

# Spain

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

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### e. Denial of Fair Public Trial

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The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

#### Trial Procedures

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The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense if indigent), confront witnesses, present witnesses on their behalf, and have access to government-held evidence. Defendants enjoy a presumption of innocence and the right to appeal.

#### Political Prisoners and Detainees

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There were no reports of political prisoners or detainees.

#### Regional Human Rights Courts Decision

During the year the European Court of Human Rights (ECHR) delivered nine judgments that found at least one violation by the state of its obligations under the European Convention on Human Rights. The government generally complied with the court's orders. Spanish case law also makes repeated references to ECHR's case law, and in some instances the government implemented new procedures or legislation following an ECHR decision. In response to an ECHR decision against the state for unduly lengthy criminal proceedings, the government enacted a law in December 2010 that allows the undue length of a criminal proceeding to be cited as a mitigating circumstance that may reduce a sentence.

#### Civil Judicial Procedures and Remedies

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An independent and impartial judiciary exists for civil matters, and there is access to a court to bring lawsuits seeking damages for a human rights violation. Violations of human rights can be pursued either criminally or, if committed by the state administration in other than a criminal offense, the complainant may pursue an administrative resolution. Persons may appeal court decisions involving alleged violations by the state of the European Convention on Human Rights to the ECHR once all avenues of appeal in Spanish courts have been exhausted. The national ombudsman also serves to protect and defend basic rights and public freedom on behalf of citizens.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it effectively.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

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The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. LGBT organizations were numerous, and there were no reported impediments to their operation.