

In 2006 Spain continued to be governed by a socialist minority coalition, with José Luis Zapatero as prime minister. In an effort to bring an end to the decade-long conflict over the Basque region, the government sought to initiate a peace process with the Basque separatist organization ETA. These efforts, however, were only at a preliminary stage, when an ETA bomb attack abruptly stalled them at the end of the year. Threats against journalists made by ETA also continued to impair the press freedom situation in the country.

Like other European countries, Spain came under scrutiny by the Council of Europe and the European Parliament for its alleged role in facilitating unlawful US counter-terrorism activities. A national level investigation was also initiated into this matter.

Despite some positive developments in terms of immigration policies, such as the collective regularization of the status of non-citizens initiated in 2005, other major problems persisted. In particular, the use of excessive force by border control guards, obstacles faced by asylum seekers in accessing legal aid and asylum procedures as well as returns of asylum seekers and migrants in violation of international standards continued to give rise to concern. Migrants and minority members also often faced prejudice, discrimination and police misconduct.

In April, the Spanish government ratified the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT), which provides for the creation of a new international system for monitoring places of detention.

The protocol entered into force in June.

Freedom of expression

In the 2006 Worldwide Press Freedom Index published by the media watchdog Reporters Without Borders, Spain was

given the ranking 41 out of 158. Among the EU countries, only Poland was ranked lower.¹ As in previous years, the major threat to press freedom in the country was posed by ETA, with numerous journalists blacklisted by this organization working under armed protection.²

◆ In June, Arcadi Espada, columnist with the *El Mundo* newspaper, was assaulted at a pro-Catalan independence meeting in Girona. Espada, who was supposed to take part in a discussion about a future referendum on Catalanian autonomy, was taunted as “fascist” and pushed and punched, as a result of which he suffered cuts and bruises. Media NGOs criticized the fact that police were not present at the venue, although similar meetings held in the past had involved violence, and there was a foreseeable possibility of violence also at this meeting.³

◆ In a June ruling, the Spanish Supreme Court upheld the conviction of Tayssir Allouni, a nationalized Spanish presenter for the Arabic TV-station Al Jazeera who was sentenced to seven years in prison for “collaborating with Al Qaeda” in 2005.⁴ Media NGOs expressed concern that the prosecutor repeatedly made reference to an interview with Osama Bin Laden conducted by Allouni in 2001, arguing that this suggested that the case was related to Allouni’s work as a journalist and not a simple terrorism case. In October, the Spanish authorities decided to allow Allouni to serve the rest of his sentence at home because of his declining health.⁵

Anti-terrorism measures

In a development that raised hopes of a peaceful resolution of the Basque conflict that has been going on for more than 30 years and has cost hundreds of lives, the government announced intentions in June to begin negotiations with the banned separatist group ETA. This move

came three months after ETA announced a “permanent ceasefire,” and was strongly criticized by the conservative opposition but broadly supported among the population.⁶ However, in late December, an ETA bomb attack at Madrid Barajas airport, which killed two people, brought the peace dialogue to an abrupt end. This was the first time in three years that a fatal attack was attributed to ETA.⁷

In a report made public in June, a rapporteur of the Parliamentary Assembly of the Council of Europe found that Spain, among other countries, could be held responsible for “collusion” in the unlawful transfer of detainees through Europe by the US Central Intelligence Agency (CIA). He described Spain as a “stage point” for flights used for such rendition activities.⁸

A November report of a European Parliament committee similarly expressed concern about stopovers made by CIA-operated aircraft at Spanish airports “that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees.”⁹ It, however, also welcomed an investigation into such stopovers opened by the Spanish *Audiencia Nacional* – a court dealing with terrorism cases – following the release of the PACE report.¹⁰ This investigation was ongoing at the end of the year.

◆ In a July decision, the Spanish Supreme Court overturned the conviction of Hamed Abderrahman Ahmed, who was found guilty of terrorism and sentenced to six years’ imprisonment in 2005. The court concluded that that there was “no evidence” to support the conviction and that the principle of presumption of innocence had been violated by prosecutors in the case. Ahmed was arrested in Pakistan in 2001, and thereafter transferred to Guantanamo Bay, where he was held without charge until he was handed over to Spanish authorities in 2004.¹¹

Migrants and asylum seekers

In a report made public in February, the European Commission on Racism and Intolerance (ECRI) concluded that the current Spanish government, which took office in 2004, had showed willingness to “move from an aliens policy to an immigration and integration policy.” According to the committee, this shift in approach was reflected, *inter alia*, in the collective regularization process conducted in February-May 2005. This process enabled about 700,000 foreigners who had resided in the country for at least six months and met certain other requirements to apply for work and residence permits.¹² ECRI also found that the tone of the political and public debate on immigration had significantly improved in the country since the change of government, although prejudice and hostility toward immigrants remained a serious problem.¹³

The committee, however, remained concerned at other aspects of Spanish asylum and immigration policies. It stated that it had continued to receive “consistent reports according to which non-citizens are faced with significant barriers in accessing the asylum procedure,” particularly at the Canary Islands and the Spanish enclaves of Ceuta and Melilla in Northern Africa. As major reasons for such violations it highlighted strict border controls, neglect of asylum requests by border officials and the failure to ensure that asylum seekers have access to adequate legal assistance. It also noted that the percentage of asylum applicants who were granted refugee status or other forms of protection remained very low (2.7% and 3.2% respectively in 2004).

A European Parliament delegation that visited the Canary Islands of Tenerife and Fuerteventura in June 2006 was generally satisfied with how reception centers for asylum seekers and migrants were run, but depicted the situation of unaccompanied

minors as a "real emergency." It also expressed concern about the availability and quality of the legal assistance offered to migrants on the two islands.¹⁴

Amnesty International continued to document and highlight violations of the rights of migrants and asylum seekers at the border points in Ceuta and Melilla. It criticized the Spanish authorities for using excessive force to return migrants and asylum seekers, including through the use of firearms and heavy rubber bullets; for immediately and unlawfully expelling persons intercepted in the border area without granting them any opportunity to obtain legal or interpretation assistance; and for expelling migrants and asylum seekers *en masse* to countries where they risk torture or ill-treatment or risk being sent back to countries where they may face such

treatment.¹⁵ The organization also expressed concern about impunity for killings of migrants and asylum seekers, and called on the Spanish authorities to fully investigate the circumstances of a case in which three people died as they tried to enter Melilla from Morocco in July.¹⁶

Intolerance, racism and xenophobia

In its third report on Spain, ECRI found that a continued lack of awareness of racism and racial discrimination impeded effective efforts to combat these problems in Spain, including adequate implementation of relevant legislation. The committee pointed out that minority members – Roma, people from Northern and South Saharan Africa, South Americans and others – remained vulnerable to ethnically and racially motivated discrimination in different areas of society, such as employment, housing and access to public places, and that they were frequent targets of ethnic profiling and misconduct by police, such as insulting and abusive speech, ill-treatment and violence. It noted that many victims of police conduct reportedly did not report their experiences and investigations into complaints filed by victims were typically inefficient. It called on the Spanish authorities to counteract this trend by improving review mechanisms and human rights training of police officials.¹⁷

ECRI, further, highlighted the continued dissemination of racist, xenophobic and anti-Semitic propaganda by racist groups and the perpetration of violent attacks by such groups. It noted that while NGOs register about 4,000 cases of such violent acts every year, the real figure is believed to be considerably higher. In view of this, it called on the Spanish authorities to intensify its efforts to counter racist organizations, including neo-Nazi and skinhead groups.¹⁸

A report published by the European Monitoring Center for Racism and Xenophobia (EUMC) in December 2006 un-



A wooden boat carrying about 35 migrants arriving at the Canary Islands. In addition to the dangers they faced during the journeys, migrants experienced significant barriers in accessing the asylum procedure in Spain. 18 May 2006. © AP/Rodriguez

derlined the vulnerability of Muslims in the EU to intolerance and discrimination, and warned that this vulnerability limits their educational, employment and other opportunities and threatens to undermine their sense of belonging. The organization concluded that anti-Muslim incidents remain under-documented and under-reported in most EU countries, including in Spain, where there is no readily available data on either hate crimes generally or

hate crimes specifically targeting Muslims. The report noted, however, that Spanish NGOs have recorded a considerable number of incidents targeted at people from Muslim countries, in some cases perpetrated by public officials. EUMC recommended Spain and the other EU member states to improve the reporting of hate incidents and to implement more effective measures to counter discrimination and racism.¹⁹

SOURCES FOR FURTHER INFORMATION:

Organizations:

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- ♦ United Nations High Commissioner for Refugees (UNHCR) Spain, at www.eacnur.org/
- ♦ Amnesty International Spain, at www.es.amnesty.org
- ♦ Andalucia Acoge, at www.acoge.org
- ♦ Equipo Nikzor, at www.derechos.org/nizkor/
- ♦ Jueces para la Democracia, at www.juecesdemocracia.es
- ♦ Human Rights Institute of Catalonia (IDHC), at www.idhc.org
- ♦ Movimiento por la Paz, at www.mpdl.org
- ♦ Virtual Center for Human Rights, at www.eurosur.org
- ♦ Grupo de Acción Comunitaria (GAP) portal, at www.psicosocial.net

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Endnotes

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- ¹⁰ See *Jurist*, "Spain court launches investigation into CIA rendition flights," 12 June 2006, at <http://jurist.law.pitt.edu/paperchase/2006/06/spain-court-launches-investigation.php>.
- ¹¹ *VOA News*, "Spain Overturns Terrorism Conviction of Guantanamo Detainee," 24 July 2006, at www.globalsecurity.org/security/library/news/2006/07/sec-060724-voa01.htm.
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