

SPAIN 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Spain is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral parliament, known as the General Courts or National Assembly, consisting of the Congress of Deputies (lower house) and the Senate (upper house). The head of the largest political party or coalition in the Congress of Deputies usually is named to head the government as president of the Council of Ministers, the equivalent of prime minister. Observers considered the two national elections held in 2019 to be free and fair.

The national police and the Civil Guard maintain internal security as well as migration and border enforcement under the authority of the Ministry of the Interior. The regional police under the authority of the Catalan and the Basque Country regional governments and municipal police throughout the country also support domestic security. Civilian authorities maintained effective control over the security forces. There were credible reports members of the security forces committed some abuses.

Significant human rights issues included: provisions in the penal code that limit freedom of expression and the refoulement of refugees without the opportunity to apply for international protection.

The government had mechanisms in place to identify and punish officials who commit human rights abuses or engage in corruption.

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.

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

The constitution and laws prohibit such practices, but there were some reports law enforcement officials employed these. Courts dismissed some of these reports. The constitution provides for an ombudsman to investigate claims of police abuse, and the Office of the Ombudsman serves as the National Mechanism for the Prevention of Torture. According to a May report released by the Office of the Ombudsman, in 2021 the ombudsman received five complaints of significant police mistreatment and 37 complaints of other types of abuse, such as threats, coercion, insults, or harassment.

In contrast to the previous year, there were significantly fewer reports of excessive use of force by law enforcement officers in response to protests. Defend the Defenders, a consortium representing multiple nongovernmental organizations (NGOs) dedicated to protecting freedom of assembly, continued to call on police to end the use of rubber bullets, which they called obsolete technology and responsible for debilitating injuries. In January a metalworkers union in Cadiz (Andalusia) presented a petition to the local prosecutor's office calling for an investigation into the use of force during three days of labor protests in November 2021. According to the petition, police used 900 rubber bullets during the protests, resulting in numerous injuries.

In June a Barcelona court indicted two police officers involved in an incident in which Roger Español lost an eye after being hit by a police officer projectile in 2017 while waiting to vote in the illegal Catalan independence referendum. In the same ruling, the judge indicted Español for throwing a portable police barrier at a line of police officers.

Prison and Detention Center Conditions

In June a judge closed the investigation into the March 3 death of Koussai Dhouaifi, age 17, at the Zambrana juvenile detention center in Valladolid (Castile

and Leon), ruling the death accidental. The judicial investigation was initially opened against two guards at the center after they reportedly handcuffed and restrained Dhouaifi face down following his aggressive actions toward staff. An autopsy later revealed he suffered from heart problems and the judge ruled the death was natural and the guards not responsible. The ombudsman's office initiated a separate investigation into practices at the center, which continued at the end of the year.

In a report published in June regarding the country's government-operated foreigner internment centers (CIE), the Jesuit Migrant Service (SJM) reported barriers for migrants to report abuses by police in the centers, lack of access to health care, and lack of NGO access to the centers. According to the report, there were instances of police sending migrants to isolation cells to prevent them from reporting police abuses as well as instances of harassment or accelerated repatriations of migrants who reported abuses. The SJM also reported instances of police being present for medical examinations of migrants.

On July 25, a man detained in a CIE in Valencia filed a complaint with the court alleging on July 21, he was beaten by police after requesting medical assistance for a severe toothache. The complaint alleged officers beat the man on the ground and kicked him in the eye. A medical report carried out following the incident indicated multiple lesions on the thorax and left arm and bruising around the left eye. A witness filed a corroborating complaint with the court. The case remained under investigation.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government generally permitted monitoring by independent nongovernmental observers. Observers include the Office of the Ombudsman, as well as the Committee for the Prevention of Torture (CPT), and the UN Subcommittee on Prevention of Torture, in accordance with their standard operating procedures. In 2021 the ombudsman made 72 onsite visits and seven virtual visits to assess conditions of confinement facilities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law permits police to apprehend suspects for probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions police may not hold a suspect for more than 72 hours without a hearing. In certain rare instances involving acts of terrorism, the law allows authorities, with the authorization of a judge, to detain persons for up to five days prior to arraignment. Authorities generally informed detainees promptly of the charges against them. These rights were respected. The country has 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 is less than three years, the judge may decide to set bail or release the accused on his or her own recognizance. If the potential sentence is more than three years, the judge must set bail to release the accused. The law provides detainees the right to consult a lawyer of their choice. If the detainee is indigent or does not select a lawyer, the government appoints legal counsel.

The law allows incommunicado detention when there is a threat to the detainee's life or physical integrity, or a need to avoid compromising criminal proceedings. By law incommunicado detention may only be applied by judicial order and is limited to 10 days' duration. In certain rare instances involving acts of terrorism, a judge may order incommunicado or solitary detention for the entire duration of police custody. The law stipulates terrorism suspects held incommunicado have the right to an attorney and medical care, but it does not allow them to choose an attorney or to see a physician of their choice. The court-appointed lawyer is present during police and judicial proceedings, but terrorism suspects do not have the right to confer in private with the lawyer.

On January 18, the European Court of Human Rights (ECHR) found that police questioned Xabier Atristain Gorosabel without a lawyer present, undermining the

fairness of the subsequent criminal proceedings. He is serving a 17-year prison sentence for membership in a terrorist group and possession of explosives. The court found that the government prejudiced his right to a defense. The court ordered the government to pay 12,000 euros (\$12,840) to the prisoner in addition to 8,000 euros (\$8,560) for expenses.

e. Denial of Fair Public Trial

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

During a July meeting with Minister of Justice Pilar Llop, European Commissioner for Justice Didier Reynders urged the government to work with the opposition to renew the mandate and membership of the members of the CGPJ. He urged political parties to reform the way members are elected to the council in accordance with Council of Europe standards, with a majority of members elected directly by judges. On June 14, European Commission Vice President and Commissioner for Values and Transparency Vera Jourova stated during a visit to Madrid that the CGPJ vacancies generated "great concern." Jourova reiterated the Commission's view that the renewal should follow Council of Europe standards. In July the European Commission issued its annual assessment of the rule of law in the country with recommendations to renew the CGPJ; initiate reforms to allow most appointments to the body to be made by judges themselves; reinforce the independence of the General Prosecutor; and allow the duration of the General Prosecutor's mandate to be independent from the government's term of office.

Trial Procedures

The constitution and law provide 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.

Civil Judicial Procedures and Remedies

Individuals or organizations may file civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the ECHR after they exhaust all avenues of appeal in national courts.

Property Seizure and Restitution

The country endorsed the 2009 Terezin Declaration but has no immovable property restitution laws because, as the European Shoah Legacy Institute notes, 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 is a signatory to the International Council of Museums Code of Ethics. Some Jewish groups contend the government has 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 include 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 October the artistic director of the Madrid-based Thyssen-Bornemisza Museum reiterated the museum's position that it is the rightful owner of the Camille Pissarro painting "Rue St. Honore in the Afternoon, Rain Effect," which the family of Lilly Cassirer, a Jewish woman who fled Germany in 1939, alleges was seized by Nazi officials in 1939. On April 22, the museum issued a statement that despite the April 21 U.S. Supreme Court ruling that returned the case to lower courts, the museum is confident those courts would once again rule that Spanish law, rather than California law, should prevail. The Cassirer family initially filed a court case in the United States against the Thyssen-Bornemisza Collection Foundation concerning the painting's ownership in 2019.

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/>.

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

The constitution prohibits such actions and there were reports that in some cases the government may have failed to respect these prohibitions. In June a judge opened a trial by jury against six police officers who had entered a private residence in March 2021 to break up a party violating public health restrictions enacted during the COVID-19 pandemic. Lawyers and human rights groups called police action unconstitutional, saying entry without a warrant violated the right to inviolability of the home. The trial continued at year's end.

On April 18, Citizen Lab, a research group focused on high-tech human rights abuses, published a report alleging the government used Pegasus software to target as many as 65 cellphones belonging to Catalan 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.

Then Director of the National Intelligence Center (CNI) Paz Esteban reportedly acknowledged in a May 5 closed briefing to a congressional committee that CNI had hacked into the cellphones of 18 Catalan separatist leaders, but she stated the CNI had the required judicial authorizations to do so.

Separately, in a March 2 press conference, Minister of the Presidency Felix Bolaños stated Pegasus software was used 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. Bolaños blamed external actors but stated the government was still investigating who was behind the attack. The government had not made public any findings regarding the incidents by year's end.

On June 28, the ECHR ordered the government to pay 4,200 euros (\$4,490) in damages and 3,993 euros (\$4,270) for costs and expenses to 20 judges and

magistrates in Catalonia. The court found the Spanish National Police compiled files on the judges and magistrates after they signed a manifesto in 2014 outlining their legal opinion in favor of the possibility of exercising the Catalan population's "right to decide" within the framework of the constitution and international law. The court ruled the files, which had been leaked to the press, had not been compiled in accordance with any law.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides 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 prohibits, subject to judicial oversight, actions including public speeches and the publication of documents the government interprets as celebrating or supporting terrorism. The law provides 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 offend religious sentiments, glorify terrorism, insult the Crown and state institutions, or propagate hate speech. The law does not criminalize blasphemy, but fines may be levied against those who offend 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 continued to point to these provisions of the law as limiting freedom of expression in the country.

On March 8, the Supreme Court ruled Twitter's temporary suspension of the account of the Vox political party was reasonable and proportional. Twitter had suspended the account in January 2021 after the party tweeted North African immigrants were responsible for the majority of crimes committed in Catalonia

ahead of the Catalan regional elections.

Independent media were active and expressed a wide variety of views generally without restriction. Reporters without Borders (RSF) stated political polarization and piecemeal legislation threatened the right to information.

The Law on the Protection of Citizen Security, known as the “gag law,” penalizes the downloading of illegal content, the use of unauthorized websites, violent protests, insulting a security officer, disobeying a security officer, and participating in unauthorized protests outside government buildings. On February 8, Council of Europe Commissioner for Human Rights Dunja Mijatovic sent a letter to the parliament urging reform of the law, particularly the provisions impinging on the rights of freedom of expression and peaceful assembly as well as the right to seek asylum and the prohibition of refoulement. On May 31, a group of six civil rights NGOs published a statement denouncing the slow pace of reform in the country’s parliament and reiterating their position that the law constituted a threat to press freedom. The RSF stated police continued to arrest journalists and courts sometimes favored the version of police over that of journalists. The RSF also reported members of the press were subjected to lawsuits that sought to deny their right to protect the confidentiality of their sources. In June several NGOs held a public meeting with political parties in Congress to provide recommendations for reforming the law.

Several NGOs reported that although the Constitutional Court in 2020 ruled the provision of the Law on the Protection of Citizen Security prohibiting the unauthorized recording of members of the security forces was unconstitutional, police continued to restrict individuals’ freedom of expression by issuing fines for doing so under the law’s disobedience clause. The clause allows police to fine individuals up to 600 euros (\$640) for disobeying orders even if the individual was not engaged in unlawful activity.

In June several press freedom organizations expressed concern regarding the fining of photographer Javier Bauluz under the Law on the Protection of Citizen Security and called on the government to reform the law. Bauluz was fined in a 2020 incident after he refused a police officer’s demand to leave a public area in which he was photographing the arrival of refugees and migrants.

On January 18, The RSF and opposition parties condemned the exclusion of several news organizations from a press conference organized by the presidency. Two opposition members of the European Parliament wrote a statement to the European Commission alleging the government had imposed barriers to free access to information. In December 2021, the Press Association of Madrid denounced the government for holding presidential press conferences with limited or no allowance for journalists to ask questions.

In October the Press Association of Madrid issued a statement rejecting comments by President Pedro Sanchez in which he stated that some Madrid media outlets were biased against the government. The association stated the country's "balanced" press "seeks the truth and defends above all the freedom to publish it."

In November the ECHR ruled the country violated the right to freedom of expression of military officer and law professor Miguel Ayuso and ordered the government to compensate him 4,000 euros (\$4,280). In 2013, the Ministry of Defense reprimanded Ayuso after he made comments on a television program regarding the country's transition to democracy and 1978 constitution. The court ruled the government violated Ayuso's rights in publicly reprimanding him and stating his views were not protected by the right to freedom of expression.

Violence and Harassment: There were some reports of government officials and politicians verbally harassing certain media outlets and specific journalists. On February 16, the Provincial Court of Madrid acquitted a police officer on charges of attacking freelance photojournalist Guillermo Martinez during an April 2021 demonstration. The court ruled that prosecutors should open a criminal investigation into Martinez and three other journalists, who all acted as witnesses for the trial, for alleged false testimony regarding the incident. The Committee to Protect Journalists called on authorities to drop their criminal investigations into the journalists to "ensure that members of the press do not face legal harassment for reporting on police." The RSF stated charging the journalists for false testimony constituted "serious intimidation."

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

outlets with similar lawsuits to practice self-censorship.

Libel/Slander Laws: Under the law slander is an offense punishable by six months' to two years' imprisonment 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 as overly broad the antiterrorism law, particularly the part of the penal code that criminalizes the glorification of terrorism, which they maintained limits the right to freedom of expression.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were reports the government may have monitored online communications of Catalan proindependence politicians, although the government maintained it has proper legal authority (see section 1.f.). Authorities monitored websites for material containing hate speech or promoting antisemitism or terrorism.

b. Freedoms of Peaceful Assembly and Association

The law provides 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 provides 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 refuses to disperse upon police request may be fined.

Human rights groups continued to maintain the Law on the Protection of Citizen Security unduly restricts the right of peaceful assembly.

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

e. Protection of Refugees

The government has an established system for providing protection to 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 decreased by nearly 20 percent during the year compared with the same period in 2021, with 28,926 arrivals as of November 15, according to the data from the Ministry of Interior. Sea arrivals decreased by almost 22 percent (26,839 arrivals as of November 15). According to 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, International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. As of October 31, the government granted refugee status to 5,826 individuals and subsidiary protection to another 5,800 individuals. Another 15,044 individuals received protection for humanitarian reasons.

Access to Asylum: The law provides for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. Authorities review asylum petitions individually, and there is an established appeals process available to rejected petitioners. The law permits any foreigner in the country who is 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 has undocumented status.

The Ministry of the Interior continued to reduce the backlog of pending asylum claims through increased staffing and improved processes and interagency coordination. Organizations 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 groups reserve all the asylum appointments when the ministry first makes them available, then sell the appointments to asylum seekers using popular buy-and-sell marketplace applications. As a result, many asylum seekers are forced to pay criminal organizations to submit an asylum claim, and non-Spanish speaking asylum seekers faced challenges in obtaining appointments in a timely manner. NGOs and UNHCR reported wait times for asylum appointments may be several months to a year and that wait times for follow-up appointments may be more than one year.

UNHCR reported the need for additional training for officers responsible for conducting asylum interviews in accordance with UNHCR standards and EU regulations. UNHCR also cited the need for additional specialized interpreters and tools to provide for quality standards for asylum interviews. Individuals who enter the country by irregular means are held in centers for temporary assistance for foreigners (CATEs) under police supervision for initial reception, biometric intake, and processing. The law permits individuals to be held in CATEs for a maximum of 72 hours. UNHCR continued to report the need for increased mechanisms 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 established a presence in the Canary Islands in 2021 and during the year assisted with vulnerable migrants identified as having potential protection needs. It did not assist with processing asylum claims.

The Spanish Commission for Refugee Assistance (CEAR) continued to urge the government to apply fully the section of the law that allows for the receipt of asylum petitions at Spanish embassies and consulates abroad. CEAR reported some Spanish embassies began implementing policies to allow Afghan nationals to

request international protection while outside of the country, particularly in Pakistan and Iran, and formalize their asylum requests once in Spain. CEAR encouraged the government to extend these policies to all individuals in need of international protection, regardless of nationality.

UNHCR reported that 98,098 individuals had filed asylum claims in the country as of the end of October, an increase of 97 percent from the same period in 2021. Of these, Venezuelans and Colombians accounted for 69 percent of applications. As of October 31, a total of 38,073 Venezuelans applied for asylum in the country, which at 39 percent of all applicants constituted the largest group of asylum seekers and represented a significant increase from the same period in 2021. As of October 31, UNHCR reported a 16 percent asylum recognition rate and a 37 percent protection rate, including persons in refugee status, subsidiary protection, and those granted authorization to stay for humanitarian reasons.

According to CEAR's annual report, 65,404 individuals applied for asylum in the country in 2021, a 26 percent decrease from 2020. The government granted 2,017 applications for subsidiary protection and offered 12,983 individuals international protection for humanitarian reasons, primarily Venezuelans (see Temporary Protection). Large percentages of applicants from Colombia (93 percent), El Salvador (94 percent), Nicaragua (75 percent), and Honduras (87 percent) did not receive either asylum status or other protection. CEAR reported the country's overall recognition rate for international protection in 2021 was 10.55 percent (7,371 persons), double that in 2020.

Refoulement: UNHCR continued to report instances of summary returns, denying individuals the opportunity to request international protection, from Ceuta, Melilla, the Chafarinas Islands, and small outposts under Spanish sovereignty, including Peñon de Velez de la Gomera.

In September the European Commission opened an infringement proceeding against Spain for failing to comply with EU rules on returning illegally staying third-country nationals by not incorporating EU rules in its national legislation correctly.

Bilateral agreements with Morocco and Algeria allow Spain to deport irregular

migrant arrivals of citizens from those countries, almost all without administrative processing or judicial order, in accordance with the Law of the Protection of Citizen Security. The ombudsman and NGOs continued to criticize this practice, known as “hot returns.” In response to a parliamentary inquiry, the government reported repatriating 1,720 individuals as of November 14, 2021, and 1,824 individuals in 2020 under these agreements, although it did not provide specific numbers for those repatriated to Morocco or Algeria. An agreement between Spain and Morocco permits the Spanish Maritime Safety Agency to operate from Moroccan ports and to return irregular migrants it rescues off the Moroccan coast to shore in Morocco rather than to Spain.

CEAR criticized the government for not making public agreements and memoranda of understanding it has signed with countries including Morocco, Algeria, Mauritania, and Senegal related to security cooperation and migration. CEAR reported that because the agreements were not made public, they could not be evaluated for their impact on human rights and nonrefoulement of individuals seeking international protection. On March 24, Spain deported activist Mohamed Benhalima to Algeria, citing an Algerian terrorism investigation into Benhalima. On March 29, 14 human rights organizations signed a statement condemning Benhalima’s deportation, stating he faced risks of torture and serious human rights abuses in Algeria and accusing the Spanish government of being in violation of its international obligations of nonrefoulement. According to Amnesty International, on May 8, Benhalima was informed that he was sentenced to death in absentia.

There were several court cases in Ceuta and Andalusia regarding the alleged refoulement of children to Morocco following the May 2021 entry into Ceuta and Melilla of as many as 2,000 unaccompanied children. The ombudsman and rights groups condemned the deportations, claiming they violated the UN Convention on the Rights of the Child as well as the country’s immigration laws. In February a Ceuta court ordered the return to Spain of 14 children whom the court ruled had been deported without due process and against their will. In June the Andalusia High Court ordered the return of another eight children deported from Ceuta to Morocco under similar circumstances. Another case involving 12 children is pending before the Andalusia High Court. The Andalusia High Court also opened an investigation into Salvadora Mateos, the former government delegate in Ceuta,

and Mabel Deu, the vice president of the Ceuta government, for their roles in the deportations of 55 children. In November a Ceuta court opened a trial against both defendants.

Abuse of Migrants and Refugees: On June 24, at least 23 migrants died attempting to cross from Morocco into Spain's North African enclave of Melilla. The deaths occurred when up to 2,000 persons, primarily from sub-Saharan Africa, attempted to enter Spain. Several Spanish NGOs, including Caminando Fronteras (Walking Borders), put the death toll as high as 40. Several migrants who were interviewed by Spanish media claimed Moroccan security officials beat to death many of the migrants. Several NGOs stated Spanish law enforcement pushed back migrants from the fence separating Melilla from Morocco. Spain's chief prosecutor, ombudsman, and the UN International Independent Expert Mechanism for Racial Justice and Equality announced investigations into the events. In October an ombudsman's report accused the Ministry of the Interior of violating Spanish and international law when it expelled 470 migrants in the incident. On December 23, the prosecutor's office closed its case after determining there was no evidence to conclude Spanish law enforcement actions increased the risk of the migrant deaths.

In late June thousands of demonstrators in several Spanish cities railed against Spain's migration policies under the banner "Black Lives Matter." The NGO SOS Racismo (SOS Racism) called the government's reaction to the deaths racist, claiming it would have responded differently if those killed had not been Black. Several NGOs criticized the country's migration policy – which focuses on preventing the irregular entry of all individuals to its territory, regardless of potential claims for international protection – as contributing to the deaths. The ombudsman's office and NGOs maintained that several of the migrants pushed back into Morocco met profiles of those requiring international protection.

In March Amnesty International and other NGOs filed a complaint with the UN Special Rapporteur on the Human Rights of Migrants, accusing police of brutality against migrants following the release of a video by press that showed police officers beating and pepper spraying a young man as he climbed over the border fence between Melilla and Morocco during the March 2-3 migration surge into the enclave. The ombudsman asked the Ministry of Interior for an investigation.

UNHCR, NGOs, and the Office of the Ombudsman continued to cite concerns regarding the treatment of unaccompanied and accompanied child migrants. CEAR stated the government continues to use obsolete tests for age determinations of individuals who report they are 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. The NGO reported instances in which the government performed age determination tests even after an individual presented a passport or other documentation indicating they were a child, in violation of rulings by the Supreme Court in 2021 prohibiting this practice. UNHCR reported centers housing unaccompanied children in the Canary Islands continued to be extremely overcrowded.

On September 13, the ombudsman expressed concern regarding the lack of assistance for migrants in centers for temporary assistance for foreigners and encouraged the creation of a better process for migrants to file complaints of mistreatment. The ombudsman's office annual report for 2021 highlighted the need in these centers for adequate video surveillance, the removal of lists of previous occupants' names, improved measures to prevent self-harm or suicidal behavior, improved access to legal assistance, and adequate translation equipment. The report also recommended security officers not carry weapons inside the centers. The ombudsman also noted that many cases of repatriation flights lacked advance notification and that individuals were handcuffed for the duration of the flight in many instances.

Freedom of Movement: Following a 2021 court ruling in the Canary Islands that migrants with a passport or a request for international protection may travel to the mainland in accordance with pandemic-related health restrictions, UNHCR and NGOs reported improved freedom of movement for migrants who arrived in the Canary Islands. UNHCR reported, however, NGOs that manage the reception centers in the Canary Islands are required to request authorization from police to transfer groups of asylum seekers to the mainland.

Employment: In October 2021, the country updated its immigration regulations to allow migrants to apply for work authorizations starting at age 16 and to allow 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 June, more than 9,300 migrants between 16 and 23 had work permits and another 1,200 individuals were in the application process.

Access to Basic Services: In accordance with the law, all children younger than age 16 must be enrolled in school. In the Canary Islands, many of the child migrants were not enrolled in school more than one year after their arrival. CEAR reported juvenile centers in Ceuta and Melilla, which are responsible for caring for unaccompanied child migrants, were overcrowded and in poor condition. As a result, some children told authorities they were older than age 18 to avoid being sent to a juvenile center, which is under the jurisdiction of the regional government, and to instead be sent to a temporary reception center for foreigners (CETI), which is under the jurisdiction of the national government. UNHCR reported many children ran away from juvenile centers in Ceuta and Melilla, leaving them vulnerable to exploitation.

Durable Solutions: The government accepted refugees for relocation and resettlement and aided through NGOs such as CEAR, Accem, and the Spanish Red Cross. In accordance with the country's National Resettlement Plan, the government formally resettled 581 individuals – mostly Syrians – from Turkey, Lebanon, and Jordan as of May 6. In 2021 the government formally resettled 526 individuals. UNHCR reported the country has increased its resettlement commitment and plans to likely resettle 1,000 refugees, mostly Syrian, by the end of the year. The government welcomed more than 1,300 at-risk Afghans during the year in addition to the military airlift evacuations from Kabul conducted in 2021. The Ministry of the Interior reported granting refugee status to 5,826 individuals as of October 31 and to 5,365 individuals in 2021.

In August the country introduced significant reforms to its immigration law that included provisions to expand access to residency permits and work authorizations for undocumented immigrants. Individuals who have lived in the country at least two years and worked for at least six months – no matter the legal status of employment or whether self-employed – are eligible to apply for residency and work permits. The regulatory change also permits undocumented immigrants living in the country for at least three years to apply for residency permits if they secure a job contract for at least 30 hours of work per week, or 20 hours if they have children under their care. The updated regulation includes a provision to

grant residency permits to undocumented immigrants who agree to complete a worker training program in sectors facing labor shortages.

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: As a result of Russia's war in Ukraine, in March 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 already living in Spain. It also extended protections to third country nationals previously residing in Ukraine, whether as permanent residents or temporarily, such as students. The government instituted 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) launched a hotline and a website in Spanish and Ukrainian and opened reception centers in Madrid, Barcelona, Alicante, and Malaga to assist new arrivals. The centers, each managed by a partner refugee assistance NGO, provide 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. UNHCR, IOM, and NGOs commended the government's rapid and effective response. As of November 3, the Ministry of the Interior reported granting temporary protection to 151,620 individuals fleeing Ukraine. As of November 15, the Ministry of Inclusion reported it has assisted 84,146 individuals in the four reception centers and provided housing for 11,921 individuals. NGOs report as many as 15 percent of Ukrainians who have arrived in the country since the start of the war are believed to have since departed.

The government provided temporary protection to individuals whose applications for asylum were pending review or who did not qualify as refugees. The Ministry of the Interior reported that as of October 31, the government granted international subsidiary protection to 5,800 individuals. Additionally, the government granted

one-year residency permits (which may be extended to two years) on humanitarian grounds to 15,044 applicants, most of them from Venezuela (14,732), with much lower numbers to individuals from Colombia (174), Peru (26), Panama (21), and Chile (18). The Ministry of the Interior reported that in 2021 the government granted international subsidiary protection to 2,026 individuals. Additionally, the government granted one-year residency permits on humanitarian grounds to 13,020 applicants, most of them from Venezuela (12,853), with very few granted to individuals from Colombia (53), Ukraine (25), Peru (23), and El Salvador (8).

According to the Ministry of the Interior, the country provides humanitarian protection to Venezuelans who do not qualify for other types of international protection in the country, including asylum. Humanitarian protection provides residency and work authorization for one year, which may 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

Not applicable.

g. Stateless Persons

According to UNHCR, as of February, 6,092 stateless persons lived in the country. The law provides a path to citizenship for stateless persons. The law includes the obligation to grant nationality to those born in the country of foreign parents, if both lack nationality or if legislation from neither parent's country of nationality attributes a nationality to the child, as well as to those born in the country whose parentage is not determined. In March the government approved a royal decree to give applicants for statelessness status greater access to the national reception system's benefits and services.

Section 3. Freedom to Participate in the Political Process

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

suffrage.

On July 20, the ECHR received nine appeals from political leaders imprisoned following the 2017 illegal Catalan independence referendum. The appeals included complaints concerning violations of the rights to freedom of expression, freedom of assembly and demonstration, to a fair trial, the presumption of innocence, the prohibition on the abuse of power, and to free elections.

On August 31, the UN Human Rights Committee ruled the government violated the political rights under Article 25 of the International Covenant on Civil and Political Rights of former Catalan Regional Vice President Oriol Junqueras and three former regional ministers by suspending them from public duties prior to their conviction for their roles in the illegal 2017 independence referendum. In 2018 the Supreme Court charged the four Catalan leaders with rebellion, which entails a call to violence, and suspended them from office prior to conviction per Spanish law. In 2019 the Supreme Court eventually sentenced them for conviction of sedition, a charge that would not have allowed for the former leaders' suspension prior to the conviction.

Elections and Political Participation

Recent Elections: 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 two national elections in 2019 free and fair. Regional elections in Castile and Leon (February 13) and Andalusia (June 19) were considered free and fair.

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

Section 4. Corruption and Lack of Transparency in

Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Prosecutions and convictions for corruption were rare compared to the complaints filed, mainly because of the extensive system of legal appeals. There were some reports of government corruption during the year.

Corruption: 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 July 26, the Supreme Court upheld the 2019 corruption convictions in the high-profile “ERE case” of Manuel Chaves and Jose Griñan, both former regional presidents of Andalusia, as well as the convictions of several regional ministers and regional government officials under previous Socialist party-led Andalusia regional governments. The convictions carried sentences of between three to seven years’ imprisonment and bans from public office of up to 18 years. In addition to their roles as regional presidents, Chaves and Griñan both also previously served as cabinet ministers in national governments and as presidents of the Socialist party. The convictions were the result of a five-year investigation into the misuse of public funds by Andalusia government officials in which the court ruled officials used funds intended to subsidize employer severance or early retirement packages to build a client-list network to bolster the Socialist party’s electoral prospects in Andalusia. Griñan’s lawyers announced they would appeal the Supreme Court decision to the Constitutional Court.

In a March 29 report, the Council of Europe’s Group of States against Corruption expressed concerns regarding lack of transparency in public sector financial disclosures, lack of regulation of lobbying, lack of strong conflict-of-interest provisions for members of government, and a lack of implementation of anticorruption measures by the government and law enforcement authorities.

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

Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The national ombudsman serves 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 is appointed by parliament but serves in an independent oversight capacity.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes 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 is four to 12 years in prison. Additional charges, including if the victim was a child or if the assailant ridiculed the victim, may add to the length of the overall prison sentence. The law also prohibits GBV and sets prison sentences of six months to a year for conviction of domestic violence, threats of violence, or violations of restraining orders, with longer sentences if serious injuries result.

The law establishes “the mere act of aggression by a man against a woman who is his partner or former partner already constitutes an act of GBV”; there is no requirement to establish “the intent to dominate.” Amnesty International reported this qualification resulted in a two-tier system for sexual assault survivors, with increased protections for those assaulted by a partner.

The Ministry of the Interior reported an increase in the number of gender-based hate crimes from 99 in 2020 to 107 in 2021.

On August 25, Congress approved the Organic Law for the Integral Guarantee of Sexual Freedom, referred to as the “Only Yes Means Yes” law. The law requires explicit affirmative consent for sexual activity and allows sexual activity without clear consent to be prosecuted as rape. The law eliminates the lesser crime of “sexual abuse” for assault cases that do not involve violence or intimidation and unifies 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 for sexual abuse). It also increases penalties for sex crimes in which narcotics or other substances are used to subdue the victim and criminalizes sexual harassment. By law, undocumented immigrant women who are survivors of sexual violence have the right to residency and work permits. Women’s rights groups commended the law after it passed for eliminating provisions that allowed offenders to be charged with lesser crimes if a survivor did not physically fight back during an assault. In November some defendants convicted of sexual assault under the previous law filed and won appeals to have their sentences reduced in accordance with the law, prompting public outcry and calls to repeal or reform the law.

In the first six months of the year, the Ministry of the Interior reported 1,211 rape cases, a 27 percent increase compared with the same period in 2021. In May and July, police arrested five boys between ages 15 and 17, and one man, age 18, for the May 16 gang rapes of two girls, ages 12 and 13, in Burjassot (Valencia). In August a judge dismissed the charges against the man after one of the survivors retracted her identification of him. The investigation of the remaining defendants continued at year’s end.

NGOs and the ombudsman continued to express 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.

In July a protocol went into force in Madrid to improve health care and judicial assistance for women and girls ages 16 and older who are survivors of sexual violence. The protocol prioritizes immediate medical care for survivors of assault by eliminating the previous requirement that a woman first file a police complaint reporting a sexual assault before seeking medical attention, should the woman wish to pursue a judicial case.

Rights groups continued to cite concerns regarding lenient sentences for convicted sex offenders. In May a Murcia court ordered a man convicted of raping one of his employees in 2019 to pay the legal fees and 6,000 euros (6,420) in damages. The court also issued a restraining order and required he complete a sex education program. The man previously served six months in jail. In July a Malaga court suspended the two-year prison sentence of two police officers convicted of the 2018 sexual assault of a woman, age 18, in Estepona (Andalusia). The judge suspended the sentence on the condition the police officers complete a sexual education training course and not commit any other crime for a three-year period.

In November a Murcia court sentenced a man to 42 years' imprisonment for conviction of the repeated rapes of six women in 2020. The court also ordered the man to pay 30,000 euros (\$32,100) to each of the women. According to the sentence, the man helped six undocumented Moroccan women obtain jobs in the agricultural sector and then began sexually abusing the women, taking advantage of their status as undocumented workers without a family or support network in the country.

According to the government's delegate against GBV, partners or former partners were responsible for the deaths of 49 women. In December the country recorded 11 GBV-related killings and two attempted homicides, the highest number of GBV-related killings in a single month since the government started compiling data in 2003. According to the CGPJ's annual report for 2021, courts received 162,848 complaints for GBV, an 8 percent increase from 2020. Foreign women represented nearly one-third of all complainants. More than 71 percent of the 43,736 protection orders requested were approved by the courts. The conviction rate for GBV cases was more than 75 percent. Police alerted survivors of GBV of any changes in prison sentences of their attackers.

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.

In April the Ministry of the Interior announced it increased the number of the Civil Guard agents dedicated to the prevention and investigation of GBV to almost 1,300 agents throughout the country.

In May the Council of Ministers approved additional funding to support the establishment of at least one 24-hour sexual assault crisis center in each of the country's 50 provinces as well as Ceuta and Melilla by 2023. Madrid and Asturias have established these centers. The centers would not require survivors to formally accuse their attackers or to participate in prosecutions.

In May the Foreign Ministry reported its consular offices assisted 249 Spanish survivors of GBV abroad in 2021 and repatriated 16 women and 10 children. The Ministry of Equality transferred 500,000 euros (\$535,000) to the Foreign Ministry to strengthen assistance to Spanish survivors of GBV overseas.

According to UNHCR, there were improvements in prevention and response to GBV in the international protection reception system through the implementation of a protocol promulgated by the Ministry of Inclusion in coordination with UNHCR and NGOs. UNHCR noted the protocol had a limited scope of application because it focuses on GBV committed by a partner or expartner.

In December 2021, the government published a regulation allowing any survivor of GBV who seeks 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, removing the previous requirement that the survivor file a legal complaint.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and authorizes courts to prosecute residents of the country who committed this crime in the country or anywhere in the world. The government enforced the law. The law punishes those convicted of perpetrating FGM/C with prison sentences of between

six and 12 years, with additional penalties if the victim is a child or a person with disabilities. The Organic Law for the Integral Guarantee of Sexual Freedom that Congress passed on August 25, classifies FGM/C as a crime of sexual violence.

Sexual Harassment: The law prohibits sexual harassment in the workplace, but few cases came to trial. The punishment in minor cases may be between three and five months in jail or fines. The government enforced the law, but harassment continued to be a problem, according to media reporting. The Organic Law for the Integral Guarantee of Sexual Freedom that went into force on October 7 criminalizes occasional sexual harassment on the street.

On December 20, the National Police published the Action Protocol in Situations of Sexual Harassment and Harassment Based on Gender, Sexual Orientation, and Gender Identity. The protocol aims to establish guidelines to eradicate sexual harassment within the National Police and establish preventative measures and response plans for situations of sexual harassment.

On August 5, the Minister of the Interior announced police were investigating 60 alleged cases of women being punctured with needles in public spaces around the country. Investigators sought to find out if these attacks were meant to intimidate women or to administer them with a chemical substance to make them vulnerable to sexual crimes.

In August the Consul General of Pakistan in Barcelona was removed from his position following accusations of sexual harassment by a subordinate. In her complaint to a Barcelona court, the alleged survivor stated the diplomat sent her messages through social media and tried to sexually assault her in a hotel.

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 clinical management of rape. Access to emergency health care, including services for the management of complications arising from abortion, was available.

Discrimination: By law women enjoy the same rights as men, including under family, religious, personal status, and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. There were cases of discrimination against women in employment and occupation (see section 7.d.) The government generally enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

The law criminalizes the promotion of hate, violence, or discrimination against individuals or groups based on, inter alia, their race, ethnicity, or national origin. The punishment is one to four years' imprisonment and a fine. The law also considers 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 there were 1,724 cases of hate crimes during 2021, marking a 29 percent increase from 2020. The ministry reported an increase in racist and xenophobic hate crimes from 485 in 2020 to 639 in 2021. These incidents accounted for more than 35 percent of the total hate crimes the ministry registered.

The ministry reported a decrease in instances of hate crimes related to discrimination against the Roma community.

In April the Ministry of the Interior published the *Second Action Plan to Combat Hate Crimes*, which is in effect through 2024. The plan outlines concrete measures to address hate crimes, including against individuals and groups based on race, ethnicity, or national origin, by enhancing support for victims, providing training and resources to law enforcement, and increasing cooperation with NGOs and other organizations working to combat hate crimes.

On July 14, the Equal Treatment and Non-Discrimination Law came into force, defining, for the first time, discrimination against the Roma community and those living in poverty as hate crimes, punishable by up to four years' imprisonment. The law establishes 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 government increased funding for Ministry of Equality to assist victims of racial discrimination, to expand hours for in-person and hotline assistance to victims, and to provide enhanced legal services.

Racist and xenophobic rhetoric and harassment continued to be a problem during sporting events. In September opposing fans shouted racist remarks against Brazilian player Vinicius Junior of Real Madrid, calling him a monkey and wishing for his death. On September 20, Congress passed a nonbinding resolution condemning the incident, which it noted was not isolated, and calling on sports clubs and players to redouble their efforts to eradicate racism, violence, and xenophobia, including through administrative sanctions. In October the Barcelona Hate Crimes Prosecutor requested a two-year prison sentence and a 5,400 euro fine (\$5,780) against a fan of the RCD Espanyol soccer club convicted of shouting racist insults at Athletic Club of Bilbao player Iñaki Williams in 2020.

In June the Football Club Barcelona Foundation launched a child protection system protocol that is expected to impact 200,000 children and young persons affiliated with the club through sports and school associations. The protocol outlines actions for the prevention, monitoring and management of violence, including physical and verbal violence, sexual abuse, neglect, and bullying.

The Ministry of the Interior reported 639 hate crimes linked to racism and xenophobia in 2021, a 32 increase from 2020. The regions of Madrid, Catalonia, Basque Country, Valencia, and Andalusia had the highest numbers of hate crimes according to the ministry's data.

The Romani community remained the largest minority group in the country. The Gitano Secretariat Foundation (FSG) reported patterns of violence against the Romani community and significant integration challenges for the community, including high rates of poverty, unemployment (especially for Romani women), and children dropping out from secondary education. The FSG's 2021 annual report on discrimination against the Romani community reported 364 cases of discrimination, a 15 percent decrease from the previous year, including in access to

goods and services, housing, employment, and police assistance. The FSG cited the poor quality of primary education for Romani children as a contributing factor to their 64 percent high-school dropout rate with many Romani students leaving school at age 16 to begin working.

In July protesters damaged Romani property in Peal de Becerro (Andalusia) following the fatal stabbing of a man involving some members of the community. Rights groups condemned the violence and reported many Romani families fled the area due to fear of reprisals. The FSG reported the local government did not condemn the violence or provide support to repair damaged property.

Children

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

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

The law provides other protections as well against various forms of child abuse. Those accused of sexual abuses involving children receive larger penalties. For example, in cases of sexual assault, which normally receive four to 12 years in jail, are punished with 12 to 15 years in cases involving children.

According to the government's delegate for gender-based and domestic violence, as of November 29, either a parent or a parent's partner were responsible for the

death of two children during the year.

In 2021 the ANAR Foundation, dedicated to the protection of children, received 2,892 requests for assistance in cases of missing children and addressed 1,172 of them. Of those, nearly 67 percent, or 779 cases, were runaway situations, most of which were attempts by children to escape situations of violence. The foundation reported an increase in calls and messages regarding violence against children from 6,259 serious cases in 2020 to 8,565 in 2021.

Child, Early, and Forced Marriage: The minimum age of marriage is 16 years for children living on their own. Conviction of forced marriage is 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 is determined to have been a victim of human trafficking. The antitrafficking NGO Project Esperanza stated forced marriages continued to happen 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, which Congress passed on August 25, classifies forced marriage as a crime of sexual violence.

As of May, the Catalan regional police prevented five forced marriages in Catalonia, three of them involving underage girls. All persons involved were originally from countries in North Africa or South Asia. The Catalan regional police reported 194 women and girls have been the victims of forced marriages in the region since 2009. Women's rights NGOs continued to express concerns regarding the vulnerability to forced marriage of women and girls, particularly from African and South Asian immigrant communities. The NGOs cited a lack of awareness among women and girls in these communities concerning where to report these cases as well as fear of reprisals from family members.

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

The law prohibits 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 is five to eight years' imprisonment. The penalty for recruiting children or persons with disabilities into commercial sex is imprisonment from one to five years. The penalty for subjecting children to commercial sex is two to 10 years' imprisonment, depending on the age of the victim and the existence of violence or intimidation. The law prohibits 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 is one to five years' imprisonment; if the child is younger than age 13, the length of imprisonment is five to nine years. The law also penalizes knowingly possessing child pornography. Authorities enforced the law.

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

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

The ANAR Foundation reported an 81 percent increase in cases of child sexual abuse from 717 in 2020 to 1,297 in 2021. It also reported a rise in gang rapes of children in the last decade.

In January the Spanish Episcopal Conference of the Roman Catholic Church announced it would establish commissions to hear complaints from victims following press reports and an estimated 1,200 alleged cases of child sexual abuse by members of the church since the 1930s. On February 16, the public prosecutor's officer announced it was investigating 68 cases of alleged sexual abuse of children by Catholic church staff throughout the country. On March 10, the Congress overwhelmingly approved an investigation by an ombudsman-led experts' commission into sexual abuse within the Catholic church. The church responded it would not participate in the inquiry. In August media reported a law firm hired by the church to conduct an independent audit related to sexual abuse

accusations against the church had uncovered approximately 30 cases of undisclosed financial settlements between the church and victims of up to 50,000 euros each (\$53,500). In September the ombudsman announced the expert commission had received 230 credible complaints of sexual abuse.

There were several cases of offenders using social media platforms to lure children for the purpose of sexual abuse or exploitation. In May the Civil Guard revealed it had arrested a man in Malaga in November 2021 following an investigation for the alleged sexual abuse of 26 children throughout the country by contacting them through video game platforms. In August the Madrid High Court of Justice upheld a 686-year jail sentence for a man convicted of deceiving 98 children through social networks and WhatsApp to have sexual relations in exchange for money and gifts between 2015 and 2018.

In September the ombudsman announced it was opening an investigation into cases of sexual exploitation of children under guardianship programs in several autonomous communities. The ombudsman requested all autonomous communities provide information concerning possible abuses detected as well as on preventative measures taken. This was the result of a January media report that an extensive police investigation resulted in the dismantling of a sex trafficking network that was exploiting children living in government shelters; 10 child trafficking victims were identified, nine of whom lived in government shelters.

The sex trafficking of teenage girls into commercial sex remained a problem; however, the government did not report identifying any child sex trafficking victims in 2021. The national ombudsman recognized the discrepancy between Spain and neighboring countries regarding the authorities' infrequent identification of child trafficking victims and in September 2021, a government-funded NGO launched a specialized observatory on child trafficking with plans to establish guidelines for the identification of child sex trafficking victims and to train professionals on specialized care. In 2021, law enforcement noted an increase in identification of trafficking victims between ages 18 and 22, and authorities recognized many of them likely became trafficking victims as children but remained unidentified. In July 2021, the national ombudsman publicly called for improved victim identification, specifically improved victim identification and referral protocols, and noted the pandemic exacerbated the isolation of many

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

Antisemitism

The Jewish community numbered approximately 45,000 persons.

The law considers denial and justification of genocide to be a crime if it incites violence, with penalties that range 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 three in 2020 to 11 in 2021.

The Observatory of Antisemitism of the Federation of Jewish Communities of Spain (FCJE) reported multiple antisemitic incidents including clashes and antisemitic insults occurred in May during a basketball tournament in Bilbao in which an Israeli team was competing. In August the Foreign Ministry condemned a series of "serious antisemitic attacks" in the town of Castrillo Mota de Judios (Castile and Leon). Local officials reported multiple instances of antisemitic graffiti in various parts of the town. The FCJE urged authorities to identify the perpetrators and to enact measures to prevent such incidents.

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 criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: The law penalizes those who provoke discrimination, hate, or violence based on sexual orientation with one to four

years' imprisonment and a fine. By law hatred against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons may be an aggravating circumstance in crimes.

On May 5, Basque Country regional police arrested a man, age 25, 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 his 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.

The Barcelona city council, which hosted the first LGTBI Center convening local NGOs to aid members of the community, denounced increased violence against the LGBTQI+ community in Catalonia.

Discrimination: The country's antidiscrimination laws prohibit discrimination by state and nonstate actors based on sexual orientation and gender identity or expression, or sex characteristics and recognizes LGBTQI+ individuals, couples, and their families. The government enforced the law. The law also prohibits denial or disqualification of employment based on sexual orientation and the formation of associations that promote discrimination, hate, or violence against others based on their sexual orientation. In July the Constitutional Court ruled discrimination against transgender individuals to be unconstitutional.

The Ministry of the Interior reported a 68 percent increase in hate crimes based on sexual orientation and gender identity, from 277 in 2020 to 466 in 2021.

In April the Ministry of Equality published a list of resources and services offered by more than 220 organizations and local governments throughout the country to assist LGBTQI+ persons with problems ranging from health to dealing with hate crimes.

NGOs dedicated to the protection of LGBTQI+ rights continued to call for legislation to protect the rights of transgender persons and allow self-determination for gender identity. NGOs also noted an increase in harassment against members of the LGBTQI+ community and anti-LGBTQI+ sentiment throughout the country, particularly on social media. The Observatory against Homophobia of Catalonia

reported 178 anti-LGBTI+ incidents as of September, an increase of 51 percent from the same period in 2021. The highest number of incidents were against gay men, followed by transgender persons and lesbians. Sexual freedom activists denounced an increase in far-right hate speech. According to the Barcelona hate crimes prosecutor, in 2021, the largest number of hate crimes offenses reported, at 46 percent, were for discrimination based on sexual orientation or gender identity.

Availability of Legal Gender Recognition: An individual 18 years or older may update gender markers on identity documents after two years of hormonal treatment or a medical document certifying gender dysphoria.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Eight regions had legal prohibitions on so-called conversion therapy targeting LGBTQI+ individuals. LGBTQI+ activists called on the government to criminalize conversion therapy nationwide. There were reports some individuals affiliated with the Catholic church promoted involuntary conversion methods.

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+ organizations to legally register or convene events such as Pride festivities.

Persons with Disabilities

The law affirms the full equality of and protection for persons with disabilities. It requires authorities to enact policies that provide for full personal autonomy and social inclusion. The law confers special protection to persons with disabilities to provide for the specialized attention they require and so they may enjoy all the rights the constitution grants to all citizens. The law also supports persons with disabilities in exercising their legal rights in accordance with the International Convention for Persons with Disabilities. The law mandates that persons with disabilities may access education, health services, public buildings, and transportation on an equal basis with others. The government provides 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 provides fines in cases of discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced these provisions effectively. (See section 7.d.) The Ministry of the Interior reported a decrease in hate crimes against persons with disabilities from 44 in 2020 to 28 in 2021.

In February the Ministry of the Interior published a guide to improve access to driving licenses for persons with learning difficulties, including dyslexia. In March the minister of the interior and the president of the Spanish National Organization of the Blind signed a protocol agreeing to facilitate the social inclusion and improve the quality of life of persons with disabilities who are victims of terrorism. In April the Director General of the Police, the Director General of the Spanish Autism Confederation, and the Vice President of the Association for People with Disabilities of the National Police signed a protocol to assist persons with autism spectrum disorder in their interactions with police.

On May 3, the government approved the *Spanish Disability Strategy 2022-2030*, which incorporates enhanced attention to the needs of women with disabilities and persons with disabilities in rural areas. Per the strategy, the government would launch reforms to expand rights in areas such as access to public services, housing, education, health, and culture. The Spanish Confederation of Persons with Physical and Organic Disabilities (CERMI) welcomed the strategy but stated it needed funding to carry out its initiatives and further emphasis on the unique challenges faced by women with disabilities.

As of September, the Ministry of Social Rights had received six complaints for noncompliance with the rights of persons with disabilities. According to CERMI, the Ministry of Social Rights has imposed four sanctions as the result of such complaints since 2015.

According to 2020 data from the Business Association for Disabilities (AEDIS) published in January, persons with intellectual disabilities have some of the highest rates of unemployment in the country at nearly 18 percent, an increase from 2019

because of the disproportionate impact of the COVID-19 pandemic on persons with disabilities. According to AEDIS, there are 2,200 special employment centers throughout the country that employ more than 92,000 persons with disabilities, nearly half of which are considered to have “greater support needs.” AEDIS reported that in 2020 a total of 248,486 persons with disabilities were hired for jobs in the country, 106,505 fewer than in 2019. According to a 2020 study published on September 28 by the National Statistics Institute, men with disabilities earned 21 percent less than men without disabilities and women with disabilities earned nearly 15 percent less than women without disabilities.

In September the General Workers Union (UGT), one of the country’s two largest labor unions, and CERMI Madrid signed a collaboration agreement to promote the full inclusion of persons with disabilities in the workplace as well as to facilitate their full social participation and combat discrimination.

Other Societal Violence or Discrimination

The Ministry of the Interior’s *Action Protocol for Law Enforcement Agencies on Hate Crimes* provides 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.

On July 14, the Equal Treatment and Non-Discrimination Law came into force, defining discrimination against the Roma community and those living in poverty as hate crimes, punishable by up to four years’ imprisonment. The law also establishes 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. Several NGOs stated the law did not go far enough to afford protections for underrepresented groups against discrimination and police harassment.

In October the Council of Europe’s European Committee of Social Rights urged the government to take “immediate measures” to resolve persistent electricity cuts in Cañada Real Galiana (Madrid). The Committee stated the lack of adequate

access to electricity threatened the lives and wellbeing of 4,500 persons living in the informal housing settlement. The Committee issued its decision following a complaint filed in March by multiple human rights NGOs.

In November a Barcelona court convicted a Civil Guard officer of spreading fake news in violation of fundamental rights law and “harming the dignity of persons for discriminatory reasons.” The officer posted a video on social media of the brutal assault of a woman and claimed it was the responsibility of a group of migrant youths from a juvenile center in Canet de Mar (Catalonia). The video was later proven to have been previously filmed in China. The court imposed a sentence of 15 months’ imprisonment and a 1,620 euro fine (\$1,730) as well as a prohibition on working with children. The sentence was suspended on the condition the convicted individual would not post any more discriminatory material on social media and completes an antidiscrimination course.

The Ministry of the Interior promoted awareness on preventing and reporting hate crimes through hotline numbers for more information 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, 1,724 hate crimes were reported in 2021, a 29 percent increase from 2020. Of these, 382 cases involved physical injuries and 381 involved threats.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution allows 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 do not have the right to join generalist unions. Judges, magistrates, and prosecutors may join only bar associations.

The constitution provides for the right of part-time and full-time public sector workers to adopt collective bargaining agreements with employers’ representatives. Public-sector collective bargaining includes salaries and

employment levels, but the government retains the right to set the levels if negotiations fail. The government has the unilateral power to annul, modify, or extend the content and scope of collective agreements in the public sector, and all collective bargaining agreements must be registered with the government.

On February 3, Congress passed a labor reform package that gives precedence to sectoral labor agreements on matters of salary and hours to afford workers sector-wide the same benefits. Firms must now apply the appropriate sector-wide labor agreement to the service a subcontractor performs, such as cleaning, maintenance, or information support, rather than the firm-level labor agreement. The reform gives priority to permanent contracts and permits fixed-term contracts only under certain circumstances and for limited duration up to 18 months within a 24-month period. It eliminates short-term temporary contracts in favor of “permanent-discontinuous” contracts in which seasonal workers may be hired for limited-duration positions and rehired under the same contract when the position is available again. It affords workers on permanent-discontinuous contracts the same rights as those on permanent contracts, including the right to severance pay. The reform establishes requirements for companies that furlough workers to protect those workers’ rights. It also maintains in force expired collective bargaining agreements between unions and companies until another agreement is approved by both parties, whereas previously these agreements expired after a period of one year.

The constitution and law provide for the right to strike, and workers exercised this right by conducting legal strikes. The law prohibits 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 must respect minimum service requirements negotiated with the respective employer. The law and regulations prohibit retaliation against strikers, antiunion discrimination, and discrimination based on union activity. According to the law, if an employer violates union rights, including the right to conduct legal strikes, or dismisses an employee for participation in a union, the employer could face imprisonment from six months to two years or a fine if the employer does not reinstate the employee. The law does not explicitly criminalize making threats

against workers who choose not to participate in labor strikes. The government considers this protection against threats to be covered under the broader provisions in the penal code regarding coercion.

Workers went on strike and held demonstrations throughout the year demanding wage increases in response to rising inflation and high cost of living. In January and February, farmers and agricultural workers held demonstrations in Valencia and Cordoba to protest the low prices of their produce. In March truck drivers held a nationwide strike that lasted several weeks regarding high fuel prices and poor working conditions. In November truckers again went on strike arguing that a law on transportation sustainability measures passed in August increased costs for the transport sector, forcing them to work at a loss. In July the General Union of Workers (UGT) and the Workers' Commissions (CCOO) held demonstrations in Madrid and other major cities to demand salary agreements to keep up with inflation. Similarly, from July to December, airline workers went on strike – some of them for months – regarding pay and working conditions.

Workers freely organized and joined unions of their choice. The government effectively enforced applicable laws and did not interfere in union functioning. The government regularly applied penalties against violators, which were commensurate with those for other laws involving denials of civil rights, such as discrimination. 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 prohibits 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor including by children.

The government maintained strong prevention efforts, although the efforts focused

more on sex trafficking than on forced labor. The government had an insufficient number of labor inspectors and therefore could not enforce the law effectively in all instances. Penalties for applicable laws were commensurate with those for other analogous crimes, such as kidnapping. Penalties were regularly applied against violators.

The government has a *National Plan against Forced Labor* in compliance with the 2014 Protocol from the International Labor Organization in effect through 2024. The plan's goal is to eradicate forced labor inside and outside the country.

There were cases of employers subjecting migrant men and women to forced labor in domestic service, agriculture, construction, and the service industry. Unaccompanied children were particularly vulnerable to labor exploitation and labor trafficking through forced begging.

In May a court in Lugo (Galicia) opened an investigation into reports that an employment agency that recruits caretakers for the elderly and persons with disabilities had exploited more than 60 undocumented women, predominantly from Latin America, by categorizing them as "interns" and denying them a work contract and forcing them to work long hours not in compliance with labor laws. The investigation continued at year's end.

Also 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 prohibits the worst forms of child labor, as defined by international standards. The statutory minimum age for the employment of children is 16, although permission from parents or guardians is required up to 18 years of age unless the person is legally emancipated. The law also prohibits those younger than 18 from employment at night, overtime work, or employment in sectors considered hazardous, such in agriculture, mining, and construction. Laws and policies provide for protection of children from exploitation in the workplace, and these laws generally were enforced.

Penalties were not commensurate with those for other analogous serious crimes,

such as kidnapping. Penalties were regularly applied against violators. In 2020, the most recent year for which data were available, the Ministry of Labor and Social Economy (Ministry of Labor) detected 28 violations of child labor laws that involved 32 children between ages 16 and 18 and 16 violations involving 52 children younger than age 16. In 2020 there were 17 violations related to the safety and health of 21 working children. The Ministry of Labor has 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. Police databases do not automatically register foreign children intercepted at the borders, making them vulnerable to exploitation and human trafficking, including labor trafficking through forced begging and child sex trafficking (see section 6, Children).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, sexual orientation or gender identity, medical condition, or refugee or stateless status, and the government effectively enforced the law, although discrimination in employment and occupation still occurred with respect to race and ethnicity, gender, and sexual orientation. The government requires 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 law mandates equal remuneration for work of equal value, but a pay gap exists 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. Women comprised 64 percent of those whose hourly wage was two-thirds or below the average hourly wage.

In 2020, the most recent year for which information available, the Ministry of Labor's Labor Inspectorate recorded 107 infractions for discrimination in the workplace affecting 23,686 individuals. Most infractions were for gender discrimination.

In September the Council of Ministers approved measures to improve working conditions and extend unemployment benefits to domestic workers, including protection from dismissal without justification. The government stated it was enacting the policy to protect female workers particularly and reduce discrimination against women.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage, which barely met the official estimate for the poverty income level in 2021. In February the government increased the monthly minimum wage to 1,000 euros (\$1,070), representing a 3 percent increase, with retroactive effect to January. The National Statistics Institute reported the poverty income level at 9,535 euros (\$10,200) per year for a single person, or 11,202 euros (\$11,990) if the individual pays rent. In a household with two adults and two children younger than age 14, the poverty income level is 20,023 euros (\$21,430), or 23,524 euros (\$25,170) if the household members pay rent.

The law provides for a 40-hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. The law restricts overtime to 80 hours per year unless a collective bargaining agreement establishes a different level. Pay is required for overtime and must be equal to or greater than regular pay. Part time workers are 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 has technical responsibility for developing OSH standards. OSH standards are appropriate for the main industries in the country and labor

inspectors generally enforce OSH standards by identifying unsafe conditions. The law protects workers who remove themselves from situations that could endanger their health or safety without jeopardy to their employment.

The Inspectorate of Labor and Social Security has responsibility for enforcing OSH laws through inspections and taking legal action if inspectors find infractions. Inspections for OSH were conducted by the same division that inspects wage and hour compliance. Inspectors have the authority to make unannounced inspections and initiate sanctions. As of July, the Ministry of Labor recorded 310,211 workplace accidents, of which 320 were fatal accidents, 43 more than the same period in 2021.

Wage, Hour, and OSH Enforcement: The government effectively enforced minimum wage, hours of work, and occupational safety and health standards in the formal economy but not in the informal 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, is the sole entity responsible for inspection and enforcement. It reviews the compliance with workers' rights protected under Spanish law and maintenance of the social protection system. Labor and social security inspectors are authorized to enter without prior notice in any work center or establishment, accompanied by those persons/entities they deem necessary for the inspection. They have the authority to initiate sanctions. They may 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 2020, 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 nearly 2,200 labor inspectors and subinspectors

employed by the ministry as of September, but it added more inspectors were needed to enforce compliance. There were 15,757 violations identified in 2020, the latest year for which data were available. The most common OSH workplace violations were in the services sector, followed by the construction sector and the food, wood, iron, steel, and other industry sectors. Heat-related deaths increased more than 250 percent compared with the average for 2017-2021, and while worker deaths are not disaggregated in those figures, there was growing attention to heat-related deaths on the job.

Informal Sector: According to data published in March by the Ministry of Finance's Trade Union of Technicians, the country's informal economy is valued at 270 billion euros (\$289 billion), representing an estimated 25 percent of the country's gross domestic product. There are no official statistics regarding the specific sectors and geographical regions of the informal economy. Workers in the informal economy are not eligible for unemployment, pensions, or worker's compensation, although they are eligible for health care and education benefits.