

## Informe revisado presentado en la Comisión por la señora Renger, ponente, sobre la situación política en España (25 octubre 1961)

**Source:** Consejo de Europa. Asamblea Consultiva. Comisión de Naciones no representadas. La situación política en España, Informe revisado presentado en la Comisión por la señora Renger, ponente, sobre la situación política en España. Estrasburgo: Consejo de Europa, 25.10.1961.

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**Last updated:** 20/02/2014

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# COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 25th October 1961

Confidential  
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## CONSULTATIVE ASSEMBLY

### COMMITTEE ON NON-REPRESENTED NATIONS

The political situation in Spain

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Revised Report submitted to the Committee  
by Mrs. Renger, Rapporteur

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The Rapporteur wishes to state at the outset that she is not personally acquainted with conditions in Spain. The information is taken from reports by diplomatic observers, the International Confederation of Free Trade Unions (ICFTU), OEEC (OECD), journalists, and from accompanying statements by persons living in Spain and exiled Spaniards.

#### State and Constitution

1. Franco's fascist régime began in 1936 as the so-called "technical Junta" which, under a decree of 30th January 1938, became the first cabinet Government. General Franco himself held the offices of Head of State, Commander-in-Chief and Falangist Party chief. He was and still is "Caudillo", leader of the nation, responsible "to God and history only". He governed by decree. On 17th July 1942, the "Cortes" were re-instituted but they are not a democratic Parliament; for in Franco Spain there is only one party, the "Falange Española Tradicionalista y de las Juntas de Ofensiva Nacional-Sindicalista" (FET y e las JONS), formed in 1937 when the Falangist and Traditionalist parties merged.

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2. On 13th July 1947, the Cortes approved the fundamental rights of the Spanish people (Fuero de los Espanoles). Since October of the same year, laws of particular importance have been subject to a referendum by universal franchise, with, however, freedom of decision probably corresponding to that obtaining in a dictatorial State.

3. On 13th July 1947, as a result of such a referendum, the monarchy was restored by 14,000,000 to 700,000 votes. Today Spain is again a monarchy, albeit administered for the time being by Franco. His powers include the right to appoint and dismiss ministers. He it is who will decide the date for the enthronement of one of the princes proposed by the Cortes.

4. The legislative body is the provincially constituted Cortes whose President is appointed by the Head of the State. Up to one-third of its 550 members are members of trade unions. The State trade union organisation cannot be compared with trade unions in the Western democracies. Ninety-one members of the Cortes are appointed by the Head of State, the remainder consisting of representatives of the professions, the provinces and municipalities as well as of the members of the Cabinet and members of the Falangist National Council.

5. In times of emergency the Royal Council, consisting of the Ministers of the three Armed Forces and of the Head of State, passes laws without the consent of Cortes, which have indeed no powers of their own even in normal times. On 29th July a new emergency bill was passed granting the Government even stronger powers.

6. After abrogation of the autonomy laws, the administration is now strictly centralised. Local self-government does not exist. Mayors are appointed by the Government. Membership of local government is subject to the same provincial principles as those applying to the Cortes.

7. The Falange Espanola Tradicionalista y de las Juntas de Ofensiva Nacional-Sindicalistas is the State party in Spain. Its structure resembles that of a Government. A special Party Minister represents the Falange in the Cabinet.

#### Home Policy

8. To the question whether the present Spanish system of government is authoritarian or totalitarian, Mr. Albert Martin Artajo, former Spanish Minister for Foreign Affairs, now President of the European Centre of Documentation and Information (CED) gives the following reply:

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"The present Spanish régime was authoritarian from the start as a logical consequence of the civil war. However, it is an open system, which, as the Head of the State himself has said, can be improved and is developing on the basis of an institutional democracy.

Under this régime fundamental human freedoms are respected and only certain political freedoms are partly restricted for the common good.

These restrictions are necessary. For example, had trade union activities been completely free, these might have been dominated by the anarchists and Communists who have destroyed other more important freedoms such as the freedom to work and personal freedom."

These so-called "secondary freedoms", which are withheld from the Spanish people, are:

- secret, fair and free elections
- right to organise and to strike
- right of public meeting
- freedom of movement
- free press and information
- freedom of religion and conscience
- inviolability of human rights
- equality before the law

Mr. Artajo further said: "Spain is not a 'police state'. Personal security is guaranteed ... ". To this it must, however, be objected that political offences are not dealt with by ordinary courts but by military courts.

9. Since the outbreak of the Civil War, i.e. since 1936, a state of emergency has prevailed in Spain; so-called political offences fall within the competence of military jurisdiction. According to the preface, Government Act No. 1794 of 21st September 1960 is intended to consolidate the Act of 2nd March 1943 (Military Rebellion Act) and the Decree of 18th April 1947 (Banditry and Terrorism). In fact,

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however, new regulations were introduced by Act. No. 1794 and military jurisdiction was maintained. According to Act No. 1794, the "spreading of false or tendentious news with a view to disturbing public order, starting an international conflict or injuring the prestige of the State, its institutions, the Government, the Army and the authorities" is regarded as an act of armed rebellion. "Passive resistance, strikes, sabotage and similar acts, insofar as their aim is political or they seriously endanger public order" may be judged to be offences of the same nature. The penalty for such offences is death "if they result in the death of a person; in other cases the penalty is life imprisonment".

10. The Decree further lays down the death penalty or life imprisonment for the following offences: acts of revenge or reprisals of a social or political character if they have serious consequences, such as explosions, fires, derailment of trains, etc. The same applies to kidnapping, the forming of armed bands and social subversion.

11. All persons having rendered themselves guilty of one of these offences are tried by summary procedure by a military tribunal composed of judges who are not lawyers. No appeal may be lodged against the sentence.

12. As is evident from a letter addressed to the Madrid Bar Association at the end of January 1961 by a number of Madrid barristers, including the well-known barrister and Catholic politician, José Maria Gil Robles, the latter protest against the illegality of Decree 1794 and object that, among other things, they are precluded from acting as defence counsel in such trials.

13. There can therefore be no question of legal security if the death penalty can be inflicted for strikes and passive resistance, when these "offences" are regarded as "armed rebellion" and are not judged by an ordinary but by a military court, without the possibility of appeal or legal advice. Furthermore, a number of laws and decrees have retro-active force.

14. Military courts and courts-martial hear cases in the first instance and pass sentence. The proclamation of the sentence is confirmed by the military governor of the province concerned. The sentence becomes enforceable without any other procedure.

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15. Only in cases in which the military governor does not confirm the sentence may an appeal be lodged with the "Tribunal Supremo". A new Chamber for hearing war cases was recently set up by the Tribunal Supremo.

16. It is evident from available texts of laws and information that the sentences are entirely arbitrary. In the notorious Carabanchel prison in Madrid, for example, there are still a number of political prisoners in solitary confinement. Last year the deterioration in living conditions and the denial of legal assistance led to a hunger strike on the part of the prisoners which the prison authorities answered with the following reprisals: all correspondence with relatives was stopped; it was forbidden to receive food and the water ration was reduced. The most prominent prisoners, Antonio Amat Maiz, Juan Gerona Pena and Luis Alberto Solana Madariaga were flung into dark and damp cellars. At the end of last year a number of death sentences were passed on imprisoned political opponents of the Franco régime.

17. On 30th May 1960, 339 Basque priests protested against these arbitrary measures in a proclamation which culminated in the statement that for twenty-four years "men have been imprisoned sine die for months and even years, at the discretion of a Governor or a Security Police official or a Minister, to be subsequently brought before a Special Tribunal and accused of the very serious crimes of 'rebellion against the State' ... The Fuero de los Espanoles' is a dead letter ... The truth is that all the elements of power, all positions of authority and political influence, from village mayor to Government Minister, from office clerk to Principal of a university, are assigned by a single, unlimited authority against which there is no appeal ... Yet - the proclamation continues - we can solemnly affirm that, in Spain, the Executive Power intervenes in legal matters, influencing and dictating sentences according to the political standards laid down by the Head of State. In police stations in our country, torture is used as a method of investigation ... a malevolent suspicion is sufficient reason for a policeman or civic guard to beat, torture or injure any citizen as he pleases ... Nor are these isolated cases, but quite definitely part of a system, since the authorities know and tolerate these facts; it is a system which is clearly contrary to the most elementary rules of law."

18. Although suppression and persecution of the opposition are complete, political demonstrations and protests have occurred again and again in the past. An uprising in Spain itself is, however, at present hardly conceivable.

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19. Apart from Communists, the resistance groups are composed mainly of students, Socialists - many of whom are in prison - monarchists, trade-unionists, Liberals, left-wing Catholics and also priests.

20. The Franco authorities, however, strive to give the impression that political resistance is predominantly staged by Communists. This does not correspond with the facts. According to official Spanish estimates the number of avowed Communists in Spain is 3,000 to 5,000 (at the outbreak of the Civil War the Communist Party had only 16 members in Parliament). It must admittedly be borne in mind that the Communist Parties have experience in illegal activities and dispose of considerable financial means.

21. After the experiences which the Spanish people had with Communism, there is no sympathy with Communist ideas as such. But in the view of Mr. Madariaga there is now the risk that a change is taking place in this respect.

22. The hardest blow for the Spanish people is, however, the "curtain of silence" which the Western world seems to have spread over Spain. It is thus no longer possible, as it was in earlier days, to speak to the Spanish people on the French broadcasting system. Other broadcasting stations also refuse such transmissions. The result of this is that, at present, only Communist radio stations, like Prague and Belgrade, speak to the Spanish people and describe their undemocratic conditions for their Communist propaganda. In the eyes of the Spanish people Western democracies seem even to support the régime.

23. It thus appears that it is only the Communists who are interested in the establishment of freedom in Spain, so that, in the course of time, the entire opposition to Franco might turn Communist. The intellectuals of the country, and the academic youth in particular, are disappointed by the lack of interest shown by the Western world and there is a danger that they will favour Communist ideas.

24. This development should be stopped by broadcasts from radio stations like Radio Free Europe. Furthermore, it might be considered whether it would not be appropriate to issue a news bulletin on Spain for the information of Europeans.

25. The political differences among opposition groups make it easier for the Franco authorities to give the impression both in Spain and abroad that, were Franco to retire from the

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political stage, there would be chaos and the renewed danger of a civil war. Nevertheless, the question of a successor to General Franco is being discussed in public as well as by responsible members of the Cabinet, particularly since Franco suffered a heart attack some time ago. The presentation of Prince Juan Carlos as a harmless symbolic figure of monarchy is intended to reassure the people to some extent and is a concession to the monarchists and to right-wing intellectuals in opposition loosely united in the "Union Espanola".

26. At the same time, there is a rumour that General Franco has made a secret arrangement with the heir to the throne, Don Juan, to the effect that the structure of the State and Falange principles ("Operation Continuity") will be maintained in the event of Franco's retiring from politics and the Government being taken over by a monarch. This policy apparently has the support of the Ministers, Camillo Alonso Vega and General Barroa, as well as of Minister Ullastres, who are all members of the clerical movement Opus Dei, a religious society of priests and laymen founded in 1928, which has its headquarters in Madrid and is officially represented in Rome. There is a direct line of communication from these important members of the Cabinet to the head of the Opus Dei movement, Srs. Perez Emid, Gonzola de la Mora, as well as to Don Juan's Royal Council and members of society and the church hierarchy. Another Opus Dei figure, Father Suarez, has meanwhile been accepted by Don Juan to act as chaplain and religious adviser to his son, Juan Carlos.

27. Members of the Spanish opposition view this development with considerable concern; they have the impression that the alleged move towards a monarchy, and thus towards a free constitution for the country, moderates the negative attitude of the foreign powers towards Franco Spain, although there are other factions which consider the restoration of the monarchy after Franco's death feasible and the only means of overcoming dictatorship.

28. The view held by certain foreign Cabinets that, through large-scale economic aid and the admission of Franco Spain to international organisations, Franco could be bound more closely to the Western democracies and that, in this way, a reliable partner could be gained in the struggle against Communism, meets with divided opinion.

29. The question whether through economic assistance totalitarian Fascist or Communist Governments are virtually compelled to bring about gradual internal liberalisation cannot be debated in this Report. The economic aid of the

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United States and the OECD economic assistance programme for Spain should no doubt be regarded as also promoting, through the stabilisation of Spanish economy and its release from an autarky socially and economically unacceptable to the broad masses, a certain rapprochement between Franco Spain and the liberal conceptions of the West.

30. Here Mr. Madariaga believes the opposite to be the case, holding that only after a change in the political situation will it be possible to bring about an improvement in the economic position. In his view economic aid and political gestures such as the visit of the former President of the United States and of the Minister for Economic Affairs of the Federal Republic of Germany, and the friendly reception of the Spanish Foreign Minister in London, Paris, Washington and Bonn, serve only to bolster the Franco régime.

31. There is no doubt that it is precisely political contacts which cause Franco Spain particular satisfaction.

32. Franco Spain is particularly grateful for the extremely positive attitude shown by the Federal Republic of Germany, which has made great efforts to break down the barriers isolating Spain and to pave the way for Franco Spain to be admitted to European institutions as a full Member. Viewed with equal satisfaction are the efforts made by the Federal Republic to admit Spain to NATO. Current Spanish trends are above all reflected in the desire for particularly close relations among the three countries: France, Germany and Spain.

33. Mr. Madariaga moreover considers the political disadvantages deriving from Spain's membership of OECD to be greater than any possible advantages and he is against UNESCO's "scandalous co-operation" with Spain and also against the holding of meetings of the Inter-Parliamentary Union or of the Council of Europe in Spain. In his view it is the Council of Europe itself which should be the mouthpiece of free Spain and such steps impair its effectiveness. This view was also shared by Mr. Tomas, leader of the exiled Spanish trade unions, and Mr. Llopis, leader of the exiled Spanish Social-Democrat Party.

34. This would seem to be contradicted by the report of Mr. Miranda ("Statement by Don Fernando Alvarez de Miranda" /AS/NR (13) PV 37) from which it can be gathered that there is growing public interest in European unification, which is in no small measure due to contacts with Europeans from outside Spain. The Spanish Association for European Co-operation (AECD) represented by Mr. Miranda, which is not supported by

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the Government, also looks upon European integration as the only means of achieving greater freedom for the Spanish people. This view is shared by opposition groups among young intellectuals and at universities. These groups are opposed to a "Europe des Patries" and openly express themselves in favour of the Spanish Government signing and observing the European Convention on Human Rights.

35. Since 1953 Spain's official European policy has not been as negative as formerly but there is no doubt that Government circles see in full European integration dangers for the régime. That is why the Government and the European Documentation and Information Centre (CEDI) which it sponsors and subsidises (which was founded by Otto von Hapsburg) favour the "Europe des Patries" formula and maintain a reserved attitude towards European organisations in general and towards the Council of Europe in particular. An exception to this is the Minister in charge of Trade Unions, Mr. Solis, who, though in favour of European unification and Spain's accession to the Council of Europe, naturally rules out any change in the present Spanish régime and its social and economic structure. Up to now the Church has not, so far as is known, defined its attitude.

36. Hitherto staunch supporters of the régime have been the Catholic Church, military circles, the big land-owners and the industrialists. In this connection, the Catholic Church holds a special position.

37. Though for some time, as in 1958 and 1959, it was said that the younger officers were in some sort of opposition to the older generals from the Civil War, there can be no doubt of their continued loyalty towards the régime. There is a certain amount of dissatisfaction, however, at the economic situation and the privileges enjoyed by Civil War generals. Criticism voiced by the younger generation of officers is mainly directed at the military tactical views of the old generals. In this respect, the younger officers wish for internal reform and re-organisation of the army; this Franco has so far opposed partly owing to lack of financial resources and partly because re-organisation might endanger the army's firm support of the present system of Government. For the same reason, it seems that Franco himself is not pressing unduly for Spain's accession to NATO; integration of the Spanish army might have repercussions upon the present system of Government.

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Church and State

38. The Constitution of 1939 expressly recognises the Catholic Church as the State Church. Apart from its spiritual power, the Church owns extensive property and has strong political influence.

39. In the Concordat concluded between the Holy See and Spain on 27th August 1953, the Holy See has secured many rights, particularly the teaching of religion as a compulsory subject, far-reaching tax privileges and financial support by the State. On the occasion of the Eucharistic Congress in Spain, Pope Pius XII sent the following message of greeting to General Franco:

"It is Our wish to express to Your Excellency the deep satisfaction with which We have viewed the pious work and the abundant testimony of faith of this Catholic nation and its worthy leaders, by which they are striving ..... to carry on the great traditions entitling Spain to hold a privileged position in the Church .....

For more than twenty years the Church has been very closely linked with the Franco régime. Relying very largely on the support of the upper classes, it has used its privileged position to increase its possessions and power. Even today, the Catholic hierarchy supports the Government although in recent times it has tried not to be identified with all the measures taken by the Franco Government, e.g. in the social field. However, with very few exceptions, such as when intervening on behalf of individual prisoners, it does not voice any opinion on political conditions, and the Catholic priests in the Basque country were reprimanded by the high clergy after the publication of the proclamation, and told to concern themselves only with matters relating to their ministerial office.

40. Although, generally speaking, there is no opposition from the Church, the latter being too closely linked with the totalitarian Government by the unusual privileges it enjoys and its control of the entire cultural life - e.g. it carries out preliminary censorship of all religious publications - thus exercising powers which it could never expect from any other Government, the Church is well aware of estrangement from the people, who, under the new stabilisation plan, have to bear the entire burden of economic re-organisation. Every day parish priests are told that the Church too is responsible for this state of affairs. Thus, an inquiry made by the Bishop of Valencia in summer 1959 revealed that an anti-clerical

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attitude is growing, particularly among the working classes. It is therefore quite likely that the twelve Spanish archbishops, who include four cardinals, have warned the authorities of the social tensions without, however, offering any solutions themselves. It looks, however, as if this new friendly attitude of the high clergy towards the workers cannot be interpreted as opposition to the present system of Government.

41. There is nevertheless growing opposition to the régime among the lower ranks of the clergy. It is even said that the younger members of the clergy have good contacts with the working classes and the universities - and even with opposition circles - and that they are sympathetic towards democratic tendencies. It is also possible that they would agree to tolerate dissenting groups.

42. So far the situation of the 40,000 Protestants in Spain has been extremely difficult from the point of view both of their creed and their civic rights. Article 6 of the Fundamental Rights reads as follows:

"Confession and the practice of the Catholic religion, which is that of the State, enjoy official protection. No one may be molested because of his religious faith nor in the private practice of his religious service. No external ceremonies or meetings other than of the Catholic religion are tolerated".

43. The Catholic bishops interpret Article 6 in the following way:

"Article 6 of the Fuero states quite clearly that it tolerates the private practice of non-Catholic worship, and that no other ceremonies or meetings other than those of the Catholic Church are tolerated. It is, therefore, a mistake to describe Article 6 as a law granting freedom of worship; still less freedom to conduct divine service in public or to practise Protestant proselytism as if there existed freedom of worship in Spain .....

44. According to this, it is virtually impossible for Protestants to conduct religious services. Public appearance or support is prohibited, and the teaching of religion for Spanish Protestants is impossible; nor is there any missionary activity. Religious services have repeatedly been disturbed; difficulties arise under marriage law (in Spain Canon Law is in force) and burial regulations (it sometimes happens that

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Protestants are buried in the cemetery plot reserved for the burial of persons who have committed suicide). In January 1957 the United Protestant Theological Seminary in Madrid was closed down.

45. The Mohammedan, Jewish and other denominations are not importuned; there are synagogues in both Barcelona and Madrid.

#### The Press

46. 25 years after the Civil War the Spanish censorship regulations laid down at the time are still in force. There has repeatedly been talk of a new press law but so far it has not been introduced.

47. Following the banning of a series of Liberal, Socialist, Communist and other newspapers - reducing the number of newspapers published in Spain from 250 to about 100 - and the transfer of the former Republican newspapers to the Falange, a subtle press control system was devised.

The Press Law (22nd April 1938) consists of two parts:

1. Ban on specific newspapers.
2. Censorship regulations.

By virtue of this Law the State is entitled:

- (1) to regulate the number and circulation of periodical publications;
- (2) to intervene in the appointment of editor-in-chief;
- (3) to regulate the profession of journalist;
- (4) to supervise the activity of the press;
- (5) to exercise censorship so long as this remains in force.

48. The editor of each newspaper must be approved by the Minister of Information and can be dismissed by him (Articles 8 and 13).

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49. Disciplinary measures may be taken, such as the dismissal or transfer of the editor; or the dismissal of the editor and his suspension from the register of journalists. The latter measure is applied only in serious cases, e.g. for attacking Franco. There is no appeal against this.

50. By virtue of the State Security Act of 1941, the penalty inflicted may also take the form of one to five years imprisonment or fines of between ten and fifty thousand pesetas in the case of articles which attack the authority or security of the State, or the interests of the Spanish nation.

51. Persons guilty of spreading false or tendentious news or rumours in any way or of supporting acts injuring the authority of the State may be punished with terms of imprisonment of up to ten years and may be prohibited from pursuing journalistic activities for a period of up to ten years.

52. As a result of the editor being made responsible, prior censoring has become largely superfluous. The measures are all the more effective as the editor prefers to delete one sentence too many than too few.

53. As far as foreign news is concerned, newspapers are supplied by the State Agency (EFE). There are a number of other news agencies in respect of which the same provisions applying to editors are applicable.

54. Newspapers and agencies must in addition follow the instructions of the General Directorate of the Press. For example, on the occasion of the death of Ortega y Gasset the following directive was issued: "Every newspaper can publish up to three articles concerning the death of Don Ortega y Gasset, one obituary and two articles of comment. All articles on the philosophy of the writer must underline his errors in religious matters. It is permitted to publish on the front page photographs of the mortuary, the death-mask or the body of the deceased, but on no account of Ortega when alive." The General Directorate of the Press also orders the publication of compulsory articles.

55. Both journalists and the Church (Mgr. Herrera) asked for a new press law. In July 1957 a National Press Council, presided over by the Minister of Information, was, it is true, set up, but up to now there has been no change in the conditions themselves.

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56. Thus the AECE cannot even publish a periodical on European affairs. The necessary authorisation was refused. Discussions on European questions are, moreover, only permitted to the extent that they reflect Government opinion.

57. Many of the fundamental rights referred to are embodied in the Spanish Constitution but they are purely theoretical and are not applied in practice.

#### The Economic Situation

58. Even now, following the introduction of the stabilisation measures proposed by OEEC, the economic and sociological situation in Spain is that of an under-developed country. According to the OEEC Report of August 1960 a more positive trend seems to be developing; although it does not, however, yet embrace the broad masses. It is doubtful whether democratisation can be achieved through economic measures if the present social structure and conditions of ownership are maintained.

59. During the period 1950-1957 the annual rate of expansion of industrial growth was approximately 8 per cent. The rate of growth in the textile and food industries was lower. Growth was particularly high in the basic industries, above all in iron and steel production, the production of building materials, in oil refineries and in electricity output. A rapid development of new types of production was recorded.

60. A rapid increase in production in most consumer goods industries was prevented by the lack of an adequate economic infrastructure, the latter having failed to keep pace with development. Transport and communications did not expand at the same rate as industry. Despite a rapid increase, output of both steel and electric power was inadequate and put a brake on overall production. Inadequate progress in agriculture aggravated the problem of inflation still further and at the same time diminished proceeds from exports which had already been adversely affected by a decline in mining production. The increase in currency reserves was negligible and difficulties were experienced in obtaining machinery and raw materials.

61. The main obstacle encountered by the Spanish economy was the low level in savings and capital investment which from 1954 onwards could only be remedied at the cost of inflation which, apart from its usual adverse effects, led to a partial misdirection of investments. As a result there was a continuous

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demand for all kinds of products, loan capital cost practically nothing and considerable profits were ensured, regardless of economic soundness.

62. According to the census of 1950 almost half the working population was engaged in agricultural and similar occupations, one third in industry and in the transport and communications sector, and the remainder in commerce, administration and public utility services. In recent years the number of persons engaged in non-agricultural occupations has risen by 15 to 20 per cent.

63. Of the 5 million persons occupied in agriculture, about 1.3 million were wage-earners. The apparent stability of employment in this sector covers seasonal unemployment as well as exceptional under-employment among smallholders. 70 to 75 per cent of Spain's farms comprise less than 5 hectares and represent 20 to 25 per cent of all agricultural land. (37 per cent of farmers liable to taxation have 3 per cent of the taxed acreage, whereas 2 per cent who are large landholders possess 50 per cent of the taxed land). According to available estimates surplus agricultural workers number approximately 2 million.

64. The annual creation of 120,000 new jobs in industry and public utility services during the period 1950 - 1957 and the emigration of some 60,000 persons a year led to an improvement in the labour market in all spheres, except that of agriculture. During the first six months of 1958 the number of unemployed (official figure) was 85,000 (OEEC Report 1958).

65. The per capita income amounted to about 350 dollars a year; but even this figure was misleading, for a small upper class had a disproportionately large share of the total income. During the years 1954 and 1955 there was hardly any change in the level of wages and other benefits. They lagged behind prices until the end of 1956 when considerable wage increases were granted amounting to 50 per cent in the case of wages proper and to 33 per cent if indirect benefits are included. Despite an appreciable rise in prices there have been no general wage increases since then, although in fact greatly varying increases were granted in different branches of industry and enterprises. From the third quarter of 1956 to the third quarter of 1958 prices of consumer goods rose by 27 per cent and those of foodstuffs by 31 per cent (Annual OEEC Report 1958).

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66. This was the situation in July 1959 when the OEEC Stabilisation Programme, designed to eliminate inflation, stabilise prices and gradually incorporate Spain into world economy, was introduced.

67. The Stabilisation Programme advocated measures which, on the one hand, brought the Government in conflict with those members of the population who had become very wealthy during the past twenty years and had been able to operate without having to bother about trade competition from other nations and to whom autarky had offered unsuspected opportunities.

68. On the other hand, the conversion of the economy first of all had a negative effect upon production, which in some fields fell by 50 per cent. 88 per cent of industrial enterprises paid 60 per cent of the wages prevailing before the conversion, and bonuses were cancelled. On the other hand, the level of dividends remained constant; indeed, in a few cases higher dividends were paid.

69. The main burden of economic conversion was borne by workers in industry. Although in the past the Spanish worker had had to work ten to fourteen hours a day for one or several employers in order to augment his basic wage by overtime and other employment, the overtime and bonus system was suspended following mass dismissals and the closing down of industrial undertakings, with the result that Spanish workers suffered a loss of income amounting to as much as 50 per cent. Of 750,000 employees in the iron industry, 22,000 were dismissed and 107,000 (25%) are working as unskilled labourers, since there is no suitable employment for them. 390,000 others are working short shifts and are consequently no longer earning bonuses. Only about 20% (150,000) of all workers in industry are continuing to earn wages and bonuses equal to those in the past. It is assumed that immediately after the economic conversion about two million Spanish workers, or one-fourth of all employees in industry and commerce, earned 25 to 35 per cent less than before.

70. The number of officially registered unemployed rose from 82,000 in the first quarter of 1958 to 112,000 in the first quarter of 1960; but these figures do not give a true picture, since conditions on the labour market have notably worsened as a result of a shortening of the working week and the suppression of premiums. (See also OEEC Report, para.26).

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71. According to the OEEC Report of August 1960, the price of foodstuffs and living costs rose by about 2 per cent between July 1959 and March 1960. "In spite of a sharp devaluation of the peseta and an appreciable relaxation of the controls, the rise in prices has been very slow and very limited, not exceeding 2 per cent for wholesale prices and for the cost of living over the period July 1959 to March 1960".

72. The International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions, however, judged the increase to be far greater; this led them to request ILO to carry out an investigation into the living conditions of Spanish workers.

73. The situation is rendered more precarious by the fact there is no adequate unemployment insurance system. Paragraph 27 of the OEEC Report of August 1960 states: "A first step towards the introduction of a satisfactory system of unemployment grants was taken by the Decree of 26th November 1959, which gives dismissed workers a grant equal to three-quarters of their basic salary and family allowances. This expenditure is financed by an employers' contribution of 0.5 per cent of their wage bill. This new system came into application on 1st February 1960, for workers dismissed after that date; at the end of May 1960, about 10,000 unemployed out of a total of about 104,000 benefited from it."

74. Only workers dismissed because of lack of work are entitled to receive benefits under this unemployment assistance scheme. In such cases an amount equal to 75 per cent of the average annual wage is paid during a period of twenty-six weeks; but in reality the amount equals only about 35 per cent of the average annual income, since workers cannot live on their basic wage alone, earning a bare livelihood only by dint of additional work, overtime, bonuses, etc.

75. This assistance is, moreover, not granted to so-called casual workers. A worker can be employed as a casual worker for as long as the employer desires. He is employed for six months, after which his employment is extended. As a result of this there are "casual workers" who have been employed as temporary workers for four or more years and who are therefore not entitled to unemployment assistance.

76. Spanish workers are alone in facing this economic situation; they have no freely elected representatives. Workers and employers who are members of the Government Union are under the direction of the Falange, the only political party permitted.

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Labour officials are not elected by the workers but appointed by the Falange. Wages, hours, bonuses and the entire social insurance system are laid down by the Government. Workers are not allowed to hold meetings. Strikes are prohibited by law. There is no freedom of movement.

77. According to available reports and information there is no indication that trade unions are becoming an independent force in Spain. As in the past they continue to be an instrument of State policy.

#### Summary

78. The nations represented in the Council of Europe would like to welcome the freely-elected representatives of the Spanish people to this Assembly too. The present Spanish régime, however, does not conform to the principles of democracy and freedom laid down in the Preamble to the Statute adopted by the Council of Europe. The present Spanish Government disregards the Convention on Human Rights which is an inalienable right also of the Spanish people. The authoritarian régime continues to exist unabated.

79. The economic and social situation in Franco Spain is that of an under-developed country. Social differences are very great. Wages and salaries are to a large extent below that necessary to ensure a living. There is no social insurance.

80. According to the OEEC Reports of August 1960, the State finances, thanks to the economic assistance of OEEC, are on the road to recovery which, however, is not equivalent to economic progress and a rise in the standard of living.

81. It is not yet possible to determine with certainty whether economic assistance will bring about a sound development of economy, but there are positive signs to this effect.

82. What is extremely doubtful is whether the economic and military assistance of the West will also compel the Franco Government to liberalise internal policy. There are no signs of this. One would seem more justified in claiming that such aid serves to strengthen the Franco régime.

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Recommendation

83. OECD should be invited to propose in its recommendations that more attention be paid to the social and economic situation of Spanish workers.

84. ILO should be requested to investigate the position of Spanish workers.

85. The Council of Europe should request the International Commission of Jurists to concern itself with the position of political prisoners in Spain.

86. The Council of Europe should take steps to ascertain what possibilities there are in member States for making radio broadcasts in Spanish.