuela (38,179), with very few granted to individuals from Peru (173), Colombia (196), Chile (107) and Argentina (61). According to the Ministry of the Interior, the country provided humanitarian protection to Venezuelans who did not qualify for other types of international protection in the country, including asylum. Humanitarian protection provided residency and work authorization for one year, which could be extended. UNHCR called on the government to find a longer-term protection status for Venezuelans granted

humanitarian protection to facilitate their integration and alleviate the administrative burden on the government caused by the annual renewal of humanitarian protection permits.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

According to UNHCR, in 2022, a total of 6,858 stateless persons lived in the country. The law provided a path to citizenship for stateless persons. The law provided the right to Spanish nationality to those born in Spain if both parents were stateless or if neither of the parents' country of nationality attributed nationality to the child. The law also gave applicants for statelessness status greater access to the national reception system's benefits and services. As of June 30, the government officially recognized 590 stateless persons, 584 from the Sahara and six from Algeria.

Section 3. Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal

and equal suffrage. All national observers and those from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe considered the national elections on July 23 free and fair. Municipal and regional elections in 12 of the 17 autonomous communities on May 28 were also considered free and fair.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Participation of Women and Members of Marginalized or Vulnerable

Groups: No law limited participation of women or members of minority groups in the political process, and they did participate. Of a total of 23 ministers, 14 were women, including all three vice presidents, the largest percentage of women cabinet members in the country's history.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption.

Corruption: Prosecutions and convictions for corruption were rare compared to the complaints filed, mainly because of the extensive system of legal appeals. Corruption cases crossed party, regional, and municipal lines,

and while the backlog of cases was significant, analysts noted courts continued to process them regardless of political pressure.

On May 1, the Constitutional Court agreed to review the high-profile “ERE case” against officials under previous Socialist party-led Andalusia regional governments, including former presidents of Andalusia Manuel Chaves and Jose Griñan, after the Supreme Court upheld their corruption convictions on July 26, 2022. The Constitutional Court did not set a date to review the case.

For additional information concerning corruption in Spain, please see the Department of State’s *Investment Climate Statement* for Spain, and the Department of State’s *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were generally cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The national ombudsman served to protect and defend basic rights and public freedom on behalf of citizens.

The Office of the Ombudsman was generally effective, independent, and had the public's trust. The ombudsman was appointed by parliament but served in an independent oversight capacity.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of a person, regardless of gender, including spousal rape. The government generally enforced the law effectively, although there were reports judicial authorities dismissed cases if survivors were not physically present in the country at the time of trial. The penalty for conviction of rape was six to 12 years' imprisonment and convictions of aggravated rape – including violence or use of narcotics – was 12 to 15 years' imprisonment. The penalty for conviction of rape of a minor under the age of 16 was 8 to 15 years' imprisonment. The law also prohibited gender-based violence (GBV) and set prison sentences of six months to a year for domestic violence, threats of violence, or violations of restraining orders, with longer sentences if serious injuries resulted.

The government allowed any survivor of GBV to seek assistance to claim labor rights (including the free choice of profession, right to organize, right to collective negotiation, right to strike and to assembly, and right to information) and other benefits, without requiring the survivor to file a legal

complaint.

A Madrid regional protocol allowed survivors of sexual assault to pursue a judicial case without filing a police complaint prior to seeking medical attention. The protocol increased health care access and judicial assistance for women and girls ages 16 and older who were survivors of sexual violence.

The “Only Yes Means Yes” law required explicit affirmative consent for sexual activity and allowed sexual activity without clear consent to be prosecuted as rape. By law undocumented immigrant women who were survivors of sexual violence had the right to residency and work permits. The law further guaranteed the right to medical, psychological, and legal services and housing and employment assistance. The law eliminated the lesser crime of “sexual abuse” for assault cases that did not involve violence or intimidation and unified sexual assault and sexual abuse as a single offense in the penal code, punishable by four to 12 years’ imprisonment (previously six to 12 years’ imprisonment). As a result of the restructuring and reduction of prison sentences, by April more than 100 prisoners were released and 1,205 convictions were reduced for sex-related offenses.

On April 28, in response to significant public outcry following the unforeseen early release of prisoners and sentence reductions, the “Only Yes Means Yes” law was amended to raise the punishment for rape from four to 12 years’ imprisonment to six to 15 years’ imprisonment for those convicted

after the reform. Despite this reform, offenders convicted prior to April 28 were still able to seek reduced sentences under the original version of the law.

On November 22, 2022, the National Strategy to Combat GBV 2022-2025 was approved with a total budget of 83,058,700 euros (\$89,030,620). The strategy included measures to update frameworks for combatting GBV, increase awareness and detection, enhance victim resources, and improve response coordination.

NGOs and the ombudsman expressed concern regarding investigations of GBV, including sexual assault. Lack of training on both types of cases for police, forensic investigators, and judges was a problem. There were reports police were sometimes dismissive of rape allegations involving acquaintances and did not actively pursue such cases. Differing protocols for handling sexual assault cases around the country led to inconsistent access to justice for sexual assault survivors. The ombudsman cited problems with the lack of risk assessments, monitoring, and the application of precautionary measures in GBV cases. The lack of clear sentencing guidelines meant sentences for conviction of sexual crimes were almost entirely at the discretion of the judge and could vary widely. Rights groups expressed concern over lenient sentences for convicted sex offenders.

In March Madrid opened its second 24-hour sexual assault crisis center to provide immediate psychological and legal service to sexual violence victims.

Asturias also had at least one 24-hour sexual assault crisis center and other autonomous regions were in the process of opening similar centers. In May 2022, the Council of Ministers approved additional funding to support at least one center in each of the country's 50 provinces as well as Ceuta and Melilla.

On June 14, the Ministry of the Interior launched the first National Strategy for the Prevention of Sexual Violence 2023-2027. As part of the plan, the Ministry of the Interior created a National Office Against Sexual Violence to register and monitor sexual crimes and facilitate cooperation and training related to sexual violence.

In November 2022, the National Police published guidelines on good practices when working with victims of GBV, highlighting methods on how to effectively raise awareness of GBV.

A 24-hour toll-free national hotline advised battered women on finding shelter, legal advice, psychological assistance and referrals, and social worker assistance for all forms of GBV in 53 languages. The government also made available a WhatsApp number and other expanded services for women with auditory or visual disabilities.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment in the workplace, but few cases came to trial. The punishment in minor cases ranged from three to five months in jail or fines.

The government enforced the law, but sexual harassment was still a problem. The law criminalized occasional sexual harassment on the street.

The National Police followed established guidelines to eradicate sexual harassment within the National Police and preventative measures and response plans for sexual harassment.

Sexual harassment in sports in particular was a problem. In August, Spanish Royal Soccer Federation President Luis Rubiales kissed Spanish women's national team player Jennifer "Jenni" Hermoso on the lips without her consent during the awards ceremony following the team's first FIFA Women's World Cup championship. Spain's High Council of Sports filed a lawsuit against him on August 26, alleging "grave infractions," including abuse of power. The Spanish National Court opened a sexual assault investigation based on complaints from private citizens. Separately, Hermoso filed a complaint on September 6 alleging the kiss constituted "sexual aggression," and state prosecutors presented her case to the Spanish National Court on September 8. The charges carried a potential sentence ranging from a fine to one to four years' imprisonment. Rubiales resigned September 10 after three weeks of domestic and international pressure.

Discrimination: The law provided the same legal status and rights for women as for men, and the government generally enforced the law effectively.

The law mandated equal remuneration for work of equal value, but a pay gap existed between men and women. The National Statistics Institute reported that in 2020, the most recent year for which data were available, women earned on average 81 percent of what their male counterparts earned, although the gap narrowed when considering similar positions in the same occupation, type of contract and type of schedule.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for women, including survivors of sexual violence. Emergency contraception was available as part of the clinical management of rape. Access to emergency health care, including services for the management of complications arising from abortion, was available.

Systemic Racial or Ethnic Violence and Discrimination

The law criminalized the promotion of hate, violence, or discrimination against individuals or groups based on, inter alia, their race, ethnicity, or national origin. The punishment was one to four years' imprisonment and a fine. The law also considered motives based on race, ethnicity, or national origin to be an aggravating circumstance in other crimes. The government generally effectively enforced the law.

The Ministry of the Interior reported an increase in racist and xenophobic

hate crimes registered from 639 in 2021 to 755 in 2022. These incidents accounted for more than 40 percent of the total hate crimes the ministry registered. The ministry also reported an increase in instances of hate crimes related to discrimination against the Romani community from 18 cases in 2021 to 22 cases in 2022 and Afghan community from 11 in 2021 to 13 in 2022.

The Ministry of Equality's Council for the Elimination of Racial or Ethnic Discrimination (CEDRE) 2022 annual report released on June 19 documented a nearly 55 percent increase in the number of cases involving assistance to victims of racial or ethnic discrimination. CEDRE attributed the increase to the May 2022 expansion of its Victim Assistance Program, which augmented the number of in-person offices and expanded its telephone services. Despite the progress, CEDRE acknowledged more had to be done to combat underreported discrimination in the country.

The law defined discrimination against the Romani community and those living in poverty as hate crimes, punishable by up to four years' imprisonment. The law established an independent oversight authority to monitor cases of discrimination based on racial or ethnic origin, sex, religion, belief, age, disability, sexual orientation or identity, disease or health condition, language, and socioeconomic status.

The Romani community remained the largest minority group in the country. The Gitano Secretariat Foundation (FSG) reported significant integration

challenges for the community, including high rates of poverty, unemployment (especially for Romani women), and children dropping out from secondary education. Over 60 percent of Romani students did not graduate high school. The FSG cited the poor quality of primary education for Romani children as a contributing factor. In response to the crisis, the region of Valencia implemented a four-year socio-educational program, Kumpania, in 2021 aimed at increasing secondary and higher education graduation rates within the Romani population. The program provided specialized and individualized social services to 774 children and 101 families with children of preschool age. The FSG encouraged other regions to implement similar socio-educational programs.

According to a study on the population of shantytowns and substandard housing settlements in Spain carried out by the FSG in collaboration with the Initiative for Socio-Economic Analysis and Knowledge Foundation and financed by the Ministry of Social Rights and Agenda 2030, the majority (92 percent) of persons living in these areas belonged to ethnic-racial minorities, predominantly Romani (77 percent) and Arab (13 percent). The study showed 50 percent of the population were minors under the age of 16, and that 93 percent of the population was at risk of poverty. Only 35 percent of the population had access to the Minimum Living Income or other public assistance. The education level of this population was much lower than that of the rest of the country, and there was a low level of employment with a strong gender gap, as only 15 percent of women had access to employment

compared to 45 percent of men.

Racist and xenophobic rhetoric and harassment were a consistent problem during sporting events. Soccer fans yelled racist insults at Brazilian-born Real Madrid soccer player Vinicius Junior during a May 21 match in Valencia. A referee then expelled him from the game for decrying the behavior. Over the past two seasons, Junior encountered racist abuse from fans on 10 separate occasions, including an incident in January in which fans hung an effigy wearing a shirt with the Brazilian player's name on a bridge near Real Madrid's stadium. Prior to the May event, the government had taken actions to respond to racism; the Ministry of Equality launched the "Yes, it is racism" campaign in November 2022 to fight racial discrimination and raise awareness for mediation and counseling services via CEDRE. On July 4, the government approved the 2023-2027 Strategy Against Racism and Xenophobia, which established a complaint procedure within the Attorney General's Office for racist and xenophobic hate speech. The country's Council of Ministers also approved on July 25 a Ministry of Inclusion proposal to allocate 22.5 million euros in annual funding to combat racism, xenophobia, and discrimination.

On May 22, the General Directorate for Equal Treatment and Ethnic-Racial Diversity within the Ministry of Equality launched a new free hotline against racial or ethnic discrimination. This service was offered via telephone, in person in 23 offices throughout the country, via instant messaging, through

the CEDRE website, and by e-mail.

Children

Birth Registration: Citizenship was derived from one's parents. Children born in the country, except children of diplomats and children whose parents' country of origin gave them nationality, were registered as citizens. When a child did not acquire the parents' nationality, the government could grant Spanish citizenship. Birth registration was provided on a nondiscriminatory basis.

Child Abuse: The law to protect children from abuse sought to avoid revictimization by requiring children under 14 to provide testimony concerning abuse only once. It also extended the period for reporting sexual abuse against children and adolescents, permitting victims to initiate cases up to age 35, and the statute of limitations did not expire until they were ages 40 or 55 in especially grave cases. The law conferred legal recognition of children as victims of GBV in instances of violence between a parent and a parent's partner. Any citizen who had knowledge of violence against a child was obligated to report it to authorities under the law. Children were permitted to file reports of violence without being accompanied by an adult.

The law provided other protections as well against various forms of child abuse. Those accused of sexual abuses involving children received larger penalties. For example, cases of sexual assault, which normally received

four to 12 years' imprisonment, were punished with 12 to 15 years' imprisonment in cases involving children.

Child, Early, and Forced Marriage: The minimum age for marriage was 16 years for children living on their own. The government generally enforced the law. Conviction of 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. Antitrafficking NGOs reported cases of forced marriage in the country. NGOs working with refugees expressed concern regarding possible forced marriages among migrants. The Organic Law for the Integral Guarantee of Sexual Freedom classified forced marriage as a crime of sexual violence.

Sexual Exploitation of Children: The law criminalized the "abuse and sexual attack of minors" younger than age 13 and set the penalty from two to 15 years' imprisonment, depending on the nature of the crime. Individuals who contacted children younger than age 13 through the internet for the purpose of sexual exploitation faced one to three years' imprisonment. Authorities enforced the law.

The law prohibited commercial sexual exploitation, sale, grooming or using children for commercial exploitation, including child sex trafficking. Child sex trafficking was prosecuted under the law and the penalty was five to eight years' imprisonment. The penalty for recruiting children or persons

with disabilities into commercial sex was imprisonment from one to five years. The penalty for subjecting children to commercial sex was two to 10 years' imprisonment, depending on the age of the victim and the existence of violence or intimidation. The law prohibited using a child "to prepare any type of pornographic material" as well as the production, sale, distribution, display, or facilitation of the production, sale, dissemination, or exhibition of "any type" of child pornography by "any means." The penalty was one to five years' imprisonment; if the child was younger than age 13, the length of imprisonment was five to nine years. The law also penalized knowingly possessing child pornography. Authorities enforced the law.

The minimum age for consensual sex in the country was 16. The law defined sexual acts committed against persons younger than age 16 as nonconsensual sexual abuse and conviction provided for sentences from two to 15 years in prison, depending on the circumstances.

A registry for sex offenders provided a basis to bar them from activities in which they could be in the presence of children.

The sex trafficking of teenage girls into commercial sex remained a problem, and the government identified four child sex trafficking victims in 2022.

There were several cases of offenders using social media platforms to lure children for the purpose of sexual abuse or exploitation.

See also the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Antisemitism

The Jewish community population was estimated at approximately 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 laws effectively.

The Ministry of the Interior reported an increase in the number of antisemitic hate crimes from 11 in 2021 to 13 in 2022. The Observatory of Antisemitism of the FCJE reported multiple antisemitic incidents in 2022 including antisemitic hate speech online and on social media, threats of violence, and vandalism. On October 30, the Observatory of Antisemitism of the FCJE and the Movement Against Intolerance also reported an increase in antisemitism incidents after the start of the ongoing Israel/Hamas conflict on October 7.

On January 31, the Council of Ministers approved the National Plan to implement the European Strategy to Combat Antisemitism 2023-2030. The plan aimed to improve the resources and measures to combat antisemitism and the living conditions for Jewish individuals and communities. 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 *International Religious Freedom Report* at: <https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behavior. Seemingly neutral laws were not disproportionately applied to justify arbitrary arrest of lesbian, gay, bisexual, transgender, queer, intersex, or other sexual minority (LGBTQI+) persons.

Violence and Harassment: The law penalized those who provoked discrimination, hate, or violence based on sexual orientation with one to four years' imprisonment and a fine. By law hatred against LGBTQI+ persons could be an aggravating circumstance in crimes. Police or other government agents generally did not incite, perpetrate, condone, or tolerate violence or harassment against LGBTQI+ individuals or those reporting such abuse.

According to the 2022 Hate Crimes Report by the National Federation of Lesbians, Gays, Transsexuals, and Bisexuals, an NGO that defended and promoted LGBTQI+ rights, 8.6 percent of LGBTQI+ persons experienced some form of aggression based on their sexuality. The report also highlighted that one-third of the LGBTQI+ persons felt that violence against LGBTQI+ persons and discussions of hate increased.

On May 5, Basque Country regional police arrested a man who turned himself in after police announced they were searching for him in connection with the deaths of four gay men in September and October 2021, who had all used the same dating app. Police also suspected the man's involvement in four earlier deaths that had originally been reported as the result of natural causes. He denied his involvement in the deaths; the investigation continued at year's end.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognized LGBTQI+ individuals, couples, and their families. The law also prohibited denial or disqualification of employment based on sexual orientation and the formation of associations that promoted discrimination, hate, or violence against others based on their sexual orientation. The government generally enforced these laws.

The Ministry of the Interior reported a nearly 2 percent decrease in hate crimes based on sexual orientation and gender identity, from 466 in 2021 to

459 in 2022. The State Attorney General's Office reported prosecutions for LGBTQI+ related hate crimes increased from 30 in 2021 to 37 in 2022. NGOs reported an increase in harassment against LGBTQI+ persons and anti-LGBTQI+ sentiment throughout the country, particularly on social media.

In May the country joined the Global Equality Fund, a private-public partnership aimed at promoting and protecting the rights of LGBTQI+ persons, as a donor partner.

Availability of Legal Gender Recognition: On February 16, the Parliament approved the Law for the Effective Equality of Trans Persons and for the Guarantee of the Rights of LGTBI Persons. The law allowed children age 12 to register a new gender with judicial approval and legal guardian consent and children age 14 with legal guardian consent. The law allowed for registration of a new gender without judicial or legal guardian consent after 16 years of age but only recognized binary gender markers. The law also reduced barriers for those age 12 and older who sought genital modification surgery and expanded financial penalties up to 150,000 euros (\$159,810) for acts of hate or intolerance toward LGBTQI+ individuals.

Involuntary or Coercive Medical or Psychological Practices: The Law for the Effective Equality of Trans Persons and for the Guarantee of the Rights of LGTBI Persons criminalized so-called conversion therapy under any circumstance. There were no documented surgeries performed on intersex children or nonconsenting adults. The law sought to limit these practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions on individuals speaking out on LGBTQI+ matters and no restrictions on LGBTQI+ individuals or organizations to legally register or convene events such as Pride festivities.

Persons with Disabilities

The law affirmed the full equality of and protection for persons with disabilities. It required authorities to enact policies that provided for full personal autonomy and social inclusion. The law conferred special protection to persons with disabilities to provide for the specialized attention they required and so they might enjoy all the rights the constitution granted to all citizens. The law also supported persons with disabilities in exercising their legal rights in accordance with the International Convention for Persons with Disabilities. The law mandated that persons with disabilities have access to education, employment, health, and social services, public buildings, political participation, media access, and transportation on an equal basis with others. The government provided information and communication on disability concerns in accessible formats. While the government generally enforced these provisions, levels of assistance and accessibility varied among regions. There were reports of delays in creating equal access to some facilities.

The law provided fines in cases of discrimination against persons with

physical, sensory, intellectual, and mental disabilities. The government generally enforced these provisions effectively.

The government required companies with more than 50 workers to reserve 2 percent of their jobs for persons with disabilities, but it did not always effectively enforce this law. Penalties were regularly applied against violators and were commensurate with laws related to civil rights, such as election interference.

The Spanish Disability Strategy 2022-2030 incorporated enhanced attention to the needs of women with disabilities and persons with disabilities in rural areas, including reforms to expand rights in areas such as access to public services, housing, education, health, and culture. The Spanish Committee of Representatives of Persons with Disabilities (CERMI) welcomed the strategy but stated it needed funding to carry out its initiatives.

In November 2022, the Council of Ministers approved the first National Plan for the Healthy Wellbeing of Persons with Disabilities, within the framework of the Spanish Disability Strategy 2022-2030. The plan, with a budget of 137,452,129 euros (\$146,441,500), aimed to improve and support the early disability detection program; promote equal treatment and nondiscrimination; improve medical access and services and reduce risk factors causing disabilities; and increase research, training, and awareness.

On May 17, the Council of Ministers approved an Executive Order that

reduced from 15 to five the number of contribution years required for early retirement for persons with more than 45 percent communicative disability.

The Ministry of the Interior reported a decrease in hate crimes against persons with disabilities from 28 in 2021 to 23 in 2022. The Savings Bank Foundation (Funcas) reported in September 2022 that the unemployment rate for persons with disabilities was 30.5 percent, compared to 15.6 percent for the rest of the population.

Other Societal Violence or Discrimination

The Ministry of the Interior's Action Protocol for Law Enforcement Agencies on Hate Crimes provided for the equality and nondiscrimination of persons due to special vulnerability, whether due to the lack of a family environment; abuse suffered; status as a refugee, asylum seeker or subsidiary protection; or any other relevant characteristic or circumstance.

The Equal Treatment and Non-Discrimination Law defined discrimination against the Romani community and those living in poverty as hate crimes, punishable by up to four years' imprisonment. The law also established an independent oversight authority to monitor cases of discrimination based on a range of categories including racial or ethnic origin, sex, religion, beliefs, age, disability, sexual orientation or identity, disease or health condition, language, and socioeconomic status.

On June 6, the Council of Ministers approved the Second National Human

Rights Plan 2023-2027 and recognized the right to environmental protections, advancement of new technologies, and citizen participation. The plan aimed to increase the country's international cooperation obligations and protect and promote human rights, including gender equality and nondiscrimination.

On July 11, The Council of Ministers approved the National Strategy for the Fight Against Homelessness 2023-2030. The strategy centered around efforts to prevent homelessness, including halving the reported 7,000-person homeless population by 2028.

The Ministry of the Interior promoted awareness on preventing and reporting hate crimes through hotline numbers and posters and leaflets in police stations and government offices that included instructions on where to go and how to file a complaint. According to the Ministry of the Interior, 1,869 hate crimes were reported in 2022, a nearly 4 percent increase from 2021. Of these, 539 cases involved physical injuries and 338 involved threats. Despite these efforts, prosecutions remained elusive. Data from the Office to Fight Crimes and the Office for Democratic Institutions and Human Rights showed that only 10 percent of the hate crimes registered in 2021 were prosecuted, with half of those prosecutions concluding with a guilty verdict.

Section 7. Worker Rights

a. Freedom of Association and the Right to 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 public sector workers to adopt collective bargaining agreements with employers' representatives. 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 law also maintained in force expired collective bargaining agreements between unions and companies until another agreement was approved by both parties.

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 bodies 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 high cost of living.

The law and regulations prohibited retaliation against strikers, antiunion discrimination, and discrimination based on union activity. According to the law, if an employer violated 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 union 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 approximately 87 percent of the workforce in the public and private sectors. On occasion employers used the minimum service requirements to undermine planned strikes and provide for 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.

In February 2022, Congress approved a law requiring 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. The law entered into force in February 2022. For companies that furloughed workers, the law established a requirement to protect those workers' rights.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibited all of the worst forms of child labor, as defined by international standards. The statutory minimum age for the employment of children was 16, although permission from parents or guardians was required up to 18 years of age 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 not commensurate with those for other analogous crimes, such as kidnapping. Penalties were regularly applied against violators. In 2021, the most recent year for which data were available, the Ministry of Labor detected 16 violations of child labor laws that involved 17 children between ages 16 and 18, and 16 violations involving 18 children younger than age 16. In 2021 there were 24 violations related to the safety and

health of 33 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.

d. Discrimination (see section 6).

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a national minimum wage, which barely met the official estimate for the poverty income level in 2022. In February the government increased the monthly minimum wage to 1,080 euros (\$1,190), representing an 8 percent increase from 2021. The National Statistics Institute reported the poverty income level at 10,088 euros (\$11,085) per year for a single person, or 11,857 euros (\$13,030) if the individual paid rent. In a household with two adults and two children younger than age 14, the poverty income level was 21,185 euros (\$23,280), or 24,900 euros (\$27,360) if the household members paid rent.

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. Part time workers were covered by wage, hour, Occupational Safety and Health (OSH), and other labor laws and inspections.

Occupational Safety and Health: The National Institute of Safety and Health in the Ministry of Labor had technical responsibility for developing OSH standards. OSH standards were appropriate for the main industries in the country and labor inspectors generally enforced OSH standards by proactively identifying unsafe conditions. The law protected workers who removed themselves from situations that could endanger their health or safety without jeopardy to their employment.

In March the Spanish Strategy for Safety and Health at Work 2023-2027 was approved. The strategy aimed to decrease rates of occupational diseases and accidents, reinforce protection against discrimination, and enhance interagency collaboration. On June 21, the National Commission for Safety and Health at Work approved the first Action Plan to implement the strategy through 2024. As of July, the Ministry of Labor recorded 306,007 workplace accidents, of which 277 were fatal accidents, 43 less than the same period in 2022. The most common OSH workplace violations were in the services sector, followed by the food, wood, iron, steel, and the 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. 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 the compliance with workers' rights protected under Spanish law and maintenance of the social protection system. Labor and social security inspectors were authorized to enter without prior notice in any work center or establishment, accompanied by those persons/entities they deemed necessary for the inspection. They had the authority to initiate sanctions. They could also require the appearance of specific individuals by providing the documentation related to compliance concerns or through administrative proceedings.

Infractions of wage, hour, and overtime laws as well as social security benefits for workers were most common in the informal economy. In 2021, the most recent year for which data were available, the most common infractions identified by the inspectorate were employment contract violations, followed by hour and overtime violations and wage violations. Penalties were regularly applied against violators. 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.

The Ministry of Labor reported 1,011 labor inspectors and 1,102 sub-inspectors employed by the ministry as of September. According to the latest data available, there were 18,948 violations identified in 2021, a 20 percent increase from 2020.

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 Ministry of Finance's Trade Union of Technicians, the country's informal economy was valued at 270 billion euros (\$289 billion), representing an estimated 25 percent of the country's gross domestic product. 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.