

Spain

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

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants enjoy a presumption of innocence and the right to be informed promptly and in detail of the charges against them. The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. There is a nine-person jury system. Defendants have the right to be represented by an attorney of their choice. If the defendant is indigent, the government appoints one. Defendants have access to government-held evidence, confront witnesses, and present their witnesses and evidence. They cannot be compelled to testify or confess guilt. They have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR) once all avenues of appeal in national courts have been exhausted.

Regional Human Rights Courts Decisions

The country is subject to the jurisdiction of the ECHR, and the government generally complied with the court's orders. On July 24, in the case of *Del Rio Prada v. Spain*, the ECHR struck down the country's "Parot Doctrine" that applied sentence reductions to each individual sentence as opposed to the overall mandatory maximum sentence of 30 years stipulated by the country's law. The court instructed the government to release Ines del Rio Prada, a convicted Basque Fatherland and Liberty (ETA) terrorist, and to pay del Rio 30,000 euros (\$39,600) in nonpecuniary damage and 1,500 euros (\$1,980) for costs and expenses. The government appealed the ruling on October 4, and the ECHR accepted the appeal on October 23.

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

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

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

The lesbian, gay, bisexual, and transgender (LGBT) community was widely accepted throughout the country. On June 28, the regional government of the Basque Country approved a law of no discrimination for gender identity and of acknowledgment of the rights of transgender individuals. Discrimination in employment is banned. An anti-LGBT hate element can be considered an aggravating circumstance in crimes.

Other Societal Violence or Discrimination

There were no reports of major societal violence or discrimination against persons with HIV/AIDS.

Promotion of Acts of Discrimination

No information in this sub-section. Please see the full country report for more.