

Spain

Country:

[Spain](#)

Year:

2016

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

95

Freedom Rating:

1.0

Overview:

The success of two new parties in the 2015 general elections, held in December, upset the two-party system traditionally dominated by the conservative Popular Party (PP) and the center-left Spanish Socialist Worker's Party (PSOE). The year ended without a clear candidate for prime minister, and difficult coalition talks were expected in 2016. Both the PP and PSOE had also lost ground in regional and municipal elections held in May. Meanwhile, tensions with Catalonia continued, as secessionist candidates won its regional elections, held in September.

A restrictive new public safety act that entered into force in July contained a measure envisioning fines of as much as €600,000 (\$680,000) for participating in unauthorized protests outside key government buildings or certain types of infrastructure, and of up to €30,000 (\$34,000) for spreading images deemed to endanger the safety of law enforcement officers. It also allows authorities to summarily return migrants, including potential asylum-seekers, who illegally cross from Morocco into the Spanish enclaves of Ceuta and Melilla, in North Africa.

Political Rights and Civil Liberties:

Political Rights: 39 / 40 [Key]

A. Electoral Process: 12 / 12

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 is assigned one single-member constituency. The Senate has 266 members, 208 of whom are elected directly, and 58 of whom are chosen by regional legislatures. Spain's elections are generally considered free and fair. Members

of both the Senate and Congress serve four-year terms. The royal family plays a largely ceremonial role.

Following legislative elections, the monarch selects a candidate for prime minister, generally the leader of the majority party or coalition. The parliament then votes on the selected candidate. With powerful regional parliaments, Spain is one of the most decentralized countries in Europe.

The success of two new parties in the December 2015 general elections resulted in the introduction of coalition politics to Spain, which for decades had been dominated by just two parties: the PP and the PSOE. While the ruling PP finished first with 29 percent of the vote, it failed to win enough support to govern alone. The PSOE won 22 percent of the vote, down from the 29 percent it won in 2011 polls. The new parties—the left-wing, anti-austerity Podemos (We Can), and the center-right Ciudadanos (Citizens)—won 21 and 14 percent of the vote, respectively. A handful of smaller parties also won parliamentary representation. At the year's end, there was no clear candidate for prime minister. In January 2016, King Felipe VI will begin talks with party leaders to form a new government.

The fragmentation of Spanish politics was presaged in May 2015, when both the PP and PSOE lost significant ground to smaller parties in regional parliamentary elections held in 13 of Spain's 17 regions, and in municipal elections held countrywide, frequently failing to achieve governing majorities in contested legislative bodies. Notably, left-wing parties formed alliances to take control of the city governments of Madrid and Barcelona. In Madrid, Manuela Carmena of the left-wing Ahora Madrid (Madrid Now) coalition took the mayorship after the coalition allied with the PSOE to push the PP from power. In Barcelona, Ada Colau, head of the leftist coalition Barcelona en Comú (Barcelona in Common), took the office.

B. Political Pluralism and Participation: 16 / 16

Citizens have the right to organize political parties. While the PP and the PSOE dominated what had traditionally been a two-party system, recent corruption scandals and persistent economic woes have weakened their grip on power, permitting the rise of Podemos and Ciudadanos.

The Catalan separatist movement is an ongoing source of tension in Spain. While Catalonia is already autonomous—a distinction that facilitates a certain degree of self-governance—the wealthy region held a symbolic independence referendum in 2014, even after Spain's Constitutional Court suspended the legal basis for it. In October 2015, Catalan president Artur Mas appeared before the High Court of Catalonia to face allegations of civil disobedience for defying the Constitutional Court's order. In November, the Catalan parliament passed a resolution setting out a path for Catalan independence, but it was struck down in December by Spain's Constitutional Court. Meanwhile, Catalonia's regional parliamentary elections were held in September. The separatist party Junts Pel Si (Together for Yes) won the majority of seats, but fell short of an absolute majority. At the year's end, political parties were still in coalition talks, with the selection of a regional president pending.

C. Functioning of Government: 11 / 12

According to a 2013 survey from Transparency International, 83 percent of respondents felt that political parties in Spain were corrupt or extremely corrupt; campaign financing is a particular point of contention. Though more than three-quarters of party expenses are funded by the state, a 2007 law confirmed the right of political parties to use commercial bank loans for funding. In 2012, Spain strengthened rules on political financing by restricting access to loans, increasing transparency, and

establishing an audit framework. In March 2015, Spain's parliament approved a set of anticorruption measures that among other provisions prohibited banks from forgiving debt owed by political parties.

High-profile corruption investigations continued to plague the royal family in 2015. Princess Cristina, the elder sister of Spain's current king, faces tax fraud charges in connection with a case against her husband, Iñaki Urdangarin, who stands accused of embezzling several million euros in public funds in his role as chairman of a nonprofit sports foundation. The trial is set to open in January 2016.

Upon taking the throne in 2014, King Felipe began establishing rules to reform the monarchy. Among them are increased transparency of royal funds—including external audits that will be made public; a prohibition on members of the royal family working outside the palace; and greater controls on gifts to the royal family. Under the new rules, Felipe's sisters, Elena and Cristina, were to retain their titles but will no longer be considered part of the royal family, as they work in the private sector. In June 2015, King Felipe stripped Princess Cristina of the title of Duchess of Palma de Mallorca after it emerged that she would stand trial for tax fraud.

Although the courts have a solid record of investigating and prosecuting corruption cases, the high workload means that the court system is often overburdened, and cases proceed slowly. Spain is ranked 36 of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Civil Liberties: 56 / 60

D. Freedom of Expression and Belief: 15 / 16

Spain has a free and active press, with more than 100 newspapers covering a wide range of perspectives and actively investigating high-level corruption. Despite this dynamic environment, excessive political intervention into the creation and staffing of television and radio stations has posed a threat to freedom of expression, especially at the regional and local levels. The Spanish press has also suffered from ownership consolidation. Most broadcast media, as well as newspapers and magazines, are now controlled by a limited number of media groups.

In July 2015, a new public safety law, nicknamed the "gag law" by its critics, came into force. The law established fines of up to €30,000 (\$34,000) for spreading images that would endanger the safety of law enforcement officers, and up to €600 (\$680) for insulting a police officer. Burning the national flag can also prompt fines under the act's provisions. Holocaust denial with the intention of promoting or justifying genocide is prohibited.

The majority of Spaniards have access to the internet and there is no outright internet censorship. However, in 2014 Spain passed a copyright law that requires aggregators that post links and excerpts of news articles to pay a fee to the national newspaper publishers' association, or risk potential fines of up to €600,000 (\$800,000). The law can be applied to third-party sites providing hosting or payment services to an infringing site. In response, Google removed Spanish publishers from Google News and shut the site down in Spain.

Freedom of religion is guaranteed by the constitution and other laws. As the nation's dominant religion, Roman Catholicism enjoys privileges not afforded to others, such as financing through the tax system. The role of Catholicism in politics is strong, with the PP in particular promoting conservative values. Jews, Muslims, Protestants, Mormons, Buddhists, and adherents to the Orthodox Church all have *notorio arraigo* or "deeply-rooted" status with the state, allowing them to

worship privately and publicly. However, only Catholics, Jews, Muslims, and Protestants hold special agreements with the government that allow them certain privileges, including tax-related benefits and permission to station chaplains in hospitals and other institutions.

While the government does not restrict academic freedoms, budget cuts to education funding have disproportionately affected lower-income students and weakened the education system. Private discussion is open and vibrant.

E. Associational and Organizational Rights: 11 / 12

The constitution provides for freedom of assembly, a right that the government has long respected. However, the public safety act that took effect in July 2015 introduced a fine of as much as €600,000 (\$680,000) for participating in unauthorized protests outside key government buildings or certain kinds of infrastructure. Large demonstrations against the bill have taken place across the country. At the year's end, no one had yet been prosecuted under its provisions. Sizeable anti-austerity protests and strikes have also become common in Spain.

Domestic and international nongovernmental organizations operate without government restrictions. With the exception of members of the military, workers are free to strike, organize, and join unions of their choice.

F. Rule of Law: 15 / 16

The constitution provides for an independent judiciary. Politicians elect members of some important judicial institutions, such as the Constitutional Court and the Office of the General Public Prosecutor. By removing the power of judges to nominate members of the General Council of the Judiciary and reducing the number of permanent positions on that body, experts believe that a 2013 reform weakened judicial independence. Court proceedings are bound by the rule of law. Prisons and detention centers are overcrowded, and police mistreatment is a concern.

Spain is a major pathway for undocumented immigrants, many of whom congregate at the Moroccan border in an attempt to reach Ceuta and Melilla. Spanish authorities are known to employ harsh tactics to restrict the movement of illegal immigrants. The public safety act allows police in Ceuta and Melilla to summarily expel migrants and asylum-seekers attempting to jump security barricades to reach Spanish territory, with no human rights safeguards.

Civil society organizations such as Human Rights Watch have raised concerns about the punitive approach that the new public safety act takes towards marginalized groups such as sex workers and the homeless. Racial profiling during police checks is also a persistent problem. LGBT (lesbian, gay, bisexual, and transgender) individuals can face societal discrimination.

G. Personal Autonomy and Individual Rights: 15 / 16

Citizens may travel freely throughout the country and choose their residence, employment, and institution of higher education. Private business activity is largely unrestricted, although a lack of access to credit has created obstacles, especially for small and medium-sized firms.

Legal protections are in place to safeguard women from rape, domestic abuse, and sexual harassment in the workplace. In September 2015, PP deputies in the Senate pushed through

legislation requiring women between the ages of 16 and 18 to obtain parental consent when seeking abortions. Violence against women remains a serious issue in Spain, as does human trafficking for the purposes of sexual exploitation and forced labor. In 2014, the Spanish government increased funding for trafficking victims. Same-sex marriage is legal in Spain, and same-sex couples may adopt children.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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