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Statistical Annex

I. General information on Spain

A. Main demographic, economic, social and cultural indicators

1. Demographic indicators

1. Most of the territory of Spain is, along with Portugal and Andorra, part of the geographical unit of the Iberian peninsula, in the extreme southwest of Europe. It also comprises several island groupings, including the archipelagos of the Canary Islands and the Balearic Islands, other smaller islands and the localities of Ceuta and Melilla, situated on the north of the African continent. Its total area of 506,030 square kilometres places Spain among the 50 largest countries in the world. The peninsular territories cover a total of 493,514 km², in addition to the 4,992 km² of the Balearic Islands, 7,492 km² of the Canary Islands and 32 km² of the cities of Ceuta and Melilla.

2. In recent years the population of Spain has increased unexpectedly. In the early 1990s demographers and other experts said the population was declining and would consequently not exceed 40 million inhabitants in the short term. Nevertheless, the rapid rate at which foreigners are arriving has dashed these predictions, and the population of Spain has not only broken the 40-million barrier but has actually continued to grow strongly in the early 21st century. The total number of Spanish residents stood at 46,661,950 as at 1 January 2009, according to the municipal register, or 504,128 more than on 1 January 2008. Of the 2009 total, 41,063,259 were persons holding Spanish nationality and 5,598,691 were foreigners, or 12.0 per cent of those registered.

3. Population by sex and age: Some 49.5 per cent of the registered population are male and 50.5 per cent are female, according to the data from 1 January 2009. Among the Spaniards, 49.0 per cent are male and 51.0 per cent are female; of the foreigners, 53.1 per cent are male and 46.9 per cent are female. By age group, 15.5 per cent of the population are under age 16; 43.3 per cent are between 16 and 44 years of age; and 41.2 per cent are 45 years or older. Of the registered Spanish population, 15.5 per cent are under age 16; 40.6 per cent are between 16 and 44 years of age; and 43.9 per cent are 45 years or older. Of the registered foreigners, 15.2 per cent are under 16 years of age; 63.2 per cent are aged 16 to 44; and 21.6 per cent are 45 years or older.

4. There are 2,266,808 foreign residents of Spain from the EU-27. The most numerous are citizens of Romania (796,576), followed by the United Kingdom (374,600) and Germany (190,584). Of those foreigners who are not EU citizens, Moroccans are the most numerous (710,401), followed by Ecuadorians (413,715) and Colombians (292,971).

5. There have been no significant changes since the data of 1 January 2008 regarding the relative weight of the majority of nationalities. The proportion of Moroccans and Romanians has increased, while that of Ecuadorians, Bolivians and Argentineans has decreased.

6. In 2008, the highest increase was in the number of Romanian citizens, for a total of 64,770. Other major increases were observed in the number of citizens from Morocco (57,706), the United Kingdom (21,643) and China (19,511). The greatest relative increases among those nationalities with the highest numbers of registered residents were the Paraguayans (19.4 per cent), Chinese (15.5 per cent) and Peruvians (12.5 per cent). By country groups, the most numerous were citizens of the EU-27, who represent 40.5 per cent of all foreign citizens. They are followed by citizens of South America, who comprise 28.1 per cent of all foreigners. Regarding the distribution of foreigners by sex, the

proportion of women is highest among the Ibero-American nationalities. By contrast, men are in the majority among the African and Asian nationalities.

2. Economic indicators

7. In recent decades the Spanish economy has undergone an unprecedented transformation that has affected not just the productive structure of the economy but also the role of economic policy. Spain has gone from an economic system inherited from the rigid autarchy that prevailed until the 1970s, characterized by a high degree of interventionism and limited integration into its environment, to membership in the Economic and Monetary Union – the most advanced stage of economic integration the country has ever known.

8. Spain's accession to the European Economic Community (EEC) in 1986 provided a stimulus to opening up to the rest of the world and to liberalization in search of greater efficiency in the markets for goods, services and factors of production. A major reform of the economic order was launched, aimed at increased modernization of markets by improving their functioning and facilitating Spain's integration, initially into European circles and into world circles thereafter. The agricultural sector had become less important to the economy, as illustrated by the sizeable declines in its contribution to national production and employment. The industrial sector has also lost some of its economic weight to services, which have expanded considerably, currently amounting to 66.7 per cent of Spain's gross domestic product (GDP). Similarly, the financial system has experienced some truly extraordinary shifts. The large Spanish banks, for example, have demonstrated remarkable dynamism on international markets, increasing their presence in other countries, while their rates of efficiency enable them to retain highly competitive positions vis-à-vis other operators in the sector.

9. The origin of these changes, beyond the opening that began with the Stabilization Plan of 1959, lies in the Moncloa Pacts signed in 1977 by the Government of Adolfo Suarez and the social partners as part of an integrated strategy to modernize the Spanish economy and help in the recovery from the oil crisis. However, the impact that new pressures on oil prices had on western economies at a time of low levels of growth and high rates of inflation largely limited the capacity of new reforms to foster Spain's economic growth. Between 1986 and 1989, growth rates were about 5 per cent (4.7 per cent average annual rate, or around 20 per cent for the four years as a whole), as a result of the strong dynamism of domestic demand for both investment and consumption, generating a significant expansion in employment and progress in the consolidation of public accounts. Nevertheless, due to the strength of domestic demand, the external imbalance grew and inflationary tensions began to emerge.

10. In 1993, the Spanish economy entered a profound crisis that slowed down the process of convergence towards the income levels of other EU members. The result was a significant increase in the unemployment rate, which was about 25 per cent for the active population, a sharp rise in inflation rates and increased imbalance in public accounts. On 1 January 1999, the European Monetary Union was finally created, with 11 member countries. The most immediate implication of the creation of the common currency was undoubtedly the new conception of monetary policy, whose oversight was irreversibly assigned to the European Central Bank (ECB), with the Bank of Spain thereby losing its direct autonomy in the design of monetary policy.

11. Spain's inclusion in the "first wave" of the euro zone generated a climate of confidence that was also reinforced by other, somewhat exogenous factors, but which were undoubtedly positive for consolidating the dynamism of the economy and extending the expansionary phase of the cycle, which the economy enjoys to this day. Indeed, setting an exchange rate for entry into the euro zone that was favourable to Spain (and which clearly

improved the competitiveness of Spanish products and consequently spurred exports), together with the significant reduction in interest rates that resulted from the process of convergence and from the commitment to budgetary discipline, stimulated growth during the second half of the 1990s and the first part of the 2000s and enabled significant progress to be made on convergence towards the living standards of other EU members.

12. The National Reform Programme, adopted by the European Commission in October 2005, is the basic reference for the Government's medium-term economic policy, which sets as its strategic objective complete convergence with the EU on income levels by 2010. This objective was already reached in 2006, according to Eurostat data.

13. Likewise, the sizeable inflows of EU Structural Funds and migratory flows had a positive impact on GDP growth, job creation and macroeconomic consolidation, such that the public-sector deficit began to shrink and inflation rates were moderated. During this period, various reforms were also implemented in the markets for labour, goods and factors of production. The bullish phase of the Spanish economic cycle continued for more than 13 years, showing enormous dynamism, unlike most other European countries where, despite an expansive monetary policy, sluggish demand has prevented the economies from achieving more robust levels of growth.

14. As a result of the factors described above, since 1999 Spain has acquired a notable growth differential vis-à-vis the other countries of the euro zone, of about 1.4 percentage points on average. As one outcome of this greater growth, the GDP per capita of Spain has already surpassed the EU-27 average, rising to 95.5 per cent of the euro zone average. In recent years the growth of the Spanish economy has been driven essentially by the dynamism of domestic demand, in particular the dynamism of consumer demand and investment in construction. The objective of economic policy is for investment in capital goods to become increasingly prominent, with a view to strengthening the quality of growth in the years to come.

15. Diverse factors have contributed to the trade deficit, including the lower momentum of domestic demand, the decline in international oil prices in recent months and the continuing growth of exports, despite the sluggishness of the major euro zone economies. Thus, the external sector has gone from removing 0.2 points from GDP growth in the first quarter of 2008 to contributing 0.8 points in the third quarter of that year.

The Spanish economy today: economic structure by sector

16. In the past four decades, the relative weight of the different sectors of the economy has varied substantially, with the services sector growing considerably at the expense of the primary and industrial sectors, whose contribution in terms of gross value added and employment has fallen in recent years.

Industrial sector

17. According to the Industrial Enterprise Survey, the value added of the industrial sector in 2007 exceeded €153.000 billion, and the sector employed 2,580,375 people. Industrial investment amounted to €28.121 billion. Since 2000 this sector has attained growing levels of productivity that exceed those of the economy as a whole (national accounts). This trend was interrupted in the first three quarters of 2009, when the steep decline of the industrial gross value added placed the sector's productivity at levels lower than those of the economy as a whole.

18. An analysis of the industrial capital stock by size of enterprise (per number of employees) shows that enterprises with more than 1,000 employees in 2007 generated 29.9 per cent of the turnover for the entire sector. The figure rises to 65.7 per cent if enterprises with more than 100 employees are counted.

19. By branch, the activity with the greatest contribution to the turnover of the industrial sector was that of food, beverages and tobacco, accounting for 15.4 per cent of the total, followed by metallurgy and metal manufactures (13.8 per cent) and transport goods (12 per cent).

20. Production (IPI) in the high-technology sectors fell to -11.4 per cent between January and September 2009, after growing by 7.3 per cent in 2008. These sectors, together with the medium-to-high-technology sectors, represent 32 per cent of industry in terms of value added and are notable for their high levels of productivity.

Energy sector

21. Primary energy production in Spain rose to 30,751 kilotons of petroleum equivalent in 2008. By energy source, the bulk of primary energy production in 2008 came from nuclear energy (57.9 per cent), followed a long way behind by renewable energies (17.6 per cent), coal (16.5 per cent) and hydraulics (7.6 per cent). The combined total of oil and natural gas was less than 1 per cent.

Construction sector

22. For several years construction has been the most dynamic sector of the Spanish economy, with a clear impact on other activities, as it involves a high content of intermediate inputs. Thanks to this dynamism, the gross value added of the construction branch in 2006 was 10.8 per cent of GDP, falling to 10.1 per cent in the first three quarters of 2009. Investment in construction, which in 2006 accounted for 17.9 per cent of GDP, shrunk to 14.6 per cent in the first three quarters of 2009. The sector's growth was clearly reflected in employment, which accounted for 13.5 per cent of all employees in 2007, according to the labour force survey. This percentage declined to 10.1 per cent in the period January–September 2009.

Services sector

23. The services sector has become more important in the economy, accounting for 66.5 per cent of GDP in the first three quarters of 2009. According to the annual services survey, in 2007 the sector's turnover rose to €1,290.059,800 billion, maintaining the strong upward trend observed in previous years.

24. This rise has been reflected in a significant increase in employment, representing about 9.6 million workers employed in 2007 according to the same source. By branch of activity, both production and employment were driven by trade, followed by business services, tourism and transportation.

3. Social indicators

The world of work, social partners and social cooperation

25. In recent years there has been a strong movement towards social cooperation and dialogue, which has been of great significance since the transition. During the period 2004–2008 this process has resulted in more than 20 agreements with the largest employer and labour organizations, generating global benefits of extraordinary importance. Particularly noteworthy are the agreements on improving growth and employment, social security reform, implementation of the Aliens Act, the drafting of the Dependence Act, the revaluation of pensions and of the statutory minimum wage, the extension of collective bargaining, extrajudicial dispute settlement, enhanced protection against agrarian unemployment, continuing education and prevention of occupational hazards.

26. The largest social partners in Spain are the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish Confederation of Small and Medium-sized Enterprises (CEPYME), for employers, and the Trade Union Confederation of Workers' Committees (CCOO) and the General Union of Workers (UGT), for employees.

27. Between 2004 and 2007, Spain experienced economic growth of over 3 per cent per annum, which was cut short in 2008 by the effects of the international financial and real estate crises. As a consequence, job creation grew strongly up to 2007 and declined in 2008 and throughout 2009. For four years, employment growth in Spain was four times higher than the European average: 3 million jobs were created between 2004 and 2007. The unemployment rate had fallen by more than three percentage points since 2003, to 8.6 percentage points, and according to the labour force survey of the fourth quarter of 2007 it fell below 8 per cent in the second half of that year, a level not seen in Spain since the 1970s. Nevertheless, beginning in 2008, the unemployment rate again began to rise, reaching 17.9 per cent in the third quarter of 2009. In any case, one of the endemic problems of the Spanish labour market in the past three years has been brought under control: the highly seasonal nature of employment.

28. In order to deal with the severity of the crisis and the elimination of jobs, the Government in November 2008 adopted the Spanish Economic and Employment Stimulus Plan ("Plan E"). Plan E was designed in accordance with the guidelines agreed upon by the European Council in December 2008, combining temporary fiscal stimulus measures to support demand with structural reforms aimed at enhancing the competitiveness of the Spanish production system. The basic objective of Plan E is, in addition to supporting economic activity and employment, to boost productivity and increase the potential growth of the Spanish economy. The plan contains an ambitious agenda for modernization, based on the belief that accelerating structural reforms requires not only improving the foundations of long-term growth but also strengthening the exit from the economic crisis by giving economic actors more confidence in the potential for recovery. The State Fund for Local Investment was adopted within this framework and endowed with €8 billion, which has enabled more than 420,000 people to be employed. At the same time a new €5 billion fund was adopted for 2010, targeting investment in projects concerning environmental and technological sustainability and social services, which is expected to generate 200,000 skilled jobs. In parallel, the €3 billion Economic and Employment Revitalization Fund was adopted for investment in strategic sectors and environmental, social and public infrastructure improvements; it is expected to create more than 100,000 jobs.

29. The total number of economically active persons in Spain was 22,993,500 in the third quarter of 2009, placing the labour force participation rate for the population aged 16 to 64 at 73.9 per cent. Although there has been an upward trend in recent years, the current economic and employment crisis has brought this to a virtual standstill. Nonetheless, the way men and women behave in the crisis differs greatly. While the activity rate for men has fallen gradually since the third quarter of 2008, the rate for women has continued to increase, to about 65.7 per cent in the third quarter of 2009. The activity rate for the foreign population, meanwhile, is 76.6 per cent for the population aged 16 and older, and has only begun to decline as of the second quarter of 2009.

30. In November 2009, some 2 million (1,863,344) foreigners were signed up for social security. Several recent studies demonstrate the positive effects of immigration on Spain's economic growth. Of particular note in this regard are the reports prepared by Caixa Cataluña, BBVA and the Economic Office of the President of the Government, as well as the study on "Immigration and Labour Market. 2009 Report" by anthropologist Miguel Pajares, which highlights the contribution of immigrants to correcting imbalances in the Spanish labour market during the period 1994–2008, a time of continued economic growth. It is clear that migration presents challenges of the first order for advanced societies like

Spain, where migratory flows have occurred within a short period of time. Since 2004, when the new Aliens Act was adopted, the arrival of immigrants has been linked to the absorption capacity of the labour market. Thanks to the Government's support for recruitment in countries of origin, 204,000 foreigners arrived in Spain in 2006; 250,000 in 2007; and 180,000 in 2008. In the first three quarters of 2009, the number fell to 15,000. The consensus reached by the Government with management and trade unions, as well as political and social organizations, in adopting the Aliens Act at the start of the previous legislature was endorsed at the end of the legislature.

31. In this context, the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, has obtained the backing of the CEPYME, UGT and CCOO for its four-year immigration policy. Also noteworthy is the amendment to the Regulation of July 2009 which was promoted by the Government and agreed to by the social partners, and which is facilitating the job-related relocation of immigrants. Furthermore, since the social and political dialogue took place, the latest reform of the Aliens Act has been undertaken. Adopted by Parliament in November 2009, this moderate and inclusive reform provides the necessary balance for the orderly and rights-based management of migrations. It also grants foreigners the fundamental rights of freedom of association, assembly and demonstration, as well as the right to strike, the right to free legal assistance and the right to education.

Health and social policy

32. The Spanish Constitution establishes the right of all citizens to effective health protection and to equitable, efficient health care of the highest possible quality. These provisions, contained in articles 41, 43, 49 and 51, represent great social progress, since they recognize the right to health care as a public, objective, personal and non-contributory right, and also guarantee equality in the substance of the law for each citizen, without any discrimination whatsoever, and equitable access to the services actually delivered. Implementing the mandates of the Constitution, beginning in 1979 responsibility for health and hygiene (public health) was transferred to the Autonomous Communities, a process that continued throughout the following years. At present, all the Autonomous Communities and the Cities with Autonomous Status (Ceuta and Melilla) have been given these responsibilities. The process of decentralizing the responsibilities for the health-care services that had been handled by the National Health Institute (INSALUD), which began in 1981 with the transfer to the Autonomous Community of Catalonia, was first extended to Andalusia, the Basque Country, the Valencian Community, Galicia, Navarra and the Canary Islands, between 1984 and 1994, and subsequently to the other State territories. The process culminated in January 2002, with the General State Administration retaining responsibility for managing health-care services for the two Cities with Autonomous Status (Ceuta and Melilla), through the National Health Care Management Institute (INGESA). Having the Autonomous Communities assume this responsibility is a means of bringing health-care management closer to the people. The experience drawn from relations between the State and the Autonomous Communities in the health protection field provides important references for developing cohesion in the autonomous State. The objective of this joint effort, which includes all those involved in health care, is to enable the National Health System (SNS) to maintain a shared identity and to comply with the constitutional principles of unity, autonomy and solidarity on which the autonomous State is founded. In the current context of the complete decentralization of responsibilities for health care, in which the Autonomous Communities determine how they organize or provide such care, the role of the Ministry of Health and Social Policy has been reoriented to coordinating the SNS and designing global strategies of equity, quality and efficiency, acting as a basic instrument for cooperation that facilitates regional initiatives. Nonetheless, the following responsibilities continue to pertain exclusively to the General State Administration: external

health measures and international health-related relations and agreements; the basic conditions and general coordination of health matters; legislation on pharmaceutical products; and the obtaining, issuance and recognition of postgraduate qualifications in the health field.

33. The Spanish Parliament on 14 April 1986 adopted the Health Act, whose purpose, as expressly stated in article 1, is to regulate all measures that give effect to the constitutional right to health protection. To this end, the act creates a national health system with universal coverage, eminently public in nature and financed by the State budget, comprising all the health-care services of the State Administration and of the Autonomous Communities. The passage of the Health Act significantly transformed the Spanish health scene, by grouping all the existing resources for health care and public assistance under a single mechanism, based on the resources of Social Security, and by grouping policies and activities for health promotion and disease prevention with the provision of medical and pharmaceutical services. After the transfer of health-care responsibilities to all the Autonomous Communities had been completed, the legal framework had to be complemented by Act No. 16/2003 of 28 May 2003, on the cohesion and quality of the SNS. That Act provides for coordination and cooperation measures by the public health authorities as a means of ensuring the right to health protection, with the shared objective of guaranteeing equality of access to services, the quality of services, and citizens' participation.

34. First-level health-care services – primary health care – are highly accessible and have sufficient technical capacity to handle frequently recurring health problems in a comprehensive manner. Second-level services – specialized health care – have the most complex and costly diagnostic and/or therapeutic means within the system at their disposal. Those means are, however, ineffective if they fail to focus on those who use them, in the first instance, on the instructions of the primary health-care physicians. Primary health care makes a number of basic services available to the population within an average of 15 minutes from any place of residence. The main health-care providers are the health-care centres, where multidisciplinary teams comprising family doctors, paediatricians, nursing staff and administrative personnel work, and where social workers, midwives and physiotherapists may also be available. Given their location within the community, they are tasked with health promotion and disease prevention. The best example of the accessibility and equality of access is that of primary health care, which goes to people's homes when required. Specialized health care is provided by specialized centres and hospitals, on either an out-patient or in-patient basis. Once the care has been completed, patients and their pertinent medical files go back to the primary health-care doctors, who, with all of the patients' medical files at their disposal, ensure a global clinical and therapeutic vision. This makes it possible to ensure equitable continuity of care, regardless of the place of residence and of the individual's autonomy, since the care is provided in the patient's own home. The location of the health-care facilities is based on designated demo-geographical districts – health districts – established by each Autonomous Community, taking account of a variety of factors but aspiring primarily to the goal of proximity of services to their users. The health districts cover a population of between 200,000 and 250,000 inhabitants. However, the specificities of each territory are such that this number is purely indicative. The health districts are in turn subdivided into primary health-care zones – the territorial units for primary health care, where the health centres provide their treatment – whose boundaries are determined according to the density of the population, its epidemiological characteristics and the facilities available. Each zone covers a population ranging from 5,000 to 25,000 inhabitants. Each district has a general hospital for specialized care. In some of the health-care districts there are intermediate units between the districts and the zones. The services provided by the national health-care system include

preventive measures, diagnoses, therapy, rehabilitation, health promotion and health maintenance.

35. Health-care services for primary, specialized and emergency treatment is free at the time it is used. The user shares in the cost of pharmaceuticals, with active workers paying 40 per cent of the basic price. Pensioners and those suffering from specific diseases are exempt from this payment. This cost-sharing also depends on the type of medicine. For medicines used to treat chronic complaints, or that are of great importance to the patient's health, the share is 10 per cent, up to a ceiling of €2.69 (for AIDS treatments, for example). Nevertheless, there is no co-payment for medicine dispensed during a hospital stay or specialized procedure. For individuals covered by State mutual societies (MUFACE for staff of the State Civil Administration, ISFAS for Armed Forces personnel and MUGEJU for those working in the judiciary), for historical reasons there is a different cost-sharing scheme for pharmaceutical expenses (co-payment of 30 per cent of the cost of medicines for active workers and pensioners). Covered pharmaceuticals include the great majority of medicines authorized in Spain. The only products excluded are non-prescription drugs, cosmetics and beauty products. There is a list of products not covered which includes medicines of limited therapeutic value. The Spanish Agency for Medicines and Health Products (part of the Ministry of Health and Social Policy) is responsible for evaluating medicines for registration and authorization. Access to pharmaceutical benefits at the primary care level is provided by pharmacies. Their regulation, with regard to licensing, opening hours and inspection, is handled by the Autonomous Communities. The public system provides the following complementary services: prosthetic devices, emergency and programmed transportation, complex dietary treatments, and home-based oxygen therapy.

36. The SNS has 2,914 health centres at its disposal. There are 10,202 local surgeries in numerous small municipalities, staffed by professionals from the health centre of each zone, who dispense primary care to people residing in dispersed rural areas where there is a high incidence of ageing. The SNS also has 315 public hospitals with 105,505 beds. The mutual societies have another 20 other hospitals for work injuries and occupational diseases, and there are 465 private establishments, where the treatment of 40 per cent of discharged patients has been approved and financed by the SNS. Spain has 131,445 beds in hospitals for acute pathologies, 72.9 per cent of which are managed by the SNS. Some 37.2 per cent of the 16,111 beds available in psychiatric hospitals, and 35.1 per cent of the 13,425 beds in long-stay geriatric hospitals, are also managed by the SNS. More than half a million university graduates are enrolled in a health-care college. The largest such college teaches nursing, which is also the most feminized specialization. In the public primary care facilities, there are 34,126 doctors (27,911 family doctors and 6,215 paediatricians), 27,433 nurses and 21,606 staff members not involved in the provision of health care. There are 7.5 primary care doctors per 10,000 inhabitants. In the SNS hospitals and specialized facilities, there are 69,742 physicians (or 15.4 per 10,000 inhabitants). By field of specialization, some 27.7 per cent work in internal medicine and specialized medical fields; 22.8 per cent in central services (clinical analysis, microbiology, x-ray diagnosis, and so forth); and 18.1 per cent in surgery and special surgery. The rate of doctors working in public hospitals and specialized facilities is 15.5 per 10,000 inhabitants. Some 16,555 doctors are doing postgraduate training in the hospitals, 98 per cent of them in SNS hospitals. In the SNS health-care centres and surgeries, there are more than 273 million consultations a year. This number rises to more than 300 million if emergency care outside of normal opening hours is counted, and exceeds 406 million if nursing activities are included. The yearly rate of primary care consultations per inhabitant is 6.0 (6.1 for family medicine and 5.5 for paediatrics), 2.9 for nursing and 0.7 for emergencies outside normal hours. For specialized care there are more than 5.2 million hospital discharges a year, of which 4 million (78.3 per cent of the total) are financed by the SNS. Similarly, each year there are 77.1 million consultations with specialized physicians (87.3 per cent of them

financed by the SNS); 26.3 million emergencies (77.2 per cent with public financing); and 4.4 million operations. Spanish hospitals are leaders worldwide in organ and tissue transplants, which are conducted in specially certified facilities. Organ donation requires the consent of the donor.

37. According to the 2007 data, Spain's public health-care expenditures, including long-term treatment, amounted to €63.768 billion, or 6.1 per cent of GDP. Private health-care expenditure totalled €25.060 billion (2.4 per cent of GDP). Health-care expenditure is the largest single budget item after pensions, and on average represents more than a third of the expenditures of the Autonomous Communities. As to the composition of public health-care expenditure, hospital care and specialized services account for the largest proportion (54.2 per cent), followed by pharmaceutical benefits (19.8 per cent) and primary care (15.7 per cent).

38. The Spanish health-care system provides coverage to virtually all Spanish citizens and to residents who have acquired this right under bilateral agreements. Act No. 8/2000 of 22 December 2000, on the rights and freedoms of foreigners in Spain, guarantees foreigners enrolled on the municipal register, as well as minors under age 18, the right to health care under the same conditions as Spanish nationals. Pregnant foreigners are entitled to health care during pregnancy, delivery and after childbirth. The right to emergency health care is also granted to all foreigners, regardless of their administrative status. There are no pre-established times or periods of exclusion in the public health-care system, nor any other requirements for accessing the services, which are comparable to those of most European countries.

Education

39. The legal framework that governs and guides the Spanish educational system is shaped by the Spanish Constitution of 1978 and the laws that give effect to its principles and rights:

- The Organization Act of 1985, on the right to education (LODE);
- The Education Act of 2006 (LOE);
- Act No. 5/2002 of 19 June 2002, on qualifications and professional training.

40. The Education Act, adopted in May 2006, regulates the structure and organization of the educational system at non-university levels. It reiterates the principles and rights recognized by the Constitution and the LODE, and upholds a new law on quality education for all. It insists on the inclusive nature of education, on equality of treatment and non-discrimination against persons under any circumstances. The LOE reaffirms that education is a public service that provides an essential service to the community. This means that schooling must be accessible to all, without any distinction whatsoever, under conditions of equal opportunity, guaranteeing regularity and continuity, and progressively adapted to social change. The public service of education may be provided by the public authorities and by social initiative. The main objectives of the educational system with regard to the teachings are to: improve education and school performance, achieve success for all in compulsory education, increase enrolment in early childhood education, baccalaureate programmes and vocational training, provide education on democratic citizenship, encourage lifelong learning, reinforce the equity of the educational system and converge with EU countries. The LOE establishes that basic education shall comprise 10 years of schooling, to take place regularly between ages 6 and 17. Basic education comprises primary education and compulsory secondary education. In addition, the law regulates children's education, post-compulsory secondary education, education in the arts, the teaching of sports and languages, adult education and distance learning, within the framework of lifelong learning. It also establishes a participatory approach to the

organization and functioning of educational institutions, increasing their responsibilities and organizational autonomy. It further regulates the responsibilities of school boards and teaching staff. In addition, the LOE encourages collaboration between school and family, promoting greater participation and responsibility on the part of students and parents.

Higher education

41. The General Secretariat of Universities is the body that, within the Ministry of Education and under the direction of the department head, assumes all the responsibilities of the General State Administration with regard to universities. In accordance with Royal Decree No. 1086/2009 of 3 July 2009, which amends and sets out the basic structure of the Ministry of Education, the General Secretariat is divided into two Directorates-General:

- The Directorate-General for University Policy, which carries out the functions formerly assigned to the Directorate-General for Universities and also provides assistance and support to the General Conference on University Policy and the Council of Universities.
- The Directorate-General for University Education and Direction, which carries out functions concerning assistance to university students.

42. Organization Act No. 4/2007 (LOMLOU) of 12 April 2007, amending the Universities Organization Act (No. 6/2001) of 21 December 2001, deals with a series of reforms for promoting the autonomy of universities and also increases the reporting requirements on the discharge of its tasks. The changes are specifically aimed at improving the quality of Spanish universities as well as facilitating their incorporation into the European Higher Education Area (EHEA) and getting Spanish academic research included in the European Research Area (ERA) project. This principle was driven by the European Union through the modernization of its universities so that they can be active players in transforming Europe into “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”. To achieve this goal, European universities must play a fundamental role and become the drivers of a new paradigm based on the information society, and must be competitive in the world context. This was proposed by a communiqué of the European Commission, which asserts the need for “Mobilising the brainpower of Europe: enabling universities to make their full contribution to the Lisbon Strategy”. The EHEA, which was created by the Bologna Declaration of 1999, is aimed inter alia at the adoption of a flexible, understandable and comparable system of academic degrees that promotes employment opportunities for students and greater international competitiveness for the European higher education system. The Council of the European Union, in turn, on 23 November 2007 advanced on the role played by universities in the knowledge triangle (education, research and innovation), within the framework of “modernizing universities for Europe’s competitiveness in a global knowledge-based economy”. The contribution of the Spanish university system to the establishment of the EHEA and the ERA, and its full integration into the two areas, involves the transformation of all aspects of its structure and is also a landmark in its history, both as to its own genesis and as to its methodological conception and objectives, offering an opportunity for renewal. To give new impetus to the Spanish university system, the University Strategy 2015 has been set in motion, intended to serve as a catalyst for a much broader discussion on the role of the university in new social policies and in the new, knowledge-based sustainable production system, as well as a discussion on how to rewrite this new social contract between university and society based on a voluntary decision to improve and modernize the universities.

43. During the 2008–2009 academic year, the Spanish university system trained 1,504,276 students: 1,358,875 students in the first and second cycles; 18,353 graduate students (education that has already been adapted to the EHEA, and which was dispensed

during that academic year for the first time); 49,799 official Master's degree students and 77,249 doctoral students, of whom 5,987 did their doctoral studies under the EHEA guidelines. Some 54.2 per cent of all university students are women, who represent the majority in all levels of study: 54.4 per cent of first- and second-cycle students; 53.7 per cent of graduate students; 53.3 per cent of official Master's degree students; and 52 per cent of doctoral students. The proportion of women is increasing among university graduates: 61 per cent of all those receiving *Diplomado* and *Licenciado* degrees in the 2008–2009 academic year were women, as were 55.3 per cent of those receiving Master's degrees and 51.9 per cent of those who completed their doctorates (which includes students who completed their course work or who presented their dissertations). In the distribution by field of studies, women represented the majority in the humanities and health fields and to a lesser extent in technical fields: In health sciences (73.6 per cent in the first and second cycles and 64.3 per cent in postgraduate studies); arts and humanities (61.6 per cent in the first and second cycles and 62.1 per cent in postgraduate studies); and social and legal sciences (62.5 per cent in the first and second cycles and 56 per cent in postgraduate studies). Nevertheless, in the engineering and architecture branch, they account for less than 30 per cent of all students.

44. In the past decade, the number of university students in the first level (first and second cycles) has fallen by 13.1 per cent and, during the latest academic year, by 0.9 per cent. The decline over the decade is due to the shrinking population of those of university age – that is, among young people aged 18 to 24 – a downturn of 18.3 per cent over the course of the decade and 2 per cent over the past year. These data suggest that the number of university students is falling more slowly than the 18-to-24-year population. The net enrolment rate for this age group is 23.8 per cent. The social and legal sciences branch attracts 50.9 per cent of all students enrolled in the first and second cycles and postgraduate studies, followed by engineering and architecture (24.5 per cent), health sciences (9.2 per cent), arts and humanities (9 per cent), and sciences (6.4 per cent). Due to the falling enrolment rates that resulted from the population decline for this age group, the number of university graduates has also shrunk over the past decade, although less so than the number of matriculated students (-5.9 per cent).

Culture

45. Many things have changed in Spain over the past 30 years. The restoration of freedoms has brought with it the modernization of the country in all spheres. Culture has been a part of this phenomenon, as in the past three decades it has enjoyed a major boom and been modernized and democratized, becoming much more accessible to the entire population. Both the public and the private sector have played a major role in this process. Thanks to the initiative of the Government, of the Autonomous Communities and of the district councils, hundreds of monuments have been restored, theatres, auditoriums and museums have been opened, music festivals have proliferated and film production has been promoted.

46. Culture – the cultural industries – has, furthermore, become an important source of employment. In recent years, Spain has become a world publishing power of the first order, which has been largely sustained by the Spanish language. Today the language of Cervantes is spoken by almost 500 million people worldwide – a figure that is forecasted to reach 600 million by 2050, thanks among other things to the activity of the Instituto Cervantes since 1991 and that of other public institutions, including the promotion abroad of Spanish books and literature carried out by the Ministry of Culture. Spanish is also the most widely spoken language in the world, after Chinese and English (according to a 2008 study by Fundación Telefónica). The growing interest in Spanish throughout the world is also borne out by the illustrious group of young writers who have sold millions of copies of their books.

47. This success has also been replicated in the film industry. Spanish cinematography today has an ever-growing number of actors and directors with international reputations, and although it must frequently compete under poor conditions with the large multinationals, full-length features have been produced that have received recognition in some of the most important festivals and competitions in the world.

48. The Spanish opera boom of recent decades can be termed truly phenomenal, with a proliferating number of performance venues, making it possible to see operas in many parts of the country, and under excellent conditions. Venues of all sizes, ranging from the smallest theatres to the historical centres of international importance, such as the Teatro Real and the Liceo of Barcelona, dot the map. This development in infrastructure, and in the quest for excellence in professional management, has been accompanied by the rise of an excellent young core of professional singers, worthy heirs of the generation that reigned in the opera world in the mid-twentieth century.

49. With regard to art, Spain has succeeded in combining the protection of the vestiges of its rich and extensive history with the construction of new modern art museums, support for new artists and improvement of museums, some of which – as is the case with the National Museum of the Prado – have become cultural references throughout the world.

50. The Spanish book world is the result of many factors. Concerted efforts have helped meet an enduring need of humankind – the need to learn. To fully meet this demand, Spain has an outstanding list of writers whose works are printed by publishers and disseminated by distributors at 33,000 points of sale. Some 393,012 current titles circulate along this chain (according to 2008 Domestic Trade data), and year after year the number grows, thanks to the addition of almost 73,000 titles a year (according to 2008 Domestic Trade data). With an average of 5,035 copies per title, this amounts to more than 367 million copies a year (almost 1 million per day). This production and distribution network grosses more than €54 million on the foreign market and more than €3.1 million domestically. The Spanish book world covers all the official languages (Castilian, Galician, Basque and Catalan). Some 82.3 per cent of books are printed in Castilian and the rest in the other languages, with Catalan the most numerous. The book sector contributes to the employment, both direct and indirect, of about 100,000 professionals, although the publishing industry is highly concentrated, with Madrid and Catalonia accounting for 70 per cent of national production.

51. Libraries, a nerve point for access to culture, information and knowledge, have experienced unprecedented growth in the past 30 years (National Statistics Institute/INE 1976–2006 data). The number of libraries in this period multiplied by a factor of 2.3, rising to 6,523; buildings have been renovated and expanded; the supply of information has multiplied by 7.5, amounting to more than 204 million books and other documents, and the number of library staff has risen from 6,278 to almost 23,500. This increase in the supply and infrastructure of libraries is reflected in their rate of utilization by the public. According to available surveys, in the late 1970s only 7.5 per cent of the population used libraries, while in 2008 almost 30 per cent said they had done so during the past year. Home lending has increased by a factor of 10, with 68 million documents lent each year. Libraries have decisively adopted information technologies in order to improve their operations and for use as a source and tool for access to information. Currently 70 per cent of libraries have digitized their catalogues, 60 per cent of which can be consulted online. The libraries have more than 36,000 computers available for public use, most of them with free access to the Internet, which enables 10 per cent of Internet users to use the libraries to go online. In addition, cooperation has made it possible for libraries to be renovated. While in the past, libraries operated in virtual isolation from one another, today they are all part of a cooperative network or system. Cooperative systems and bodies have been developed that connect public libraries, university libraries, school libraries and specialized libraries, as

well as national and regional libraries. This has facilitated the exchange of information and development of joint projects, as well as enabling progress to be made by all these libraries, always with a view to providing better services to the public. Noteworthy in this regard is the impetus provided by the passage of Act No. 10/2007 of 22 June 2007 to reading, books, and libraries, with the regulation of the Spanish library system and the creation of the Library Cooperation Council to channel collaboration between library administrations and professionals.

52. Spanish cinema today has its own special flavour, a product above all of the vitality of its diverse sectors, the initiative of its professionals and the wealth of projects proposed by its creators. This is reflected in a broad variety of films of all genres; styles and trends are diversifying and cross-fertilizing, as are the generations of artists and technical personnel who create the images. Ranking third on the continent, after France and Spain, in terms of production volume (173 full-length features and 210 short films) and other industry measures (with a 13.3 per cent market share last year), Spanish cinema is probably not as flourishing as might be desired, but its health is certainly good when compared to the rest of Europe. Spanish cinema has, furthermore, been endowed with international prestige thanks to such directors as Pedro Almodóvar, Alejandro Amenábar, Carlos Saura, Álex de la Iglesia and Bigas Luna, and to such prominent and popular stars as Javier Bardem, Antonio Banderas, Penélope Cruz, Carmen Maura and Victoria Abril. The Fund for the Protection of Cinematography, which finances Spanish film productions (which received €6 million in 2008) as well as projects of special cultural value and those involving new filmmakers (who received €10 million in funding the same year), will be considerably increased in the coming fiscal year, with €9.4 million allocated for 2010, or 1.6 per cent more than in 2009. The aim is also to assist other key areas of the film industry, such as the distribution of European films, including Spanish films, the reduction of interest rates on bank loans to producers and the conservation of negatives. A whole series of measures has been undertaken by the Ministry of Culture through the Institute for Cinematography and the Audiovisual Arts (ICAA), complemented by such measures as the creation of the SGR Audiovisual Fund for Reciprocal Guarantees and the government regulation that has resulted in compliance by all television operators with the obligation emanating from the directive on “Television without Borders” to target 5 per cent of their income to the European film industry and, within that percentage, 3 per cent to the Spanish film industry. Co-productions are increasing, especially with the rest of Europe and with Latin America; in four years, exports have risen by more than 50 per cent; full-length documentaries are now commonplace; and the number of women behind the camera is growing. Spanish cinema today is truly alive.

53. In the past quarter century, Spain has undergone a revolution in music that has placed the country in the same category of excellence as other European countries that possess longer traditions and greater development in this sphere. The first big leap took place with the construction, as called for under the National Auditorium Plan of 1983, of a large number of public auditoriums and theatres nationwide, in parallel with the creation of a solid infrastructure of symphony orchestras, consolidated in the 30-odd stable orchestras now existing in Spain. Encouraged by this modernization, major cycles and festivals have appeared, and several generations of composers and musicians of great intellectual standing have been trained – a reflection of how music in its various forms of expression has become a part of people’s daily lives.

54. The substantial development of public theatres has resulted in spectacles that define Spain as a part of Europe. The rehabilitation in the 1980s of the two great Spanish classical playwrights of the twentieth century, Valle-Inclán and García Lorca, whose works have now received their due recognition, is a part of this phenomenon. The rehabilitation of the Spanish classical playwrights from the Golden Age has also been important. In this regard, two recent creations have restored the classical playwrights to their rightful place in Spain’s

cultural heritage: the Classical Theatre Festival of Almagro, and the National Classical Theatre Company. Talk is again heard of a renewed Spain; of a pluralistic and diverse Spain, in which the Spanish Network of Public Theatres, Auditoriums and Cycles has been created in the various Autonomous Communities; and dramatic expressions have arisen that have marked the increasing use of the country's several official languages. This has been made possible by the growing presence of new playwrights who have driven both the use of these languages onstage and their growing presence abroad. This, added to the impetus provided by numerous private initiatives, has resulted in the addition of several hundred new theatrical productions each year, and to the growing number of Spanish playwrights whose works are performed abroad.

55. In the past 30 years a new group of choreographers has emerged, raising Spanish contemporary dance to unprecedented heights. The talent and quality of Spain's classical ballerinas, in the meantime, leaves the marks of its genius on theatres worldwide. Spanish dance, the heir to flamenco, has inspired the emergence of a powerful generation of artists whose performances are acclaimed throughout the world.

56. Plastic arts: Dynamism in all spheres. These positive developments favouring the creation and diffusion of the plastic arts are leading to Spain's recognition as not just a creative power, but a market power. An element of innovation has thus been incorporated into the country's sociocultural scene, which has spurred major efforts through national cultural policies to educate the public and strengthen the relationship between society and the arts. This dynamic process has notably contributed to the growth and consolidation of collecting, which has acquired new profiles and new spheres of development. The great explosion of new spaces for contemporary art created by the Government – a characteristic of the past two decades – has given way to a period of greater maturity, in which permanent collections, temporary exhibits and activities targeting different publics are part of an ongoing project and a coherent programme of high quality. Spain now has more than 200 spaces or facilities for contemporary art distributed throughout the Autonomous Communities. The MNCARS, or Museo Nacional Centro de Arte Reina Sofia (Queen Sofia Museum), is emerging as one of the great points of reference for contemporary art, both nationally and internationally. This is taking place in the first instance following after a major overhaul of the collection, in keeping with a historical discourse and a decentralized, pluralistic and critical approach to the dominance of twentieth-century art. In addition, a wide-ranging programme of temporary exhibits – single-subject exhibits and those of a historical, theme-based or educational nature – is being developed. The Museum has also created a department for public activities, in which it conducts seminars, conferences, and knowledge forums and debates, and work is under way on specialized training, reinforced by postgraduate programmes. In the educational arena, the number of pedagogical activities is increasing, based on a radically new concept of education as a two-way exchange of knowledge and experience is emerging. Finally, it should be noted that the MNCARS is spearheading a project entitled "Universal Archive", which incorporates partners from Spain, Europe and Latin America, aimed at creating mechanisms for shared access to a documentary corpus and material previously restricted to each institution.

57. State museums, for their part, are immersed in a process of modernization and adaptation to new social demands. Spanish museums are working in two convergent directions: renovation of the conceptual apparatus by introducing museum plans as a key work tool, and modernization of infrastructure, which will allow them to carry out their traditional functions and the new services to which they have committed themselves under optimal conditions. An example of this policy is the extension of the National Museum of the Prado, the largest in its almost 200-year history. The new building, designed by Rafael Moneo, has increased the surface area by 50 per cent, enabling it to provide the public services and the exhibition and conservation of the museum collections in a more orderly and extensive fashion. This project is part of an ongoing expansion programme that will

incorporate the Prado into the different buildings in its surroundings, such as the Casón del Buen Retiro, the new Centre for Museum Studies, and the Salón de Reinos, a programme intended to comply with the principal objectives of this national museum: to open the museum to society, to turn its headquarters into a campus, to extend the museum's activities to all of Spain, and to increase the available economic resources, thanks to an effective and stable financing mechanism.

58. **Heritage: Protection of the past for future generations:** Spain is endowed with a rich historical and cultural heritage. The presence of cultures since the Upper Palaeolithic and Neolithic; Celts and Iberians as autochthonous peoples of the Iberian peninsula; Greek, Phoenician and Carthaginian colonies; Romans, Visigoths, Moors, and the peoples of the medieval peninsular kingdoms have all left vast archaeological remains; a concentration of cave art sites that is unique in the world, castles, cathedrals, medieval cities and settlements, etc. In this regard, the Government of Spain, in collaboration with the Autonomous Communities, is implementing a series of policies for the conservation of heritage, both tangible and intangible. The National Cathedral Plan has made it possible for all the cathedrals to have a guiding plan, and most of them have been restored, in particular those that needed it the most. Along the same lines, the national plans for castles, abbeys, monasteries and convents, industrial heritage and World Heritage Cities have made it possible to carry out, in a well-planned manner and with the right methodology, an effective conservation policy that ensures that heritage sites are conserved as appropriately as possible.

B. Constitutional, political and legal structure of the State. The Spanish Constitution of 1978

59. The Spanish Constitution has been called the “consensual” Constitution. It was drafted on the basis of negotiations and agreements among the various political parties represented in Parliament. The Constitution of 1978, adopted by Spaniards in a referendum on 6 December, entered into force on 29 December of that year. With a preamble, 169 articles divided into 10 titles, and various transitional and additional provisions, the current Constitution is, after the Constitution of 1812, the most extensive in Spanish history.

60. Article I proclaims that Spain is established as a social and democratic State, subject to the rule of law, which provides that freedom, justice, equality and political pluralism are higher values of its legal system. It further stipulates that national sovereignty resides in the Spanish people, from whom all State powers emanate, and that the political form of the Spanish State is the parliamentary monarchy. The “Magna Carta” includes an extensive list of fundamental rights and public freedoms of all citizens and establishes the State of Autonomies. The principle of separation of the powers of the State between the legislative, executive and judiciary should also be noted.

61. **The Constitutional Court.** This Court is the supreme interpreter of the Constitution, independent of the other constitutional bodies, and is subject only to the Constitution and to Organization Act (No. 2/1979) of 3 October 1979, which regulates it. It is composed of 12 members appointed by the King upon the proposal of the Congress of deputies, by a three-fifths majority (four members); of the Senate, by the same majority (four members); by the Government of the Nation (two members); and by the General Council of the Judiciary (two members). The appointment is for a period of nine years, and the Court is renewed by one third every three years; none of its members may be re-elected. Its competences may be divided into three large groups: first, it monitors the constitutionality of laws; second, it settles jurisdictional conflicts that may arise between the State and the Autonomous Communities, or among the Autonomous Communities

themselves; and third, it is competent to safeguard, once the ordinary judicial remedies have been exhausted, the fundamental rights of citizens through what is known as the “remedy of amparo”, by which an application for protection against an alleged violation of those rights may be lodged when ordinary judicial remedies have been exhausted. Citizens, the Ombudsman and the Public Prosecutor are entitled to lodge such an application.

62. **Institutions. The Crown:** The political form of the Spanish State is the parliamentary monarchy. The King, as Head of State, is the symbol of its unity and permanence. He arbitrates and moderates the regular working of the institutions and assumes the highest representation of the Spanish State in international relations.

63. **The legislative power.** The *Cortes Generales* (Parliament): The legislative power of the State is exercised by Parliament, which represents the Spanish people and monitors Government action. It comprises two chambers: the Congress of deputies and the Senate. Consequently, the legislative power consists of a bicameral parliamentary system known as “imperfect bicameralism”, since the competences of each chamber are not comparable: the Congress holds primacy in the exercise of the majority of the functions of Parliament. The deputies and senators are elected for four years. Parliament may be subject to early dissolution on the initiative of the President of the Government. *The Congress of deputies.* The Congress of deputies is composed of 350 deputies. All parliamentary and government bills must first be considered, with no exceptions whatsoever, by the Congress of deputies, and the Senate holds the right to veto or amend any text drawn up by Congress, which reserves the right to take a final decision following each new consideration. Likewise, it is the Congress that grants the investiture of the President of the Government, and it is therefore the Congress that can cause his or her dismissal, either by passing a motion of censure or by failing to grant the confidence requested by the Government. *The Senate.* The Senate is designated by the Constitution as the chamber with territorial representation. In the IX Legislature it is composed of 264 senators, 208 of whom are elected by direct universal ballot and 56 of whom are appointed by the legislative assemblies of the Autonomous Communities, each of which elects one senator and another for every million inhabitants in its respective territory.

64. **The executive power: The Government.** The Spanish Constitution does not substantially differ from what is common practice in other contemporary parliamentary systems with respect to the functions of the Government. The Government is responsible for the executive function and for initiating legislative proceedings; it can draft emergency legislation (for ratification by Congress) and prepare the State budget bill. The Government directs domestic and foreign policy, civil and military administration, and the defence of the State. The Spanish Government is formed at two different points in time: the first stage, in which the presidential candidate submits to the Congress of deputies the political programme of the Government he or she intends to form, and the second stage, in which the President, once he or she has been granted the confidence of the chamber and appointed by the King, proposes his ministerial nominations to the King. This, together with the direction of government action, means that it is the President of the Government who stands out in the internal organization of the executive, so that the Spanish constitutional system can be considered a Prime Minister regime. The collegiate body of the executive is the Council of ministers, comprising the President, the Vice President or Vice Presidents, and the ministers. They usually meet every week. The current Government is composed of the President of the Government, three Vice Presidents with ministerial portfolios, and 17 ministers in all. More than half of the ministries are headed by women. *Monitoring bodies.* There are two institutions directly dependent on the Parliament, which are assigned specific tasks by the Constitution with respect to monitoring the public administration.

65. **The Auditing Court:** Under article 136 of the Constitution, this court is the supreme body charged with auditing the accounts and financial management of both the

State and the public sector. As previously mentioned, the Auditing Court is accountable to the Parliament, and any conflicts which may arise as to its competences or powers are resolved by the Constitutional Court. It is governed by Organization Act No. 2/1982 of 12 May 1982. Its President is appointed by the King from among the members of the Court, on the proposal of the plenary, and has a three-year mandate. The plenary is composed of 12 councillors and the Auditor.

66. **The Ombudsman:** The Spanish Constitution of 1978 created the institution of Ombudsman as the “High Commissioner” of the Parliament to guarantee the defence and protection of fundamental rights. For this purpose, his or her mission is to supervise the activity of all the public administrations. The Ombudsman is elected by the Parliament, by a three-fifths majority of each chamber, for a period of five years, under the Ombudsman Organization Act (No. 3/1981) of 6 April 1981, by which the institution of ombudsman is governed. This institution is also spreading to the Autonomous Communities.

67. **Government advisory bodies:** The Council of State: This is the supreme advisory body of the Government, regulated by Organization Act No 3/1980 of 22 April 1980. Its main function is advisory, and it is limited to providing its well-founded opinions on the subject of the consultation.

68. **The Economic and Social Council:** This is a high-level advisory body of the Government on socio-economic matters as well as a forum for social and economic partners, and its purpose is to establish a “social and democratic State, subject to the rule of law”. It is made up of a president and 60 members: 20 councillors appointed by labour organizations, 20 appointed by employers’ organizations, and 20 representatives of associations and organizations.

69. **The judiciary:** Under the Constitution, justice emanates from the people and is administered on the King’s behalf by judges and magistrates of the judiciary. Jurisdictional unity is particularly noteworthy, since justice is administered by a single body of judges and magistrates. *The General Council of the Judiciary.* This is the governing body of judges and magistrates. It consists of the President of the Supreme Court, who presides it, and 20 members appointed by the King upon the proposal of the Parliament, with a three-fifths majority, for a five-year period. Twelve of its members must be judges or magistrates.

70. **The Supreme Court:** This is the supreme judicial instance of the State, with the exception of matters involving constitutional guarantees, which are the responsibility of the Constitutional Court. Its President, who is also President of the General Council of the Judiciary, is appointed by the King upon the proposal of the Council.

71. **The Public Prosecutor:** The Public Prosecutor is appointed by the King upon the proposal of the Government, following consultations with the General Council of the Judiciary. The mission of the Office of the Public Prosecutor is to promote judicial actions in the defence of citizens’ rights and of the public interest as safeguarded by the law, whether ex officio or at the request of the interested parties. It is also the responsibility of the Office to protect the independence of the courts and to secure before them the satisfaction of social interest. It may lodge applications for amparo.

72. **The territorial organization of the State:** the Autonomous Communities and cities with autonomous status. The Constitution of 1978 recognized and guaranteed the right to autonomy of the nationalities and regions that make up the Spanish nation, along with solidarity among them. The implementation of the constitutional provisions has led to a profound transformation in the territorial organization of the State, through the creation of 17 Autonomous Communities and two Autonomous Cities (Ceuta and Melilla), and the consequent redistribution of political and administrative power between the central and the autonomous institutions. This has turned Spain into one of the most decentralized countries in Europe, strengthening its cohesion and solidarity, and has fostered the harmonious

development of the political, social and cultural diversities that constitute Spain's historical reality. It has also brought the institutions closer to the people, has improved the quality of democracy and has contributed substantially to major economic, social and cultural progress in Spain. Each Autonomous Community has its Statute of Autonomy, adopted by an organization act, which is the basic institutional framework for the Community and which governs such essential aspects as the organization and functioning of its Parliament and Government, the responsibilities assumed by the Community, its administration, identity, and such distinguishing features as language, civil law and relations with the State and with other Autonomous Communities. The division of responsibilities between the State and the Autonomous Communities is based on the distinction between the exclusive competences of the State and of the Autonomous Communities; competences shared by the State and the Autonomous Communities; and concurrent competences, in which both the State and the Autonomous Communities may be involved. The exclusive competences – both of the State and of the Autonomous Communities – include legislative power and enforcement capacity. The shared competences, in turn, may involve a different distribution of legislative and regulatory power between the State and the Autonomous Communities, in which cases the latter usually possess enforcement capacity. Jurisdictional conflicts are decided by the Constitutional Court, as in other politically decentralized States. The governing system of the Autonomous Communities is parliamentary in nature, its basic institutions being the Parliament, the President of the Community, and the autonomous Government. From the economic and financial standpoint, the Autonomous Communities have great managerial independence, and are empowered to adopt their own annual budgets and identify their own resources through taxes, surcharges, special contributions and normal charges.

73. **The general financing system of the Autonomous Communities**, which also includes taxes transferred by the State, and a share in State taxes, is determined multilaterally by the State and the Autonomous Communities and guarantees, through diverse financial mechanisms, interterritorial solidarity and an equal minimum level of provision of basic public services throughout Spanish territory. *The future of the Autonomous State*. The experience in the development of the Autonomous State over nearly 30 years, for which the overall balance is clearly positive, has made it possible to identify aspects of its functioning that can be improved. The need to reform the financing system so as to enhance autonomy and financial self-sufficiency has also become apparent, as has the need to increase the fiscal responsibility of the Autonomous Communities, ensuring solidarity and territorial cohesion. In order to improve the State of Autonomies in this respect, many of the Autonomous Communities have in the past 10 years implemented processes for reforming their Statutes of Autonomy. At present, reforms of the Statutes of Autonomy of Andalusia, Aragon, Castilla and León, Catalonia, the Valencian Community and the Balearic Islands have been adopted, while proposals for statutory reform in Castilla-La Mancha and Extremadura are before Parliament. The socialist Government headed by José Luis Rodríguez Zapatero has for the first time instituted an annual conference of autonomous presidents to continue progress on a State model that has thus far been a great success. The Government and the Autonomous Communities have furthermore agreed on the reform of the general system of autonomous financing.

74. **Local entities**: According to the latest official population figures of 1 January 2008 (Royal Decree No. 2124/2008 of 26 December 2008), there are 50 provinces and 8,112 municipalities, which are very unequally distributed in terms of size and number of inhabitants. Thus, 4,861 municipalities – 59.2 per cent of the total – have a population of less than 1,000 inhabitants, and 6,822 – 84.09 per cent of the total – have a population of under 5,000 inhabitants. Only 145 municipalities – 1.78 per cent of the total – have a population greater than 50,000 inhabitants. From an organizational standpoint, the government and administrative institutions of the municipalities are the *ayuntamientos*

(district councils); of the provinces, the provincial councils; of the islands, the *cabildos* (inter-island councils) in the Canary Islands and the insular councils in the Balearic Islands. The institutions of the district councils are the mayor, who presides over the corporation; the deputy mayors; the government council and the plenary, which comprises all councillors who are directly elected by the municipal citizens in a proportional system – on open lists in municipalities numbering 100 to 250 inhabitants, and on closed lists in municipalities exceeding 250 inhabitants. The mayor is elected by an absolute majority of the councillors. If no majority is obtained, the councillor who heads the list receiving the most votes is proclaimed mayor, and in municipalities with open lists, the councillor who has obtained the most popular votes in the election of councillors is proclaimed mayor. There is a special system for municipalities of under 100 inhabitants, which function under an open council regime, as well as for those which, by tradition or municipal decision, and with the approval of the Autonomous Community, adopt this singular regime for government and administration, in which registered voters elect the mayor directly, by majority vote – a true example of direct democracy. In municipal elections, it is not just the Spanish voters who enjoy the right to vote and to stand for election, but also citizens of the European Union residing in Spain, under the same conditions as Spaniards, as well as foreign residents of Spain whose respective countries permit Spaniards to vote in their elections, under the terms of a treaty (cf. article 13.2 of the European Commission, and article 176 of the General Electoral System Organization Act (No. 5/1985) of 19 June 1985). The provincial councils are elected by and among the councillors of the province's district councils, and their basic task is to provide assistance and cooperation to the municipalities, especially those with less economic and management capacity, and to guarantee the provision of the minimum mandatory services imposed by law on municipalities. The inter-island councils of the Canary Islands, and the insular councils of the Balearic Islands, are the respective islands' government and administrative bodies.

Criminal justice system. Data on crime

75. In 2008, a total of 196,143 persons were listed in the Central Register of Offenders, according to the final judgements rendered that year and communicated to the Register, or 21.9 per cent more than the previous year.

76. Of the total number of offenders, 91.3 per cent were men and 8.7 per cent women. The rate of convictions per 1,000 inhabitants was 4.25, as compared to 3.56 in 2007.

77. By age, the largest age group for men is that of the 26-to-30-year-olds (17.8 per cent of the total); for women, 21-to-25-year-olds (19.0 per cent).

78. The average age of offenders was 34.3 years (34.4 years for men and 33.1 years for women). Seven of every 10 offenders are Spanish nationals.

79. The majority of offenders in 2008 were of Spanish nationality (70.3 per cent of the total, as opposed to 70.8 per cent the previous year). Among foreigners, Americans constituted the majority (38.7 per cent of the total number of foreign offenders).

80. Of the total number of offenders, 80.2 per cent were convicted of just one crime (vs. 77.5 per cent in the previous year), and 19.8 per cent of more than one crime (vs. 22.5 per cent in 2007).

81. Among those convicted of just one crime, with respect to the type of crime, the most numerous group was that of those convicted of road traffic offences (48.3 per cent of the total), followed by those convicted of crimes of bodily harm (12.7 per cent) and robbery (8.4 per cent).

82. With regard to the place of final judgement, Andalusia was in 2008 the Autonomous Community with the highest number of convictions (21.3 per cent of the total), followed by Catalonia (15.1 per cent), the Valencian Community (11.8 per cent) and the Community of Madrid (10.5 per cent).
83. Catalonia was the Autonomous Community with the most foreign offenders (18.8 per cent of the total), followed by Andalusia (15.3 per cent).
84. The Autonomous Cities of Ceuta (23.39) and Melilla (10.46) reported the highest rates of convictions per 1,000 inhabitants. Castilla and León (2.66) and Castilla-La Mancha (2.98), by contrast, registered the lowest such rates.
85. The total number of recorded crimes increased 17.1 per cent in 2008.
86. In 2008, a total of 250,201 crimes were registered, 17.1 per cent more than the previous year. The rate of crimes per 1,000 inhabitants was 5.42, compared to 4.73 in 2007.
87. With regard to the type of crime, the crimes with the highest incidence were road traffic offences (44.1 per cent of the total), crimes of bodily harm (13.4 per cent), robberies (9.5 per cent), offences against authority (4.6 per cent) and breaches of the terms of a sentence (4.1 per cent).
88. With respect to the previous year, the increased incidence of road traffic offences (which rose from 26.7 per cent of the total in 2007 to 44.1 per cent in 2008), and the decrease in crimes of bodily harm (which fell from 18.2 per cent to 13.4 per cent), should be noted.
89. The number of crimes per offender was 1.27, compared to 1.33 in 2007. By sex, the number was higher among men (1.28) than women (1.18), similar to the previous year (1.34 crimes per man vs. 1.25 crimes per woman).
90. Of the total number of crimes, 94.5 per cent were for offences actually committed and 4.5 per cent for attempted offences. In 1.0 per cent of the crimes neither of these categories was specified.

Fines, prison terms and community service, the most frequent sentences

91. In 2008, a total of 592,012 sentences for final judgements were handed down and listed in the Register, or 33.6 per cent more than the previous year.
92. Some 54.0 per cent of sentences (both primary and accessory) were status penalties, 23.6 per cent were fines, 22.1 per cent were custodial sentences and 0.3 per cent, expulsions from the national territory.
93. Of the status penalties, the most frequent was that of community service (15.2 per cent of the total number of sentences). Of the custodial sentences, the most frequent was imprisonment (19.8 per cent of the total).
94. By sex of the offender, 21.8 per cent of the total number of sentences of men were custodial sentences and 19.8 per cent, prison sentences. For women, 26.7 per cent of the total were custodial sentences and 24.1 per cent, prison sentences.
95. Status penalties represented 54.5 per cent of the total number of sentences handed down on men and 48.2 per cent of those on women.
96. With regard to the age of the offender, except for those older than 70, the higher the age, the less frequent the custodial sentences and the more frequent the status penalties.
97. Concerning the nationality of the offender, custodial sentences were more frequent among foreign offenders (23.8 per cent) than Spanish nationals (21.4 per cent). Prison

sentences comprised 21.2 per cent of all sentences handed down on foreigners, as compared to 19.3 per cent of those on Spanish nationals.

Statistics on minors

98. In 2008, 15,919 juvenile offenders were recorded, according to final judgements rendered that were communicated to the Register of Sentences of Criminal Responsibility of Minors, or 16.8 per cent more than the previous year.

99. The rate of juvenile offenders aged 14 to 17 years for every 1,000 inhabitants in the same age group was 8.75.

100. Some 84.7 per cent of juvenile offenders were male and 15.3 per cent female. By age, the 17-year-olds were the most numerous (30.7 per cent of the total), followed by the 16-year-olds (28.8 per cent).

101. The majority of juvenile offenders were of Spanish nationality (78.5 per cent). The proportion of foreign juvenile offenders increased to 21.4 per cent, compared to 13.3 per cent the previous year. Regarding the number of offences, 67.7 per cent of juvenile offenders committed one single criminal offence; 32.3 per cent, more than one.

Andalusia, the community with the highest recorded number of juvenile offenders

102. Andalusia was in 2008 the community with the highest number of juvenile offenders on the Register, with 25.9 per cent of the total. It was followed by the Valencian Community (12.8 per cent), Catalonia (12.2 per cent) and the Community of Madrid (10.5 per cent).

103. The same order applied to juvenile offenders of Spanish nationality. However, Catalonia had the highest number of foreign juvenile offenders, followed by the Community of Madrid.

104. The Autonomous Cities of Ceuta (30.74 per 1,000) and Melilla (18.53 per 1,000), and the communities of La Rioja (15.83) and the Balearic Islands (12.73) recorded the highest rates of juvenile offenders aged 14 to 17 years for every 1,000 inhabitants in the same age group. By contrast, Galicia (6.02), Castilla-La Mancha (6.12) and the Canary Islands (6.39) recorded the lowest.

105. More than two thirds of the criminal offences committed by minors were crimes. In 2008, a total of 26,134 criminal offences committed by minors were recorded. Of these, 67.1 per cent were for crimes, and 32.9 per cent for misdemeanours.

106. By sex, male minors committed 85.8 per cent of offences and females, 14.2 per cent. By age, the number of offences committed increases with age. Those committed by 17-year-olds (8,238) were twice the number of those committed by 14-year-olds (4,117). Some 77.4 per cent of offences were committed by Spanish minors, and 22.6 per cent by foreign minors.

107. The rate of criminal offences per 1,000 inhabitants aged 14 to 17 years was 14.36. The highest rates were recorded in the Autonomous Cities of Ceuta (45.31) and Melilla (31.62), and the lowest, in the Autonomous Communities of Castilla-La Mancha (8.89) and the Canary Islands (9.27).

108. Probation and community service were the most frequently adopted measures. Of the 21,610 measures adopted by judges in 2008, the most frequent were those of probation (36.4 per cent of the total) and community service (22.0 per cent), and there were no notable differences by sex, age or nationality of the offender.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

109. Spain is a State party to the main human rights treaties. It has accepted extensive obligations for the protection of human rights and has submitted to the authority of the international monitoring bodies. The European Court on Human Rights is especially important for Spain, as it monitors compliance with the European Treaty for the Protection of Human Rights and Fundamental Freedoms. Spain has ratified the following multilateral human rights agreements:

110. Through the United Nations:

- Convention on the Prevention and Punishment of the Crime of Genocide (1948).
- Convention on the Political Rights of Women (1953).
- International Covenant on Civil and Political Rights (1966) and its Optional Protocols (1966 and 1989).
- International Covenant on Economic, Social and Cultural Rights (1966). Spain has also signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008), which it is in the process of ratifying.
- Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999).
- Convention on the Rights of the Child (1989) and its two Optional Protocols of 2000 (on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict).
- International Convention on the Elimination of All Forms of Racial Discrimination (1966).
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (Spain has made the declaration under Article 22 that it recognizes the competence of the Committee against Torture to consider communications from or on behalf of individuals alleging violations of the provisions of the Convention by the State concerned) and its Optional Protocol (2002).
- Convention relating to the Status of Refugees (1951) and its Optional Protocol (1967).
- Convention relating to the Status of Stateless persons (1954).
- Rome Statute of the International Criminal Court (1998) and Agreement on the Privileges and Immunities of the International Criminal Court (2002).
- Convention against Transnational Organized Crime (2000), its Protocol to Prevent, Suppress and Punish Trafficking in persons Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air.
- Convention on the Rights of persons with Disabilities, ratified by Spain on 3 December 2007, which entered into force in May 2008, and its Optional Protocol.
- International Convention for the Protection of All persons from Enforced Disappearances (2006).

- Convention on Cluster Munitions, ratified by Spain in June 2009.

Through the Council of Europe:

- European Convention for the Protection of Human Rights and Fundamental Freedoms.
- Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (Convention No. 46 of the Council of Europe).
- Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty in time of peace.
- Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Convention No. 117 of the Council of Europe).
- Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, on the general prohibition of discrimination.
- Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances. Signed ad referendum by Spain on 3 May 2002; the ratification process is ongoing.
- Protocol No. 14 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control mechanism of the Convention.
- Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine.
- Framework Convention for the Protection of National Minorities.
- European Social Charter. Spain is currently in the process of ratifying the European Social Charter (revised), which it signed on 23 October 2000.
- Council of Europe Convention on action against trafficking in human beings.

B. Legal framework for the protection of human rights at the national level

111. The general framework in Spain for the protection of human rights is to be found in the Spanish Constitution of 1978, basically in title I, section 1(a), chapter II, (“Fundamental rights and duties”). Article 53 of the Constitution establishes the system of guarantee for these rights, which is arranged as follows:

(a) A legislative guarantee: The exercise of these rights may be regulated only by law, “which shall, in every case, respect their essential contents”. The law setting out fundamental rights and public freedoms must be an organization act, which shall require a majority final vote of the Congress on the bill as a whole if it is to be adopted, amended or waived (art. 81.1 and 2). The Constitutional Court ensures the effectiveness of this guarantee by means of an action of unconstitutionality in respect of laws and enactments (art. 161.1(a)), which may be brought by the President of the Government, the Ombudsman, 50 deputies, 50 senators, the executive collegiate bodies of the Autonomous Communities and, when appropriate, their legislative assemblies (art. 162.1(a)). In addition, the State is required obtain prior authorization from Parliament with respect to treaties or

agreements affecting the fundamental rights and duties provided for in title 1 (art. 94.1(c)) of the Constitution.

112. Likewise, article 95 of the Spanish Constitution envisages the possibility of the Government or either chamber of Parliament – the Congress of deputies or Senate – making a request to the Constitutional Court when it is to celebrate an international treaty containing stipulations contrary to the Constitution. Such a request may give rise to a declaration of constitutionality of the international treaty in accordance with the provisions of title VI – article 78 – of the Constitutional Court Organization Act (No. 2/1979) of 2 October 1979.

(b) Judicial protection through ordinary amparo: Any citizen may assert his or her claim to protection of the freedoms and rights recognized in article 14 and section 1 of Chapter II.

113. Act No. 62/1978 of 26 December 1978, providing “legal protection of the fundamental rights of the individual”, initially laid down the procedure for such protection. However, this act pre-dated the Constitution, and although section 2 of the second transitional provision of the Constitutional Court Organization Act extended that protection as long as the provisions of article 53.2 of the Constitution were not implemented, it is certain that Spanish procedural acts have been providing for special procedures for the protection of fundamental rights in each of the courts (civil, criminal, administrative, labour) that have involved a derogation of the law – either through amendment of existing laws, as is the case of the Criminal Justice Act, or through the promulgation of new laws, as has been the case with the Labour Procedure Act (RDL No. 2/1995) of 7 April 1995, the Administrative Dispute Regulation Act (No. 29/1998) of 13 July 1998, and the Civil Procedure Act (No. 1/2000) of 7 January 2000.

114. In any case, the second transitional provision of the Constitutional Court Organization Act extends the protection provided by that Act to all the rights included in article 53.2 of the Constitution. The Judicial Power Organization Act (No. 6/1985) of 1 July 1985 (art. 7.1) stipulates that the rights and freedoms recognized in chapter II of title I of the Constitution are in their entirety binding on all judges and courts by whose effective protection they are guaranteed. In this respect, article 5.4 of the Act stipulates that “a breach of the Constitution shall constitute sufficient grounds for an appeal to vacate in all cases provided for by law”.

115. (c) Once they have exhausted judicial remedies, citizens may apply to the Constitutional Court by an application for amparo (art. 53.2 of the Constitution). The remedy of amparo before the Constitutional Court is regulated by articles 161.1(b) and 162.1(b) of the Constitution, as well as by articles 41 to 58 of the Constitutional Court Organization Act, which establishes (art. 41.1) that the rights and freedoms recognized by articles 14 to 29 can be protected by the constitutional remedy of amparo, in the cases and in the manner determined by the Act, without prejudice to general protection by the courts of law. Such protection shall apply equally to conscientious objection, which is recognized by article 30 of the Constitution. In order to appeal judicial remedies must first have been exhausted (rulings of the Constitutional Court, inter alia rulings Nos. 73/1982, 29/1983 and 30/1984). Here it is worth citing the amendment introduced to article 241 of the Judicial Power Organization Act (No. 6/1985) of 1 July 1985 by Organization Act No. 6/2007 of 24 May 2007, which requires that the annulment of actions that preceded the constitutional remedy in alleged breaches of the fundamental rights referred to in article 53.2 of the Constitution must be requested before the ordinary courts, as long as it has not been possible to lodge a complaint prior to the expiration of the decision that puts an end to the process.

116. The persons entitled to file an application for amparo are those directly concerned by the order or administrative act, and any party to the respective court proceedings, as well as the Ombudsman and the Office of the Public Prosecutor, which shall always be a party to any amparo proceeding, is so entitled (Constitutional Court Organization Act, articles 46.1 a) and b) and 47.2).

117. (d) Article 54 of the Constitution defines the Ombudsman as “a High Commissioner of Parliament, appointed to defend the rights protected under title I of the Constitution, for which purpose he or she may supervise the activities of the Administration and report thereon to the Cortes Generales”. In addition to this supervisory role over the activities of the Administration, the Ombudsman is authorized to lodge an application for amparo in respect of the rights of the individual (article 162 of the Constitution and article 46 of the Constitutional Court Organization Act). The Ombudsman’s mission also includes coordinating with parallel institutions existing in the Autonomous Communities (“Síndics des Greuges” in Catalonia, the Valencian Community and the Balearic Islands; “Ombudsmen” in Andalusia, Castilla la Mancha and Navarra; “Ararteko” in the Basque Country; “Valedor do Pobo” in Galicia; “Diputado del Común” in the Canary Islands; “Justicia Mayor” in Aragon; “Procurador del Común” in Castilla and León). This institution is proving highly effective in protecting human rights, as illustrated by the high number of complaints it deals with.

118. In the Spanish legal system, the Office of the Public Prosecutor is the guarantor of legality, as laid down in article 124 of the Spanish Constitution, with “the task of promoting the working of justice in the defence of the rule of law, of citizens' rights and of the public interest, as safeguarded by law, whether ex officio or at the request of the interested parties, as well as that of protecting the independence of the courts and securing before them the satisfaction of social interest”. It discharges its duties “through its own bodies in accordance with the principles of unity of operation and hierarchical subordination, subject in all cases to the principles of the rule of law and of impartiality”. These powers are given full effect in the Office’s Organization Statute (adopted under Act No. 50/1981 of 30 December 1981, with its latest major reform made effective under Act No. 24/2007 of 9 October 2007). Article 3 of that Statute provides that the Office must:

Section 3: Ensure respect for the constitutional institutions and fundamental rights and public freedoms by whatever means are required for their defence;

Section 11: Take part in any court proceedings for amparo, and in matters of unconstitutionality in the cases and in the manner envisaged in the Constitutional Court Organization Act;

Section 12: File an application for amparo, and take part in proceedings before the Constitutional Court in the defence of the rule of law, in the manner laid down by law (this role is in accordance with article 46 of the Constitutional Court Organization (Act No. 2/1979) of 3 October 1979, and with the list of persons entitled to file an application for amparo in the cases specifically enumerated for this purpose in articles 42 to 45 of the Act).

119. The Parliamentary Committee: The Regulations of the Congress of deputies, of 10 February 1982 (arts. 40 to 53), govern the competence of the Standing Constitutional Committee and the Standing Petitions Committee and authorize the latter to examine individual or collective petitions received by Congress and to decide to refer them 1) to the Ombudsman; 2) to the Congressional Committee dealing with the issue concerned; and 3) to the Senate, the Government, the courts, the Office of the Public Prosecutor or the relevant public administration. The Regulations of the Senate, of 26 May 1982, also provide for committees to promote and protect human rights (arts. 49 to 68).

120. Respect for human rights is reinforced in Spain by article 10.2 of the Constitution, which stipulates that “the principles relating to the fundamental rights and freedoms recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements thereon ratified by Spain”.

121. The importance of the remedy of amparo and its extraordinary usefulness in protecting fundamental rights have meant that the courts have had to respond to the disproportionate use that has been made of the remedy. The increase in the number of applications for amparo, often devoid of genuine substance, was threatening to paralyse or at least delay the work of the Constitutional Court. Organization Act (No. 6/1988) was therefore adopted on 9 June 1988 and amends article 50 of the Constitutional Court Organization Act to provide for the rejection of applications for amparo devoid of genuine substance by unanimous decision of sections composed of three magistrates. Despite the amendment, the number of applications for amparo has kept going up, reaching 10,410 in 2008, an annual increase of 22 per cent.

122. The system of protection of civil and political rights outlined above is supplemented by the international guarantee deriving from Spain’s recognition of international agreements relating to the protection of those rights.

123. The work undertaken by the commission following up on the Human Rights Plan is also of great importance in this regard. This commission is chaired by the Secretary of State for Constitutional and Parliamentary Affairs, and includes, in addition to representatives of the Ministry of the Presidency, persons with proven knowledge and experience in the promotion and protection of human rights, on the proposal of non-governmental organizations dedicated to the protection and promotion of human rights and of university human rights institutes. The Ombudsman is informed in advance of all the meetings of the commission and of its agenda, and may send an institutional representative when he or she deems it appropriate.

124. Lastly, it should be noted that the lead human rights body in the Spanish Government is the Human Rights Office (ODH) of the Directorate-General for the United Nations, Global Affairs and Human Rights (Ministry of Foreign Affairs and Cooperation), created in 1983, with the following functions:

- To give advice on human rights matters;
- To prepare reports on international respect for human rights;
- To promote greater coordination on human rights matters between the various executive bodies of the Office;
- To co-organize, with the Directorate-General for International Organizations and Conferences (today, the Directorate-General for the United Nations, Global Affairs and Human Rights), the participation of the Spanish State in international meetings and conferences on human rights;
- To maintain relationships with counterpart government offices and non-governmental organizations on human rights;
- To ensure compliance with the international human rights treaties and agreements signed by Spain; and
- To promote studies and activities within its specific areas of competence.

C. Promotion of human rights at the national level

125. The Government of Spain felt it was time to follow up the proposal made in 1993 at the World Conference on Human Rights in Vienna, that States should prepare a national action plan identifying steps to improve the promotion and protection of human rights. The plan adopted on 12 December 2008 is open-ended, in the sense that it is an ongoing process subject to periodic valuations and the inclusion of new proposals and commitments.

126. The plan is based on the Universal Declaration of Human Rights and on the instruments and resolutions of the United Nations and the Council of Europe. It takes a broad view of human rights that includes not only civil and political rights but also economic, social and cultural rights, as well as other emerging rights, such as the right to a healthy environment, the right to peace and the right to water.

The plan proposes two main priorities.

127. **Equality, non-discrimination and integration:** Equality of opportunity, the rights of women, combating discrimination on grounds of sexual orientation, the integration of migrants, and the integration of persons belonging to ethnic, religious, linguistic and cultural minorities.

128. **Guarantees for the protection of human rights:** The Government views the Human Rights Plan as an additional guarantee of human rights, as the text lists 172 concrete commitments.

The plan calls for measures in two areas: foreign policy and domestic policy.

129. **Foreign policy measures:** The plan envisages 41 measures that pursue the following priority objectives: the abolition of the death penalty (including the creation of an international commission against the death penalty); human rights in the area of cooperation; the eradication of torture; gender equality; the eradication of gender-based violence; combating human trafficking; the elimination of all forms of discrimination; the protection of children from exploitation, violence and disease; an end to terrorism, including through the defence of the rule of law and of human rights; the protection of human rights defenders; the promotion of economic, social and cultural rights; combating impunity, and active support for the International Criminal Court and for courts and other mechanisms combating impunity for international crimes; the eradication of poverty; combating climate change; and sustainable development.

130. **Domestic policy measures:** A total of 131 measures are planned, under 10 main themes: equality of treatment, integration and combating racism and xenophobia; combating gender-based violence; the rights of Spaniards abroad; religious freedom; effective judicial protection (including the generalization of the right to a second hearing); care for victims (of terrorism, for example); personal freedom and the State security forces (national mechanism for the prevention of torture, guarantees for persons held incommunicado, and human rights training for those forces, inter alia); the right of asylum and respect for the principle of non-refoulement; social rights (education, housing, health care, employment, persons with disabilities, personal autonomy, childhood); and the right to an environment conducive to personal development.

131. The Human Rights Plan is initially in force for the period covered by the current legislature (2008–2012). The Government has established a commission to follow up the plan, which consists of representatives of the executive and civil society and which is chaired by the Secretary of State for Constitutional and Parliamentary Affairs. The commission will assess the implementation of the plan and make proposals for new items to be included. The Government may include new measures in the plan either on its own

initiative or at the suggestion of the follow-up commission or private individuals. The commission will meet in plenary twice a year, once every six months. It may also convene sector-specific meetings to assess practical aspects of the plan. The chair of the follow-up commission will appear once a year before the congressional constitutional committee to report on implementation of the commitments undertaken. The Human Rights Plan reflects the Government's belief that the realization and improvement of a country's human rights system depends on a daily commitment undertaken by its public authorities and its citizens. For this reason, the plan creates a framework for the specific care of human rights; tries to promote, as has been done with regard to gender, a special attitude towards rights, creating expectations, generating criticism and stimulating debate; and encourages the exchange of information and opinions as well as the monitoring of Government action taken by Parliament and the monitoring of civil society action.

D. Reporting process

132. The reports are prepared in accordance with the general guidelines on the form and content of reports to be submitted by States parties in accordance with United Nations guidelines.

133. The preparation of the reports requires a significant collective effort on the part of the various public and private institutions and social groups. Numerous ministries have taken part in the reporting process: the Ministries of Labour and Immigration; Health and Social Policy; Education; the Rural, Marine and Natural Environment; Housing; Interior; Equality; Culture; and Justice, all of them coordinated by the Human Rights Office of the Ministry of Foreign Affairs and Cooperation, which is responsible, *inter alia*, for ensuring compliance with the international human rights treaties and agreements signed by Spain. Furthermore, in accordance with Spain's new policy on the preparation of United Nations reports, in preparing these reports the Government has consulted with the most pertinent civil society organizations and academic institutions, many of whose observations have been included.

134. The final reports follow the instructions from treaty bodies to keep periodic reports concise, analytical and focused on questions that are fundamental to the implementation of the respective Convention or Covenant. An effort has been made to consolidate the information supplied, and to transmit all information essential to the achievement of the ultimate aim, which is no less than the protection and implementation of the rights covered by the respective text.

E. Other information on human rights

135. The protection and promotion of human rights and their integration into the entire United Nations system are priorities for Spain. To this end, two issues were especially important during Spain's presidency of the European Union (January–June 2010): strengthening the Human Rights Council, and abolishing the death penalty. Other important issues in this sphere will be combating discrimination against women and gender-based violence, the right to drinking water and sanitation, and broad dissemination within the European Union of measures envisaged in Spain's recent Human Rights Plan for combating discrimination on grounds of sexual orientation, promoting persons with disabilities, combating torture, and eradicating the problem of child soldiers, *inter alia*. The implications of the upcoming review of the Durban Declaration and Programme of Action must be monitored with particular care in order to preserve the appropriate balance between freedom of expression and religious freedom. This list of issues will have to be promoted

especially widely by Spain, through its presidency of the relevant meetings of the Working Party on Human Rights (COHOM) of the Council of the European Union.

136. With regard to the Human Rights Council, the Spanish Presidency of the European Union coincided with the submission of Spain's candidacy to the Council (May 2010). As part of this campaign, it will be essential to advocate for strengthening the Council's current mechanisms, in particular the Universal Periodic Review (which Spain will undergo during the same six-month period, in May 2010) and also the Special Procedures. This process will have to involve changing the Council's current, more political orientation to one that is more civic-minded and closer to the needs of victims, and must also involve seeking more effective multilateralism. The functioning of the Human Rights Council will be reviewed in 2011. Spain will be responsible for promulgating the adoption of a position by the European Union. Three main objectives will have to be pursued in this regard:

- Strengthening the internal coordination of the European Union and external coordination with States of other likeminded groups.
- Reinforcing the European human rights dialogue and defending its basic principles or guidelines in all spheres.
- Securing greater transparency between the Human Rights Council and the European Union in general, and between the Council and the EU member States in particular.

137. With regard to the death penalty, once the initiative of the President of the Government has been defined, it will be a priority for the other EU members to support it, focusing especially on the execution of minors or of persons with disabilities, so as to obtain its abolition in those two concrete instances and a universal moratorium in all other instances (always with a view to the medium term). In this regard, the death penalty must continue to be on the agenda of all of the EU's policy dialogues with countries that apply the death penalty, and current pressure strengthened. It would perhaps be timely to consider holding a high-level meeting during Spain's EU Presidency to launch the Spanish initiative. With respect to the transatlantic dialogue, it will also be important to keep a frank dialogue going with the United States on the death penalty, along the lines described above.

138. Apart from the two abovementioned priorities, there are other important priorities that will define the Spanish Presidency in the COHOM Working Party. Without being exhaustive, the following should be highlighted:

Discrimination against women

139. The European Pact for Gender Equality will constitute the starting point for the Spanish Presidency's initiative in this area. Given that it is of the greatest importance to achieve gender equality in labour matters, special attention will be paid to measures to reduce the wage gap between women and men. Similarly, support for Spain's partners in drafting a European convention for preventing and combating violence against women will be strengthened.

The right to drinking water and sanitation

140. There is a need to seek support from other members for the Human Rights Council resolution on this subject, which Spain has been sponsoring in conjunction with Germany, as well as on the mandate of the independent expert, Caterina de Albuquerque. The ultimate goal is the recognition of a human right – access to drinking water and sanitation and the provision of a sufficient supply of safe, acceptable, accessible and affordable drinking water and sanitation services.

Discrimination on grounds of sexual orientation

141. As stated in the Human Rights Plan recently adopted by the Government, Spain, through its involvement with international organizations (in this case, the European Union), and in conformity with the international human rights treaties, will promote their implementation in order to put an end to discrimination on grounds of sexual orientation and gender identity. On this specific subject, it should be borne in mind that it will be especially difficult to obtain the consensus of some European partners whose positions do not fully accord with those of Spain (Poland, Malta and Italy, inter alia).

Persons with disabilities

142. It will be very important to support the implementation of the Convention on the Rights of persons with Disabilities and its Optional Protocol. Given that these are instruments that affect Community competences, and not just the national competences of member States, the European Commission has participated actively in the negotiations. It will therefore be necessary to distinguish more clearly between the competences of the European Commission and of its member States regarding the development and implementation of the Convention.

Efforts to combat torture

143. Promoting the universal implementation of the international treaties and agreements on this question, such as the European Convention on Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. All of these instruments have been ratified by Spain and most of the other EU members.

Child soldiers

144. The protection of the rights of the child is a concrete objective of Spain's foreign and domestic policy and has thus been included in the recently adopted Human Rights Plan and promoted in the country's bilateral human rights dialogues. Spain must take advantage of its Presidency of the European Union to promote this vision. Universal ratification of the Convention on the Rights of the Child and its Optional Protocols (which concern, inter alia, the participation of children in armed conflicts) must be promoted, and implementation pursued of the recommendations of the Committee on the Rights of the Child. This is especially relevant within the framework of the human rights dialogues the EU holds with various countries (countries where these degrading practices against children persist). More specifically, it is important with regard to the implementation of the European Union Strategy for Africa, given that Africa is one of the regions hardest hit by the problem of child soldiers. During Spain's EU presidency, it will likewise be important to bolster the EU's support for strengthening United Nations initiatives in this area.

III. Information on equality and non-discrimination**A. Non-discrimination**

145. In February 2007 the Government adopted the Strategic Plan for Citizenship and Integration (2007–2010). The plan targets the population as a whole, both indigenous and immigrant, since it aims to enhance social cohesion by promoting public policies based on equality of rights and duties, equality of opportunity, the emergence among immigrants of a feeling of belonging to Spanish society, and respect for diversity. The plan was developed,

in a context of maximum social and institutional participation and consensus-building, by the Autonomous Communities, district councils, employers, unions, immigrants' associations and NGOs, and received a favourable report from the Forum for the Social Integration of Immigrants.

146. The three guiding principles of the Strategic Plan for Citizenship and Integration are equality, citizenship and multiculturalism. The measures included in the plan are divided into 12 areas: reception, education, employment, housing, social services, health, children's and youth issues, women's issues, equality of treatment, participation, awareness-raising and co-development.

147. The Support Fund for the Admission, Integration and Education of Immigrants was created in 2005 with an annual budget of €120 million, and is part of the Strategic Plan for Citizenship and Integration. The fund is not only a financial instrument but also a framework for cooperation with the autonomous communities and, through them, the district councils.

148. Subsidies financed by the State budget also support the activities of NGOs working for the immigrant population and those of the immigrants' own associations in the following areas: comprehensive reception services, extra-curricular education, health, programmes for women, voluntary repatriation, awareness-raising, employment, and programmes intended to streamline and enhance organizational structures. In 2010, nearly €60 million will be invested in the organizations' programmes.

149. The Forum for the Social Integration of Immigrants is the body that provides information and advisory services to the Government on the integration of immigrants. The Forum makes proposals and gathers information with a view to promoting immigrant integration, generates mandatory reports on government legislation and projects in the area of immigrant integration prior to the adoption thereof, and produces an annual report on the social integration of immigrants. The Forum is a tripartite body in which public authorities (the State, the autonomous communities and local authorities); organizations that support immigrants, including employers' organizations and trade unions; and immigrants' associations participate on an equal footing.

B. Efforts to combat racism and xenophobia

150. The main organs that promote an integrated public policy in this area are the General Secretariat of Equality Policies, which reports to the Ministry of Equality, and the Directorate-General for the Integration of Immigrants, which reports to the Ministry of Labour and Immigration via the Racism and Xenophobia Monitoring Centre. One of the functions of the General Secretariat of Equality Policies is to coordinate the policies of the General State Administration in the area of equality of treatment, equality of opportunity and the elimination of all forms of discrimination against individuals on grounds of sex, racial or ethnic origin, religion or ideology, sexual orientation, age or any other personal or social condition or circumstance, as well as the development of cooperation policies with the administrations of the autonomous communities and local entities. These functions are carried out by the Directorate-General against Discrimination.

151. The Directorate-General against Discrimination is responsible for promoting cross-cutting policies against discrimination; producing reports and studies; defining measures that contribute to equality of treatment within the framework of the General State Administration; providing training and information in this area; and creating services to help victims of crimes motivated by racism, homophobia or xenophobia. Pursuant to the provisions of article 7.3 of Royal Decree No. 1135/2008, the Council for the Promotion of

Equality of treatment of All persons without Discrimination on Grounds of Racial or Ethnic Origin is attached to this executive body.

152. The Spanish Racism and Xenophobia Monitoring Centre is responsible for compiling information on racism and xenophobia for use as the basis for studies and reports, as well as for promoting and coordinating policies in favour of the principle of equality of treatment, and for combating racism and xenophobia in the area of immigration. As far as the compilation of information and the preparation of studies and reports are concerned, attention is drawn to the following:

- The Sociological Research Centre (CIS) surveys on “Attitudes to immigration” carried out for the Secretariat of State for Immigration and Emigration, and the subsequent analysis of the survey results on the basis of a longitudinal approach to trends (the most recent data are compared with those recorded earlier to determine how they have evolved) and an analytical approach (investigating causes and explaining the observed changes in trends); and
- Various projects, such as the Anti-Discrimination Resource Centre (CREADI), a resource network accessible via the monitoring centre’s website (<http://www.oberaxe.es/creadi/>), which provides information on services providing information, advice, support and mediation covering all discrimination issues.

153. In this context, the Alliance of Civilizations should be mentioned as a key instrument for Spain and other countries that have joined this initiative and are involved in international efforts to combat racism and xenophobia, with a particular emphasis on four areas: inspection, education, youth and media. Indeed, the ultimate goal of the Alliance of Civilizations is none other than to enhance understanding and cooperative relationships between nations and peoples of various cultures and civilizations (not simply Muslim and Western civilizations), and thereby help to counteract the forces that feed polarization and extremism. The aim is therefore to promote trust and understanding among different communities, and intercultural respect and understanding, and to amplify the voices of moderation and reconciliation that help to reduce the cultural and religious tensions between nations and peoples, as these tensions form the basis for racism and xenophobia.

154. As regards the *gitana* (Gypsy) population, data on membership of a group defined in terms of race, ethnic group, sex, religion or other economic and social circumstance are protected by law, which is why they do not appear in the official population statistics. Information provided by the Ministry of Health and Social Policy and extracted from various sociological studies and reports indicates that Spain’s Gypsy population numbers around 650,000 to 700,000 persons, i.e., approximately 1.6 per cent of the total population of Spain. The Gypsy Development Programme is one of the main projects intended to assist the Gypsy population, and its goal is to enable this population to access standard public services in the areas of education, health, housing and employment, inter alia, under the same conditions as the rest of the population.

155. Each year an average of 110 projects are implemented, mostly managed by district councils in 15 autonomous communities, with a year-on-year average (2004–2008) of €6,583,305 in co-funding by the three administrations. Total funding over this five-year period was €32,422,963. In 2009, 93 projects were co-funded in the amount of €1,065,160. In this area, the Ministry of Health and Social Policy grants an annual subsidy to an average of 130 projects managed by 20 NGOs in 65 localities, with a year-on-year average (2004–2008) of €3,728,186.76. Total funding over the above-mentioned five-year period amounted to €18,640,928.82. Priority is given to the following programmes: training and employment; training for mediators; comprehensive social programmes; programmes and services to promote children’s education and compulsory schooling; programmes to encourage students to stay on in secondary and further education; literacy and social skills

programmes for Gypsy women; and prevention and health education programmes for Gypsy women. In 2009, 132 projects managed by 23 NGOs were funded in 70 localities, with a total funding of €6,009,269.

156. On 9 April 2010 the Council of ministers adopted the Plan of Action for the Development of the Gypsy Population (2010–2012), with the participation of the State Council of the Gypsy People and the various ministries whose activities have the greatest impact on the Gypsy community.

157. The State Council of the Gypsy People, a State-level body, was established in 2005 (Royal Decree No. 891/2005 of 22 July 2005), on the creation and regulation of the State Council of the Gypsy People) and formally founded on 20 June 2006 with the aim of creating the conditions required for the effective participation of the Gypsy population. It is currently attached to the Directorate-General for Social Policy, Families and Children under the Ministry of Health and Social Policy. Notable in the area of culture is the creation of the Gypsy Cultural Institute, a foundation attached to the Spanish Ministry of Culture.

C. Equality between men and women, and non-discrimination on grounds of sexual orientation

158. Spain's general constitutional framework fully reflects the principle of equality of treatment and non-discrimination. The Spanish Constitution provides that equality is a higher value of the legal system to be guaranteed by the authorities (art. 1.1, and more specifically art. 14). Similarly, article 9.2 requires the authorities to remove obstacles and promote the conditions required for equality to be real and effective. The Ministry of Equality is responsible for promoting equality policies. In June 2008 and March 2009, the European Union Agency for Fundamental Rights released a report on discrimination based on sexual orientation in Europe, in which Spain was upheld as a model of best practices both in terms of legislation (cf. Act No. 13/2005, allowing marriage between persons of the same sex, and Act No. 3/2007, on gender identity) and institutionally, taking into consideration the involvement and participation of the lesbian, gay, bisexual and transgender community through their activities in support of their demands.

159. The Government's role in promoting equality policies is reflected by the adoption of:

- Organization Act No. 1/2004 of 28 December 2004, on comprehensive protection measures against gender-based violence; and
- Organization Act No. 3/2007 of 22 March 2007, on effective equality between men and women (hereinafter referred to as the Equality Act).

160. The adoption of the Equality Act enshrines the principle of equality of treatment and opportunities as a cross-cutting theme in all the activities of the authorities. Its multidimensional nature can be seen in the 27 reforms it introduces to a wide variety of laws (electoral system, judiciary, employment, the Workers' Statute, social security, health, education, asylum, Armed Forces, State security forces, etc.).

161. The Equality Act addresses the need for a balance between women and men in all decision-making bodies, such that neither sex makes up more than 60 per cent or less than 40 per cent thereof. This proportion has been made mandatory on electoral lists, and the Organization Act on the Electoral System has been amended accordingly. The boards of directors of large corporations are invited to reach the same target within eight years.

162. Furthermore, the Equality Act requires the Government to provide a gender impact report whenever a plan of particular economic, social, cultural or artistic relevance is

submitted to the Council of ministers for adoption. Since 2003, the Government has been required to provide such a report for all draft legislation. The most important of the latest such reports was the one that accompanied the 2009 State Budget Bill.

163. The Spanish Government's National Plan of Action for the implementation of Security Council resolution 1325 (2000) on women and peace and security has six goals:

- To encourage the involvement of women in peace missions;
- To integrate a gender perspective into all phases of such missions;
- To provide specific gender training to mission staff;
- To respect the human rights of women and girls in conflicts;
- To uphold the principle of equality in disarmament, demobilization and reintegration processes; and
- To promote the involvement of civil society in this area.

164. Each of these goals requires a number of actions to which the Spanish Government is committed at the national level, at the level of the European Union and other regional organizations (the North Atlantic Treaty Organization and the Organization for Security and Cooperation in Europe), and at the global level, through the United Nations. As a means of following up plan-related activities, an inter-ministerial working group comprising representatives of the relevant ministries was set up on 11 April 2008 and tasked with coordinating the activities carried out in conjunction with civil society. The first report on follow-up to the plan was adopted by the Council of ministers in April 2010.

165. The Strategic Plan on Equal Opportunities (2008–2011), adopted in December 2007, is governed by four guiding principles: the redefinition of a model of citizenship, the empowerment of women, the mainstreaming of the principle of equality, and the recognition of scientific and technical innovation as a force for social change. The plan is rooted in two basic principles: non-discrimination and equality.

166. Organization Act No. 1/2004 of 28 December 2004, on comprehensive protection measures against gender-based violence, is intended to eradicate one of the most common forms of violence perpetrated against women by current or former spouses or partners. The Act defines gender-based violence as any act of physical or psychological violence, including sexual abuse, threats, coercion or arbitrary detention, committed by men against women who are or have been their spouse or partner, or have or have had a similar affective relationship with them, even if they were not cohabiting. The Act provides a comprehensive and consistent response involving all public authorities and establishes comprehensive protection measures with the aim of preventing, punishing and eradicating such violence and assisting its victims, regardless of their origin, religion or any other personal or social condition or circumstance.

167. The plan to prevent gender-based violence in the foreign immigrant population (2009–2012) is intended to create suitable conditions for addressing the problem of gender-based violence while taking into account the specific circumstances in which the foreign population lives, with a view to enhancing assistance and prevention from a global perspective. For this purpose, the basic aim of the initiatives is to remedy two fundamental problems: one is cultural bias, to be remedied through information and awareness-raising; and the other concerns external support, to be remedied by means of support, advice and assistance that reinforce women's rights.

168. Human trafficking is an increasingly widespread problem. The way that it reduces human beings to the status of a mere commodity is scandalous, and it is one of the most serious violations of human rights. The importance attached to this issue is reflected by the

adoption of two plans that address the problem from the angle of both sexual exploitation and labour exploitation.

169. The comprehensive plan to combat human trafficking for purposes of sexual exploitation, adopted in December 2008, is intended to be the first comprehensive planning instrument for efforts to combat human trafficking for purposes of sexual exploitation in Spain.

170. The plan will cover a period of three years (2009–2012). An inter-ministerial coordination group has been set up to monitor and evaluate the plan, comprising representatives of the following ministries: the Ministry of Foreign Affairs and Cooperation; the Ministry of Justice; the Ministry of the Interior; the Ministry of Education; the Ministry of Health and Social Policy; the Ministry of Labour and Immigration; and the Ministry of Equality (which will chair the group). Furthermore, a social forum against human trafficking for purposes of sexual exploitation has been set up. It is intended to act as an instrument for cooperation, collaboration and exchange between public administrations, institutions and civil society with the aim of ensuring comprehensive coordination and consistency of activities and protecting victims' rights. The establishment of this forum, with the participation of public administrations, NGOs and other institutions providing assistance to victims and involved in combating this type of crime, will enable the exchanges of view and monitoring of the plan.

171. The various ministries and institutions will submit half-yearly follow-up reports to the inter-ministerial group. An annual report based on this information will be submitted to the Executive Committee for Equality.

172. The Government is also preparing a comprehensive plan to combat human trafficking for purposes of sexual exploitation, with the aim of enhancing legal safeguards and protecting victims of this scourge. The plan will include law-enforcement and social measures and will involve the ministries of the interior, equality, labour and immigration, foreign affairs, and justice. The plan will be supported by a suitable coordination and follow-up mechanism.

173. Spain is firmly committed to combating all forms of discrimination and, in particular, discrimination on the grounds of sexual orientation and gender identity. That being so, and within the context of the principle of equality enshrined in article 1.1 and more specifically article 14 of the Constitution, Parliament adopted Acts Nos. 13/2005 and 3/2007, amending the Civil Code in relation to the right to marry, so as to allow marriage between persons of the same sex, with the same rights and duties, including the right to adoption.

Statistical Annex

Political parties represented in Parliament

In the IX Legislature in Spain there are four political parties or State-level coalitions represented in Parliament, comprising the Congress of deputies and the Senate, as follows:

- The Partido Socialista Obrero Español (PSOE):
 - 144 deputies. deputies belonging to the Catalanian affiliate of this party, the Partit dels Socialistes de Catalunya (PSC) (25 deputies), are also a part of the *Grupo Parlamentario Socialista*. A total of 169 deputies.
 - 101 senators. In its parliamentary group, the *Grupo Parlamentario Socialista*, senators belonging to its federations in Galicia and the Basque Country, the PSdG (3 senators) and PSE-EE (7 senators) appear under the heading of the autonomous federation.
- The Partido Popular:
 - 152 deputies. In its parliamentary group, the *Grupo Parlamentario Popular* was made up until October 2008 of its Navarra affiliate, the Unión del Pueblo Navarro (UPN) (2 deputies), at which point the collaboration pact between the two groups was broken. One of the UPN deputies stayed with the Grupo Popular and the other moved to the Grupo Mixto. A total of 153 deputies.
 - 116 senators. In its parliamentary group, the *Grupo Parlamentario Popular en el Senado* was made up until October 2008 of its Navarra affiliate, the UPN (3 senators), at which point the collaboration pact between the two groups was broken. Two of the UPN senators stayed with the Grupo Popular and the other moved to the Grupo Mixto, for a total of 118 senators.
- Izquierda Unida:
 - 1 deputy, present in the Grupo Parlamentario of Esquerra Republicana-Izquierda Unida-Iniciativa per Catalunya Verds. This deputy ran for Congress in a coalition with the Iniciativa per Catalunya Verds (ICV), including its affiliates in Catalonia, Esquerra Unida i Alternativa (EUiA), and the Basque Country, Ezker Batua Berdeak. In the Senate, Izquierda Unida did not run in Catalonia (given that ICV and EUiA were part of the candidacy of Entesa Catalana de Progrés).
- Unión Progreso y Democracia:
 - 1 deputy, in the Grupo Parlamentario Mixto.

Autonomous parties represented in Parliament

In addition to the four above-mentioned parties, there are others at the autonomous level which are peripherally nationalist or regionalist in nature, and which are represented in the IX Legislature, as follows:

- Partit dels Socialistes de Catalunya:
 - 25 deputies, affiliated with the PSOE in Catalonia, in the *Grupo Parlamentario Socialista* of Congress
 - 10 senators, included in the *Grupo Parlamentario Entesa Catalana de Progrés* along with the ERC, EUiA and ICV

- Partido Nacionalista Vasco:
 - 6 deputies, in the Grupo Parlamentario Vasco (EAJ-PNV)
 - 4 senators, included in the Grupo Parlamentario Senadores Nacionalistas Vascos
- Convergència i Unió), a coalition formed by two other parties:
 - Convergència Democràtica de Catalunya:
 - 6 deputies, sharing the *Grupo Parlamentario Catalán (Convergència i Unió)* with Unió Democràtica de Catalunya
 - 6 senators, sharing the Grupo Parlamentario Catalán en el Senado de Convergència i Unió with Unió Democràtica de Catalunya
 - Unió Democràtica de Catalunya:
 - 4 deputies, sharing the *Grupo Parlamentario Catalán (Convergència i Unió)* with Unió Democràtica de Catalunya
 - 1 senator, sharing the *Grupo Parlamentario Catalán (Convergència i Unió)* with Unió Democràtica de Catalunya
- Esquerra Republicana de Catalunya:
 - 3 deputies, in the Grupo Parlamentario de Esquerra Republicana-Izquierda Unida- Iniciativa per Catalunya Verds
 - 4 senators, included in the Grupo Parlamentario Entesa Catalana de Progrés along with the PSC, EUiA and ICV
- Coalición Canaria:
 - 2 deputies, in the Grupo Parlamentario Mixto
 - 2 senators, in the Grupo Parlamentario Mixto
- Bloque Nacionalista Galego:
 - 2 deputies, in the Grupo Parlamentario Mixto
 - 1 senator, included in the Grupo Parlamentario Mixto
- Iniciativa per Catalunya Verds:
 - 1 deputy, in the Grupo Parlamentario de Esquerra Republicana-Izquierda Unida-Iniciativa per Catalunya Verds
 - 1 senator, included in the Grupo Parlamentario Entesa Catalana de Progrés along with the ERC, EUiA and ICV
- Unión del Pueblo Navarro:
 - 1 deputy, in the Grupo Parlamentario Mixto. In October 2008 the collaboration pact between the UPN and the PP was broken. One of the two UPN deputies stayed in the Grupo Popular, while the other moved to the Grupo Mixto
 - 1 senator, since, as explained above, two of the three UPN senators stayed in the Grupo Parlamentario Popular en el Senado
- Nafarroa Bai:
 - 1 deputy, in the Grupo Parlamentario Mixto

- Esquerra Unida i Alternativa, a confederate organization of the IU and its affiliate in Catalonia:
 - 1 senator, included in the Grupo Parlamentario Entesa Catalana de Progrés along with the ERC, EUiA and ICV
- Partido Aragonés:
 - 1 senator, in the Grupo Parlamentario Mixto
- PSM-Entesa Nacionalista:
 - 1 senator, in the Grupo Parlamentario Mixto

Autonomous parties not represented in Parliament

There are parties that are not represented in Parliament but are represented at the autonomous or local level. (**In boldface**, those that are or have been represented in the Spanish Autonomous Parliaments and/or *in italics* those that have been represented in Parliament.)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Andalusia: <ul style="list-style-type: none"> • <i>Partido Andalucista</i> • Foro Andaluz • Partido Socialista de Andalucía • Unidad Popular de Andalucía • Partido de Almería • Convergencia Andaluza • Partido Comunista del Pueblo Andaluz • Partido Social-Demócrata Andaluz • Partido Positivista Andaluz • Aragón: <ul style="list-style-type: none"> • <i>Partido Aragonés</i> • <i>Chunta Aragonesista</i> • Partido Ciudadanos Unidos de Aragón • Federación de Independientes de Aragón • Canary Islands: <ul style="list-style-type: none"> • Partido Nacionalista Canario • Nueva Canarias • Centro Canario • Partido de Independientes de Lanzarote • Centro Canario Nacionalista • Compromiso por Gran Canaria • Alternativa Popular Canaria • Alternativa Ciudadana 25 de Mayo • Agrupación Herreña Independiente • Alternativa Nacionalista Canaria • Unidad del Pueblo <ul style="list-style-type: none"> • Partido Comunista del Pueblo Canario • Alternativa Maga Nacionalista • Partido de Gran Canaria <ul style="list-style-type: none"> • Coalición de Centro | <ul style="list-style-type: none"> • Catalonia: <ul style="list-style-type: none"> • Ciudadanos - Partido de la Ciudadanía • Els Verds • Escons Insubmisos-Alternativa dels Demòcrates Descontents • Partit Republicà Català • Partit Comunista del Poble de Catalunya • Plataforma Adelante Cataluña • Carmel/Partido Azul • Catalunya Decideix • Community of Madrid: <ul style="list-style-type: none"> • Partido Castellano de Madrid • Primero Madrid • Unión por Leganés • Valencian Community: <ul style="list-style-type: none"> • Bloc Nacionalista Valencià • Iniciativa del Poble Valencià • <i>Unió Valenciana</i> • Els Verds del País Valencià • Els Verds - Esquerra Ecologista del País Valencià • Coalició Valenciana • Esquerra Republicana del País Valencià • Opció Nacionalista Valenciana • Esquerra Nacionalista Valenciana • Extremadura: <ul style="list-style-type: none"> • Coalición Extremeña • Extremadura Unida • Socialistas Independientes de Extremadura • Independientes por Extremadura • Unión del Pueblo Extremeño |
|---|--|

- Cantabria:
 - **Partido Regionalista de Cantabria**
 - Bloque Regeneración
 - **Conceju Nacionaliegu Cántabru**
 - La Unión
- Castilla-La Mancha:
 - Partido Castellano
 - Partido Regionalista de Guadalajara
 - Unidad Regional Independiente
- Castilla and León:
 - **Unión del Pueblo Leonés**
 - **Partido de Castilla y León**
 - Unión del Pueblo Salmantino
 - Partido Autonomista Leonés-Unidad Leonésista
 - Iniciativa por el Desarrollo de Soria
 - Agrupación de Electores Independientes por Zamora-Unión del Pueblo Zamorano
 - Partido Regionalista del País Leonés
 - Partido de El Bierzo
 - Alternativa Segoviana Independiente
 - Ciudadanos de Burgos
 - Partido Comunista del Pueblo Castellano
 - Partido Regionalista de El Bierzo
 - Unidad Regionalista de Castilla y León
 - Zamora Unida
- Galicia:
 - *Terra Galega*
 - Frente Popular Galega
 - Nós-Unidade Popular
 - Democracia Ourensana
 - Máis Galicia
 - Galicia Unida
- Balearic Islands:
 - **PSM-Entesa Nacionalista**
 - **Unió Mallorquina**
 - **Esquerra Republicana de Catalunya**
 - **Agrupació Independent Popular de Formentera**
 - Partido Balear
 - Unió des Poble Balear
 - Unió Centristes de Menorca
 - Democràcia Pitiüsa
 - Clau de Mallorca
 - Coalició Treballadors per la Democracia
 - Partit Illenc de Ses Illes Balears
- La Rioja:
 - **Partido Riojano**
 - Navarra
 - **Convergencia de Demócratas de Navarra**
 - Representación Cannábica de Navarra
- País Vasco:
 - **Aralar**
 - Eusko Alkartasuna
 - Ezker Batua-Berdeak
 - Partido Carlista de Euskalherria
- Principality of Asturias:
 - **Bloque por Asturias**
 - Unión Asturianista
 - Unidá Nacionalista Asturiana
 - Andecha Astur
 - Conceyu Astur
 - Convergencia Democrática Asturiana
- Región de Murcia:
 - Partido Cantonal
 - Movimiento Ciudadano de Cartagena
 - Movimiento Independiente Regional
- Ceuta:
 - **Unión Demócrata Ceutí**
 - **Partido Socialista del Pueblo de Ceuta**
 - **Partido Democrático y Social de Ceuta**
- Melilla:
 - **Coalición por Melilla**
 - Convergencia de Melilla

Other parties

At present there are practically no parties not represented in government.

- Partido Antitaurino contra el Maltrato Animal
- Confederación de Los Verdes
- Los Verdes - Grupo Verde
- Por un Mundo más Justo
- Partido Social Demócrata
- Partido Comunista de los Pueblos de España
- Ciudadanos en Blanco
- Falange Española de las JONS
- Democracia Nacional
- Partido Familia y Vida
- Partido Humanista
- Partido Obrero Socialista Internacionalista
- Alternativa Española
- España 2000
- Falange Auténtica
- Solidaridad y Autogestión Internacionalista
- Alternativa Motor y Deportes
- Partido de los Pensionistas en Acción
- Izquierda Republicana
- Alianza Nacional
- Alternativa en Blanco
- Partido Carlista
- Partido de los No-fumadores
- Frente Español
- Centro Democrático Liberal
- Centro Democrático y Social
- Centro Democrático Español
- Partido de las Libertades Civiles
- Partido Liberal del Empleo y la Vivienda Estatal
- Lucha Internacionalista
- Partido Centristas
- Partido Unionista Estado de España
- Partido Positivistas Cristiano
- Comunión Tradicionalista Carlista
- Partido de Alianza Iberoamericana Europea
- Asamblea de Votación Electrónica
- Unión Centrista Liberal
- Movimiento Falangista de España
- Parties that did not run in the last general elections:
- Partido Pirata Español
- Partido Renacimiento y Unión de España
- Partido de Internet
- Unión española

Non-governmental organizations represented in Spain

Currently there are more than 3,000 NGOs in Spain, of which the largest (by number of members) follow:

- Fundación Plan Internacional España
- UDP. Unión Democrática de Pensionistas y Jubilados de España
- Cruz Roja Española
- Médicos Sin Fronteras España. Intermón Oxfam
- FEAPS. Confederación Española de Organizaciones en favor de las Personas con Discapacidad Intelectual
- Ayuda en Acción
- UNICEF
- Fundación Intervida
- Cáritas Española
- AECC. Asociación Española Contra el Cáncer

- Greenpeace
 - Manos Unidas
 - Anesvad
 - FACUA. Consumidores en Acción
 - Global Humanitaria
 - Amnistía Internacional, sección española
 - Médicos del Mundo
 - Ecologistas en Acción
 - ASDE. Federación de Asociaciones de Scouts de España
 - Fundación Vicente Ferrer
 - Federación de asociaciones de celíacos de España
 - Save the Children
 - Fondo para la Protección de los Animales Salvajes (FAPAS)
 - WWF
 - Federación Española de Padres de Niños con Cáncer
 - SEO/BirdLife. Sociedad Española de Ornitología
-