

RAJOY'S GOVERNMENT MILITARY POLICY



ANALYSIS OF SPANISH
MILITARY POLICY (2009-2013)

JUSTÍCIA I PAU

CENTRE DELÀS
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EXECUTIVE SUMMARY

Rajoy's government military policy has not drawn apart from the consensus that has prevailed in Spain since the transition. Despite the deep economic crisis, the government has not brought into question the military expenses or the Armed Forces model, although no armed threat against Spain has been recognized. The two main objectives for this term is to maintain the current capabilities of the Armed Forces and the government support towards the development of the military industry and the weapon exportation. The maintenance of the capabilities of the Armed Forces is based on a nationalist idea of facing "unshared threats" with the Atlantic and European allies and of having an own military strength for contributing to the world security. This idea strongly diverges from the loss of sovereignty derived from implementing the economic measures designed by the troika and Brussels without a second thought.

Rajoy has timidly continued with the defence legislative cycle started by Zapatero. He has drafted two clearly regressive bills, like the Disciplinary regime, that endures the arrest without legal protection for the military personnel, which contravenes the European Convention on Human Rights. The other bill in a new penal military code that not only endures the military jurisdiction but increases its scope by entitling them to judge ordinary crimes committed by military personnel, by putting back the Guardia Civil under the military jurisdiction and by introducing an undefined aggravating factor of "armed conflict" by which the military courts will be able to judge civilians.

The government has also drafted a new Security Strategy that seeks to deal with the security issue from a comprehensive point of view, but has not changed the model of security policies. The control model is still the key for dealing with the risks and threats. Proactive policies to reduce world conflicts, and thus the risks, are vague. The object for security remains to be the Nation, and the people's security, the human security policies, the security of living without fear are in-existent or completely vague and undefined.

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RAJOY'S GOVERNMENT
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All the governments agree in certain topics related to military policy: the armed forces rearmament, the military industry and weapon exportation, the army as an essential instrument for foreign action, the involvement in western military alliances and the promotion of defence culture for the legitimization of the armed forces

1. INTRODUCTION

After two years of Rajoy's term in office, it is the time to review the military policy that his government has developed. We won't discuss the military expenditure or the Spanish weapons exportation, because these topics were fully analysed in reports drafted by Centre Delàs.¹ We will focus on the definition that the government had given to the military policy, in the analysis of the new National Security Strategy, a strategy that expects to go beyond the military policy, but that is still subject to it, in the legislative changes about the Armed Forces after a socialist government, and in the situation of the Armed Forces and the treatment it gives its professionals. And all this, taking into account an unprecedented economic crisis.

2. THE MILITARY POLICY IN TIMES OF CRISIS

Despite the deep economic crisis and the measures demanded by the Troika, Rajoy's government has outlined his military policy. He passed the National Defence Policy (from here on written as DDN 2012)² in July 2012, the Political Defence Policy (from here on written as DPD 2012)³ in December of the same year, and the National Security Strategy in May 2013 (from here on written as ESN 2013).⁴ These measures define Mr. Rajoy's defence and security policy. On the legislative field, he has made progress in the Congress on the proceedings for passing a bill about the Armed Forces Disciplinary Regime. Furthermore, he had introduced a new bill about the Penal Military Code.

Rajoy has not drawn apart from the consensus that both parties had carried out since the transition, despite the criticism of the Socialist party about the 2012 National Defence Policy, which they described as a step backwards on the military policy developed by the government of Zapatero. This consensus could be summarized into: 1) a continuous effort for rearming and modernising the Armed Forces; 2) a development of the military industry and weapons exportation; 3) the army as an essential instrument for foreign action; 4) involvement in western military alliances; and 5) a promotion of defence culture for the legitimization support of the Armed Forces.

The 2013 National Security Strategy is an example of the aforementioned consensus and, in fact, it has become the first National agreement with the Socialist party since the start of his term in office..

1. See reports 18 and 19 of the Centre Delàs (2013)

2. The Governments Presidency (2012)

3. "New Defense Policy directive", *Revista Española de Defensa* 2012, 16-17

4. The Governments Presidency (2013)

The budget cuts on the military policies have two main priorities: the maintenance of the full capabilities of the armed forces and the support to the Spanish military industry and weapons sale

The right-wing government supports a nationalist idea of “unshared threats” that diverges from the loss of sovereignty derived from implementing the economic measures designed by the troika and Brussels

The National Defence Policy only brings continuous and under-developed regulations

However, the deep economic crisis and the budget cuts demanded by the European Troika and its austerity policy has affected the military policy and has settle two priorities: the maintenance of the full capabilities of the Armed Forces and the support to the Spanish military industry and weapons sale. That is to say, they want to keep the Armed Forces and the military industry away from the consequences of the crisis and the budget cuts that had stroke the social rights, aggravated the unemployment and recklessly crushed the industry.

Currently, the only expected change in the Armed Forces is the one announced by the 2012 National Defence Policy. This is a vague transformation that will only adapt the structures and proceedings in order to optimize the resources management and to be more efficient. The transformation is motivated by the limitations derived from the crisis and not by a desire for change in the defence policies.

On the other hand, the Popular party has supported a nationalist idea in which they defend that the main contribution of Spain to the World security is to guarantee the nation's security with strength and determination, emphasizing the “unshared threats.” These threats come from North Africa, being Ceuta and Melilla a special target. Those threats are not covered by the mutual military defence in NATO's article 5. This idea is also used for guaranteeing the military expenditure to maintain a national level of credible and sufficient deterrence, as the National Defence Policy reads. The idea diverges from the loss of sovereignty derived from implementing the economic measures designed by the troika and Brussels.

2.1 2012 National Defence Policy

Despite the major geopolitical changes occurred in the international stage in the past years, on July 31, 2012 the government of Rajoy passed a new National Defence Policy that was far from adapting to those changes and explained in a few pages a series of regulations that are clearly continuous and under-developed.

Although a new National Security Strategy is to be passed in May 2013, the National Defence Policy highlights the objective of maintaining the full capabilities of the Armed Forces to guarantee the “deterrence” against the “unshared threats” coming from North Africa, specially affecting the security of Ceuta and Melilla, and that are not covered in the NATO's mutual defence clause.

The policy also recognises the existence of a threat that can risk the objective of maintaining the military capabilities: the economic crisis that has stroke Spain. In this sense, the policy proposes a reorganization of the Armed Forces by adapting the structures and proceedings to increase the efficiency in the management and use of the resources. However, no measures are clarified.

But we can see very clearly that in relation to the budget of the Armed Forces, the cuts that Mariano Rajoy has implemented in several sectors had not affected the military structure. The Defence budget allocation for 2012 was 13.7% higher than estimated. In 2013, the allocation was estimated to drop by 3.15% (negligible in comparison to the 14.4% cut in education), but eventually, the budget was increased by 12.7% over the estimated expenditure.⁵

In this context, the Policy outlined a series of guidelines in Defence policy. Those guidelines are especially focused in guaranteeing a strong Spain that can face the “unshared threats” and has the capability of maintaining certain international influence. The Policy does not conceal its intention of getting closer to the NATO's structure, but it also highlights the importance of the involvement in the EU. Both strategies are aimed to improving the coverage of the needs of Spanish security in those organisations. That is why the Policy clearly defines the involvement of

5. According to data made from the State Budgets by the Centre Delàs d'Estudis per la Pau

the Spanish Armed Forces in any project of those international institutions in order to reinforce the determination of being part of them.

In the policy we can read that the main Spanish contribution to the world security is to reinforce the nation's security with strength and determination. This refers to nothing else but to an increase of the Nation's militarisation, an objective which has been present in the policies drafted by the past Popular governments.

Other guidelines outlined by the National Defence Policy in order to reach a certain level of deterrence are: a comprehensible management of the cyber security and the coordination or an intelligence community dealing with the strategic interests of defence. Anyway, the Policy does not specify the strategies aimed to develop the guidelines so we must wait until a more specific document is drafted.

Finally, the document points out two issues that are not always related to the Armed Forces, but are considered very important in any Defence policy: the weapons industry and the defence culture.

Regarding the defence culture, the Policy set the priority of a "strategic defence communication" focusing on the need of involving the citizens. Thus, the government has decided to apply a militarisation of the society in a moment of deep concern about the military expenditure and increase of the citizens' dissatisfaction towards the Armed Forces.

Also, the weapon business is showcased as a priority in the defence structure. On one hand, the importance of the weapons industry as a provider of the Armed Forces' need is highlighted and, on the other hand, the government is committed to support the Spanish weapons companies in the international markets.

2.2 A new National Security Strategy

In May 2013, Mariano Rajoy's government approved his National Security Strategy. In order to be able to analyse this defence strategy, we have to consider the shift in concepts that has occurred at an international level over the last decade. The concept of defence has been replaced by the concept of security, a much broader term which also includes the area of national defence. Consequently, a wider concept of security comes to the fore, one in which all citizens have the right and the duty to ensure a safe and secure environment, public-private cooperation is crucial and security is viewed as a concept shared across all government ministries.

This means that, whilst defence is exclusively a matter for the armed forces, security concerns us all. With this shift in concepts, anything that may pose a danger to security becomes the responsibility of the entire population. However, security, as explained here, is based on the need to maintain national sovereignty and, consequently, any action which may endanger the security of the State, whether inside or outside its borders, will legitimise action being taken within the parameters of national defence.

The first Spanish Security Strategy was approved in 2011, in accordance with the European Union's Common Foreign and Security Policy (CFSP). The Zapatero government enacted the "Spanish Security Strategy: A responsibility for all" (hereafter EES 2011). This document comprehensively sets out the country's security policy, bringing together the differences in both policy and action, as developed across the various ministries, into a consolidated document. The EES 2011, which forms the basis for organising Spain's Security, defines the points which currently concern the State in terms of security and defence. It also clarifies the State's role in various international organisations as well as the roles of the Armed Forces, civilian society and private companies (see Cadre 1 of the Annex).

The budget cuts that had been applied to basic citizens' services have not affected the military structure

"To reinforce our own security with strength and determination" refers to nothing else but to an increase of the Nation's militarization

The Spanish government is committed to support the Spanish weapons companies in the international markets

The concept of defence has been replaced by the concept of security, a much broader term which also includes the area of national defence

ESS 2011 comprehensively sets out the country's security policy, bringing together the differences in both policy and action, as developed across the various ministries, into a consolidated document

It seeks to make the aspects related to State security the responsibility of all citizens and to emphasise the importance of integration between regional and international bodies, stressing the fact that there is practically no difference between internal and external security.

Later, in 2013, the "National Security Strategy: a shared project" (hereafter ESN 2013) was approved. Aiming to be a revision of the previous document, with adaptations to deal with the changes in security, the document is very similar to the 2011 version in that it puts forward few new ideas, although it is more clearly presented and its contents are more comprehensive (see Cadre 2 of the Annex). The part dealing exclusively with defence through the use of the Armed Forces is only the first point in twelve courses of strategic action and nowhere in the remaining eleven points is the use of the armed forces explicitly envisaged.

In EES 2011, moreover, the armed forces are included both under the first point – which is called Armed Conflicts rather than National Defence – and under the area of emergencies and disasters, where the Emergency Military Unit (Spanish acronym: UME) is introduced. The UME, however, is not found in the section on emergencies and disasters in ESN 2013. We should also highlight the inclusion of two new areas: espionage – which in EES 2011 was one point under the topic of cyber threats – and maritime security. The 2013 document also points to the growing importance of cyber security.

The ESN 2013 puts forward few new ideas

The new Strategy conveys a false impression that the issue of security is being demilitarised. It is obvious that all the potential threats and risks described, should they endanger State security, would constitute a motive for the armed forces to take action; when security fails, a country's defence comes into play and the armed forces are the country's strong arm of defence.

What is set out in these documents is a means of security that works almost exclusively in favour of the State. From this viewpoint, the State, which should be a means for ensuring people's security, ends up being the main beneficiary of the country's security and, as a result, the means become confused with the ends.

Both documents also confuse risks and threats and lump international stakeholders and the influence of risk factors together. In other words, they contain a mixture of undefined terms, which can lead to varying interpretations of the documents. Moreover, most of the threats and risks are interconnected and mutually justified and the twelve points could in fact, therefore, be considerably condensed if it did not mean that the document would also be considerably shorter in length.

These documents should include other security aspects which might provide for the needs of the population over and above those of the State. Why not commit to a security system that works in favour of the individual and a more global security system, which goes beyond State interests? This is what Human Security is bidding to do.

3. ARMED FORCES

3.1 An insufficient reduction of soldiers

The crisis had not lead to a change in the military model or to a significant decrease of the military personnel. The last debate dealing with the army and the defence was made very timidly and for the last time in 1998, when the Armed Forces were professionalised in order to put an end to a compulsory military service that was completely discredited. Although the Order of 1998 established a 170,000 maximum personnel, a number which is very close to the 180,000 soldiers approved in 1991 when the military enrolment was compulsory, in 2007

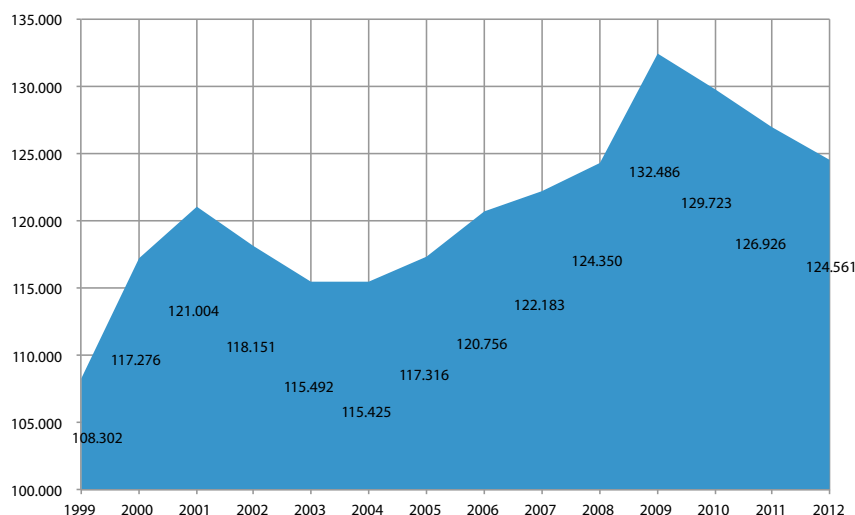
The State, which should be a means for ensuring people's security, ends up being the main beneficiary of the country's security

the Military career Act lowered that number to 140,000 in order to get adapted to a reality in which the enrolment suffered severe difficulties (see Table 1 in the Annex). However, the Spanish nation maintains the ambition of owning oversized Armed Forces, despite the continuous problems of enrolling a professional troop. Those problems remain but currently they are not focused on a lack of applicants to professional soldier and marines, as it used to happen before the economic crisis, but on the lack of budgetary resources caused by the crisis that had led to a decrease in the number of vacancies (see Graphic 1 in the Annex).

Why not commit to a security system that works in favour of the individual and a more global security system, which goes beyond State interests?

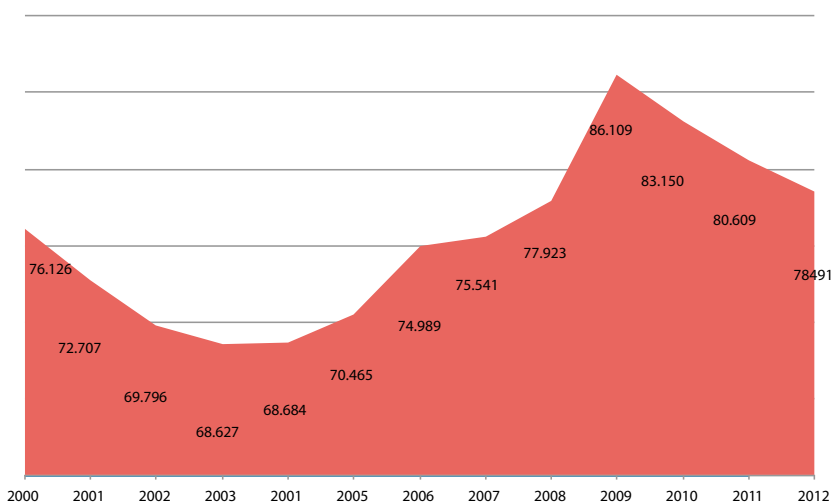
In the graphics 1 and 2 it is visible that the reduction of personnel that took place since the peak of the year 2009 matches, for practical purposes, the reduction of personnel that the professional troops experienced, keeping, however, a volume that is still higher than the one it had in 2007.

Graphic 1. Evolution of the number of military personnel (1999-2012)



Source: Compiled by author with data from the *Boletín Estadístico del personal al servicio de las Administraciones Públicas* (Public Service Employee Statistical Gazette)

Graphic 2. Evolution of the Spanish professional troop (2000-2012)



Source: Compiled by author with data from the Spanish Ministry of Defence

Rajoy's military policy has not started with the military staff cutbacks that had been applied in most of the European countries; reductions that complement last years' dynamic of professionalization of armies (see Table 4 in the Annex). Germany announced the professionalization of its army by reducing the personnel, from 252,000 soldiers to 185,000. The United Kingdom is going to cut its

Rajoy's military policy has not started with the military staff cutbacks that had been applied in most of the European countries

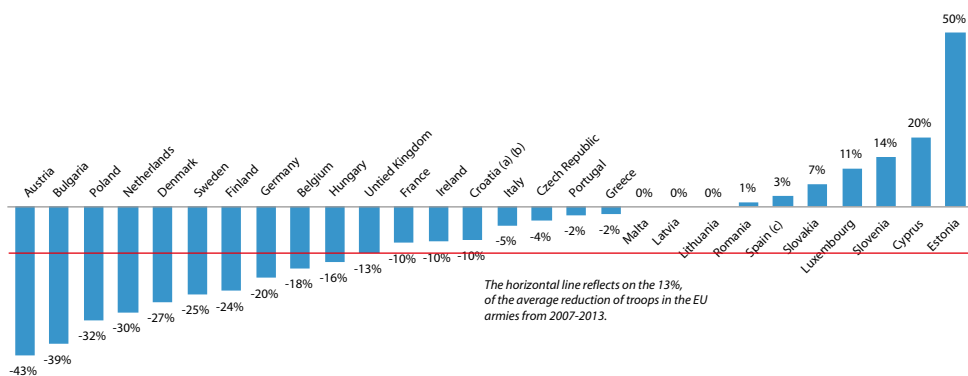
From 2007 to 2013, the EU reduced their armies by 13%, and NATO countries by 5%, whilst Spain increased it by 3%

troop by 20,000 soldiers. France announced in 2009 the elimination of 54,000 posts. Italy has established a reduction of 33,000 soldiers by 2024.

Between 2007 and 2013, 18 European countries reduced the size of their armies, and 14 of them did so by a percentage equal or higher than 10%, and 3 other countries (Malta, Latvia and Lithuania) maintained the same size. Furthermore, the EU armies were reduced by 13% and NATO's did so by 5%. But Spain did not join that trend and in 2013 the army had 3% more personnel than 2007, even though they performed a small reduction in 2009 due to the economic crisis (see Table 5 in the Annex).

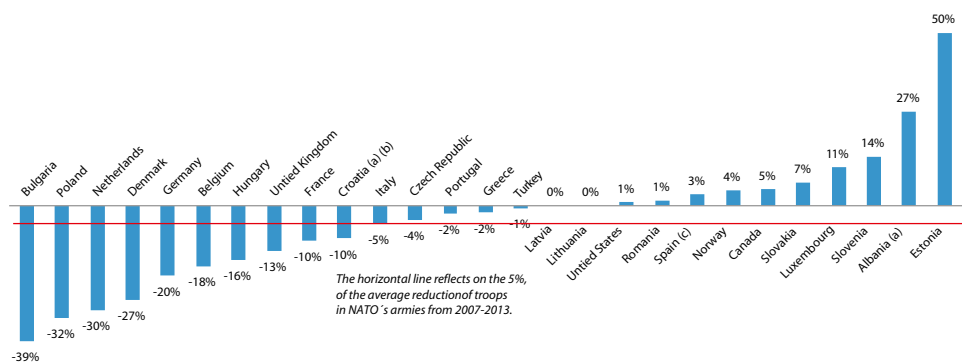
In the graphics 3 and 4 it is noticeable how the Spanish State deviates from the average of military personnel reduction in the European Union and NATO.

Graphic 3. Changes of personnel in the EU armies from 2007 to 2013



Sources: Compiled by author with data from the IISS (2007 and 2013) and the Spanish Ministry of Defense

Graphic 4. Changes of personnel in the NATO armies (2007-2013)



Sources: Compiled by author with data from the IISS (2007 and 2013) and the Spanish Ministry of Defense

The resistance to approach a significant reduction of the Spanish Armed Forces is leading to a lack of operative capacity of these very forces. The last transformation of the Armed Forces was materialized in the RD 416/2006 about employment of force⁶, and it was not a decrease of force, but a reduction of the number of military units, given that many of them only existed on paper since they did not have a real operative capacity, because many of them never got to exceed 25% of its alleged personnel. But now, the problems of the army are not due to the lack of troops but the budgetary adjustments of Defense applied on what can affect the most their operative capacity: training, fuel or ammunition, which leads to only 10% of the army being currently available to combat.

6. Royal Decree 416/2006, from the 11th of April, which establishes the organization and deployment of the Army, Navy and Air Force, as well as of the Emergency Military Unit.

The reduction of the number of Brigades has not meant a reduction of personnel

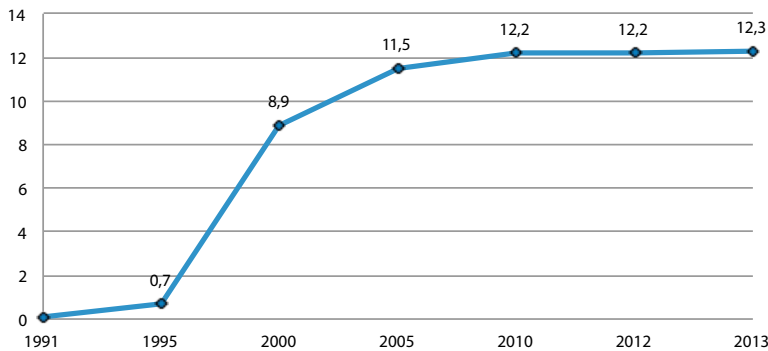
These handicaps have been tried to be made up, on one hand, by taking advantage of funds, aside from the Defense budget, earmarked for missions abroad, in order to be able to train and equip the units there to designed, and on the other hand, with a shy reorganization of the military brigades. These have gone from ten specialized brigades (mechanized, skydiver or high mountain) to eight Multipurpose organic Brigades (BOP), that have not meant a reduction of personnel, but only an organic reallocation of the units that formed them in order to have a scheme of military brigades that can be releaved between each other.

3.2 The difficult inclusion of women in the spanish armed forces

Traditionally war and military life in western societies have, strictly speaking, been the preserve of men, while women remain relegated to domestic life and reproduction.

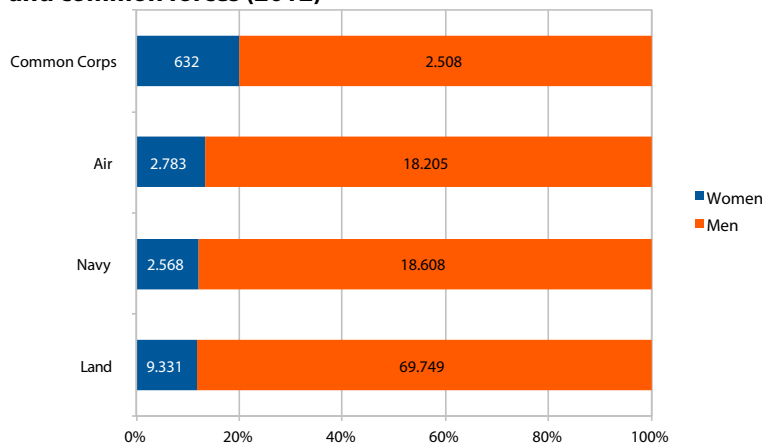
Although 25 years have passed since the start of incorporating women into the Spanish Armed Forces, this introduction has been slow and difficult. The election of a female Minister of Defence during Zapatero's government has surely helped to feminise this institution in the eyes of society, but the figures show us that we are far from achieving gender equality in the Armed Forces. In April 2013, 15,136 women entered the Armed Forces, making up only 12.3% of total troops, figures which confirm stagnation in the incorporation of women into the forces. On the other hand, although in absolute numbers the land army has the most women in its ranks; it is the Common Corps which have the highest percentage of women, with more than 20% of troops being female.⁷

Graphic 5. Evolution of women presence in the Spanish Armed Forces (1991-2013)



Source: Observatory for Women in the Armed Forces. Developed in-house

Graphic 6. Total amount of women and men in the army and common forces (2012)



Source: Observatory for Women in the Armed Forces. Developed in-house

Despite the 25 years since the incorporation of women in the Spanish army, their insertion is being slow and difficult

7. See Table 6 of the Appendices in order to know the distribution of women by categories of officers in the three armies.

It is the common bodies that have been more feminised

This incorporation of women into the armed forces has still not affected the senior ranks in the military hierarchy: amongst soldiers, seaman and marines (OR 1-5), women make up 16.9% of the total, while amongst sub-officers (OR 6-9) and officers (OF 1-5), they make up only 7.3% and 3.2% respectively. Despite the low representation of women in the highest ranks, it must be recognised that in recent years, the percentage of women who have achieved officer posts has increased and currently stands at 7.3% of the total.

Even so, in the highest ranks, women are not represented. Their presence decreases proportionally the higher the rank.

Table 1. Women in professional ranks (2012)

Ranks	Percentage of women versus total
Officer ranks (OF 1-5)	7.30%
Sub-officer (OR 6-9)	3.20%
Soldiers, seaman and marines (OR 1-5)	16.90%

Source: Spanish Ministry of Defence. Developed in-house

The incorporation of women into the army has required numerous changes to infrastructure (uniforms, relaxation areas and separate facilities, changes to instruction etc.) but also to legislation to protect sexual freedom. To that end, in 2005 the Observatory for Women in the Armed Forces was created (later becoming Military Observatory for Equality) in order to promote the integration of women into the Armed Forces. However, so far this Observatory has only published statistics on the presence of women in the Armed Forces; no figures have been published on the problems that women face.

Furthermore, steps have been made towards sanctioning offences and crimes of a sexual nature. On several occasions, the Rajoy government has shown its wish to reinforce sanctions for sexual crimes in the Armed Forces. However, it has made no effort to prevent situations of dispute. Therefore, complete integration of women into the military seems blocked by a military regime which doesn't quite fit the times as far as gender equality is concerned.

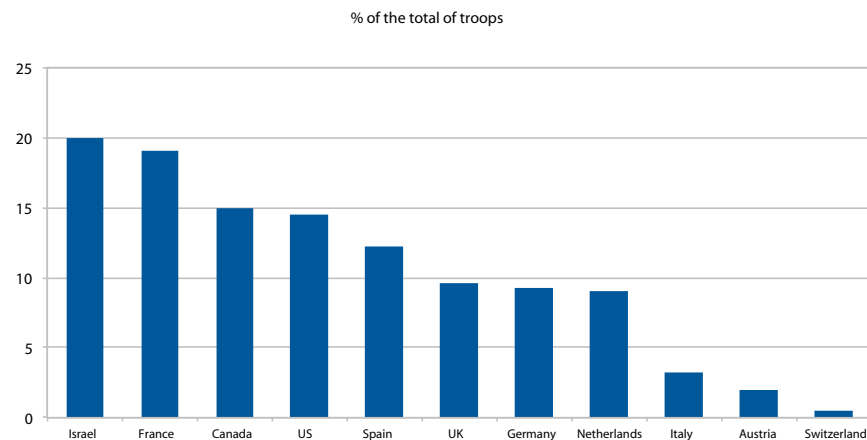
We do not know the exact figures for sexual harassment, abuse of authority or degrading treatment towards women, mainly because it is difficult for women who find themselves in these situations to report it, (in spite of the efforts the Government does to ensure that the victims of sexual violence have mechanisms to report it and obtain justice), but also due to a lack of transparency within the Armed forces when it comes to internal reporting. But what we do know is that, according to records, in the last decade there have been 62 complaints of sexual harassment against women and 25 sentences were imposed for abuse of authority or degrading treatment, as stated by the government in July 2013 (see Cadre 3 in the Annex). On the other hand, we know that since 2010 the Spanish public prosecutor's office has intervened in 86 procedures or proceedings for these offences.

At the start of 2014, the Council of Ministers approved a bill for a new Military Criminal Code which it is hoped will target offences currently occurring in the Armed Forces. But for now, the existing Military Criminal Code only covers the crime of abuse of authority for all actions involving the use of any kind of superiority to cause harm to another person. What this has meant up till now is that a sexual harassment situation was treated the same as other crimes, whether of a sexual nature or not.

The process of incorporating women into the Armed Forces is also occurring across the rest of the western world, but the disparity in the feminisation of the Armed Forces in different countries leaves us probing. Generally, however, we can say that it is the most militarised countries which have the highest proportion of women in their ranks.

The Military Observatory for Equality have not made public any study on the problems of women in the army

Graphic 7. Women in other countries' armies



Source: Català (2013)

3.3 New laws to maintain internal discipline

In the legislative sphere, the Defence Policy Directive of December 2012 announced legislative changes that would be addressed in a Bill that includes the basis of military organisation and the development of the Military Career Law and the Law on Rights and Responsibilities of Members of the Armed Forces. At the time of editing this report, only the Armed Forces Personnel Council and the Observatory for Military Life, that ordained the Law on Rights and Responsibilities of the Military, have been made operational, and with considerable delay. No Military Career bill has been presented. A military regulations bill is currently being passed through Parliament. The Council of Ministers. On 31 January, the Council of Ministers approved the Military Criminal Code Bill.

The integration of women is still exposed to a military regime that is not fully adapted to the new times in terms of gender equality

The government, in a full declaration of intent, presented again the Military Disciplinary Regulations after imposing one month and a day detention on Jorge Bravo, leader of the AUME (United Association of the Spanish Military)⁸. Likewise, it cannot go unnoticed that in the last year, five military association representatives have been put under disciplinary arrest for defending their professional rights. And that, besides, two of them form part of the recently created Armed Forces Personnel Council. However, interventionist statements like those made by General Juan Antonio Chicharro, expressing contempt towards the President of the Generalitat (Catalan Government) and the Catalan language of the General Ángel Luis Pontijas, director of Ejército (Army) magazine, have not been sanctioned. The Moreover, Ministry of Defence exonerated from any disciplinary responsibility praises of war and Franquism and repeated statements against the Constitution of lieutenant colonel and judge Miguel Ayuso.

In the last decade 62 complaints of sexual harassment to women have been handled and 25 convictions have been imposed for abuse of authority or denigrating treatment

The new disciplinary regulations being processed uphold the soldiers' detention without actual legal custody, thus violating the European Convention on Human Rights and fundamental freedoms. To be able to apply the disciplinary regulations that have been established and to prevent the possibility of appealing

8. For declaring that before cutting on the military's wages, money should be saved on "wasteful spending of the Armed Forces, such as parties, birthday celebrations, pledge of allegiance with civilians, rational use of official vehicles, wines [or] award ceremonies". Source: «Defence denies a civil judge the disciplinary procedure initiated against the leader of AUME», *El País*, 7/04/2013.

In the last year, five military association representatives have been put under disciplinary arrest for defending their professional rights

before the Strasbourg Court for the loss of liberty for administrative offences in the army, the Spanish state, from its ratification in 1979, has had to uphold the exceptions contained in articles 5 and 6 of the Convention.

It must be pointed out that only 10 out of the 47 countries who signed the European Convention on Human Rights have established exceptions to these articles to be able to deprive armed forces personnel of their liberty without legal custody. These countries are Armenia, Azerbaijan, Moldavia, Russia and Ukraine on one side and those that are part of the 28 member countries of the European Union are Spain, France, Portugal, Czech Republic and Slovakia. In fact this means that the other 37 signing countries do not need such an extreme measure to maintain discipline in their armies. So the question is what makes the Spanish army so different that they cannot respect the human rights of its members?

28,000 disciplinary arrests in the last five and a half years give an idea of the extent of the measure and that it is not a marginal fact; 4,752 arrests in 2012 and 2,808 in the first months of 2013, all without any actual legal custody that those sanctioned can have recourse to defend their rights..

Table 2: Arrest sanctions (2008-2013)

	2008	2009	2010	2011	2012	2013*
	6,754	5,463	4,603	3,562	4,752	2,808
Of those	Minor		25,917			
	Serious		2,001			
	Extraordinary		28			

*Until 30/06/2013

Source: Congress of Deputies

The Spanish state must renounce the exceptions in the European Convention on Human Rights and fully comply with it, because military life can not violate human rights and dignity of the individual, since the purpose of the armed forces is to protect these rights, thus affecting the whole of society.

At the end of January 2014, the government passed a new Military Criminal Code that preserved the degressive line taken in the disciplinary regulations. The bill, although it contains some improvements like the definition of crimes for sexual and moral harassment in the armed forces, it is degressive and widens the military jurisdiction's area of competence, breaking with earlier trends.

Initially the government wanted to bring back the concept of due obedience, exempting soldiers from criminal responsibility on committing a crime while obeying orders. The concept of due obedience, sadly remembered, is what the amnesty laws rely on to exempt from responsibility soldiers implicated in serious violations of human rights in Latin American military dictatorships. A concept that is totally rejected by International Humanitarian Law. But the government's attempt is linked with the new disciplinary regulations mentioned earlier, which aim to reinforce authoritarian discipline and force uniformed citizens to obey blindly, without any real capacity to disobey orders that would lead them to commit a crime. Lastly, the government has withdrawn the due obedience as a ground for exemption from the new military criminal code.

The new Military Criminal Code substitutes the "in time of war" concept as an aggravating factor for certain crimes, for the expression "in situations of armed conflict". As the General Council of the Judiciary of Spain has pointed out, it is necessary to define limits to this situation and specify the conditions that define these limits. Also, who will have the authority to declare a situation of armed

The Disciplinary Regulations Bill upholds the soldier's detention without actual legal custody, thus violating the European Convention on Human Rights

conflict, given that its vagueness can lead to it being used as an aggravating factor for many crimes or even military courts trying civilians?

The ruling recommences the militarisation of the Spanish Guardia Civil where its submission to military tribunals becomes the norms. In the 2007 reform, military courts' competence over the Guardia Civil was limited only in time of war, siege, military missions or when personnel are integrated in military units. The new bill takes a step back consolidating military discipline in a police force that should be demilitarised and exclusively civilian.

It also recovers for the military jurisdiction ordinary crimes committed by soldiers regulated in the criminal code like robbery or theft, which go beyond the military domain, giving the military jurisdiction authority to try them if it so deems.

What the bill does not touch on at all is the validity of the military jurisdiction. Military justice system continues to have special jurisdiction. It is comprised exclusively of military personnel under the Ministry of Defence, except in the Military Chamber of the Supreme Court, the only space which allows ordinary judges to exercise their functions. This allows legal decisions to be influenced by military or corporatist ideology, compromising impartiality. Moreover, the government or the Ministry of Defence can act against judges who do not agree with their point of view. Military judges are not independent because for purposes of selection, training, salary, incompatibility, promotion, transfer, dismissal and sanctions, that is, in their professional status, they are simply employees of the Ministry of Defence. Military judges are still subjected to military discipline. In addition, their appointment and assignment of duties requires the government's and the army's intervention. Therefore, they are heavily influenced by the government as well as by more senior officials. This was the case with the military judge a corruption case in Getafe Air Base, was affected by disciplinary proceedings instigated by the colonel of the unit being investigated.

The fact that they are the military does not justify in any way that military officials judge other military officials, situating themselves inside something like a military autonomy: still less that military judges, who are all military officials, are submitted to military discipline imposed by the military administration and the government.

Military jurisdiction must therefore be abolished, and its functions transferred, in time of peace, to ordinary courts. Here the law is applied by ordinary judges who are answerable to the General Council of the Judiciary instead of the Ministry of Defence.

3.4 The rights and responsibilities of members of the armed forces law starts to be applied

During this legislative period the two agencies that the *Organic Law 9/2011, of the Rights and Duties of the members of the Armed Forces* ordered to be created have started to operate: the Council of Personnel of the Armed Forces and the Observatory of Military Life, at the same time that this law punished the unavoidable reality of military associations.

Formation of military associations

Different governments have always taken a long time to effectively recognise rights conferred on military personnel by law and the courts. In its judgement passed in November 2001, the Constitutional Court recognised the right to association of military personnel to defend their economic, social and professional interests. Since this judgement it has taken 10 years for the Law on Rights and Responsibilities of Military Personnel to finally regulate how this right may be exercised.

What makes the Spanish army so different that they cannot respect the human rights of its members?

The project of new Military Penal Code has a regressive character and expands the scope of military jurisdiction

The new Military Criminal Code substitutes the "in time of war" concept as an aggravating factor for certain crimes, for the vague expression "in situations of armed conflict", which can lead to military jurisdiction over civilians

The ruling recommences the militarisation of the Spanish Guardia Civil where its submission to military tribunals becomes the norms

The 1978 constitution didn't recognise a soldier's right to form a union, unlike many other nearby countries. Nor did it recognise the right to strike or to make collective complaints; rights of the citizen which, even today, are lacking. Despite the fact that the Armed Forces have become fully professional, serving the state and citizens; members of the military, as workers, only have the same rights as other citizens.

The fact that members of the Armed Forces cannot form a union has always formed a barrier towards tackling the topics specific to the profession, as well as being able to debate on needs, rights and duties specific to the profession. But it also means that the institution remains inscrutable and resistant to change, consequently archaic and reluctant to apply certain democratic values, such as the right to strike, form a union and make collective complaints.

The forming of military associations has advanced thanks to the drive of its members be it in the courts or in citizen protests. In November 2001, the Constitutional Court had to clarify that what it prohibited was the right to strike or form a union; this does not imply that any association which wishes to defend economic, social and professional interests of its members should be classed as a union. The Constitutional Court Sentence gave way to legislation and recognition of diverse military associations.

The Organic Law 9/2011 of Rights and Duties of members of the Armed Forces has regulated the forming of military associations. Legally, the professional associations have direct dialogue with the Spanish Ministry of Defence through the Staff Council, which is responsible for overseeing professional, economic and social interests of the members of the Armed Forces. Therefore, associations within the Staff Council can intervene in topics relating to the military profession, but they cannot interfere in Security and Defence policy decisions.

The military fact does not justify that the military judge themselves

Currently, the professional associations which feature in the Register of Professional Associations for members of the Armed Forces (abbreviated to RAPFAS in Spanish) are: Professional Association of Non-Commissioned Ranks of the Armed Forces (ASFASPRO in Spanish), Unified Association of Spanish Soldiers (AUME in Spanish), The Association of Infantry Soldiers and Seamen (AMTM in Spanish), The Unified Association of Spanish Professional Soldiers (AUMPE in Spanish), The Association of Armed Force Reservists (AMCOFAS in Spanish), the Association of Soldiers of Ourense (AMO in Spanish) and The Association of Infantry Soldiers (UMT in Spanish)

On a national level, the Spanish Federation of Military Associations (FAME in Spanish) is a platform which brings together the different associations. On a European level, the (e.g.) AUME forms part of EUROMIL and the Forum of Mediterranean Military Associations (FMMA).

Armed Forces Personnel's Council

The Personnel's Advisory Council that was established in the 1999 Armed Forces' Personnel Regime Act, which consisted of members chosen by a lot and where the military rank gave privileges to the officers, turned out to be a failure. That is why, in 2011, and thanks to the Military Rights and Duties Act, the Armed Forces Personnel's Council was created, in which the military associations were judged in relation to their self-reported representation on the basis of the number of associates, in order to avoid any kind of electoral process.

The different governments have always taken a long time recognizing the rights that courts or laws have recognized the soldiers

The Armed Forces Personnel's Council (COPERFAS) was established on 29 October 2012 and is regulated by the Royal Decree 9/2012 of 8 June. The Council is a peer body between the Defence Ministry and the representatives of professional military associations. Its objective is to guarantee the participation of those associations in everything related to the personnel regime, living and working conditions and the execution of the military rights and duties.

The COPERFAS' Constituent Meeting was held on October 29, 2012. Currently, the Council consists of representatives of the following professional associations: ASFASPRO, AUME and AMTM. In 2013, the Second Lieutenant Jorge Bravo and the Corporal Antonio Martinez Canevas, both representatives of military associations in the Council, were arrested for openly defending professional rights.

The Constitution of 1978, unlike many neighbouring countries, did not recognize the soldiers with the right to unionize

The Observatory for Military Life

Despite the government being required by the National Defence Law 2005 to present a draft bill regulating the fundamental rights of military professionals, within three months of it coming into force, it wasn't until six years later that the Rights and Responsibilities of Military Personnel Law was passed. Another two years went by before it came fully into force.

The first meeting of the Observatory for Military Life took place in December 2013. The Observatory was born out of a proposal made by *Justícia i Pau* together with 25 Catalan NGOs, while the National Defence Law was being drafted. Their proposal summed up one of the main conclusions made by the work of *Informació per la Defensa dels Soldats* (Information for Soldiers Defence), a Catalan organisation which, in the times of obligatory military service, defended the rights of young people who were obliged to do service. The Observatory responds to the need for preventative measures and surveillance to ensure that military life develops with respect for the individual and their dignity.

These small but important changes have not been brought about by the willingness of and initiative taken by the government or military leaders, but by social pressure and the presence of military professional associations, who are becoming more active every day. These associations are not seeking privileges or political effect; only to be treated as normal citizens, and not cannon fodder indoctrinated with blind obedience.

The sentence of the Constitutional Court in 2001 allowed the legalization of military associations

Allowing for the formation of military associations as a legitimate means of defending professional, economic and social interests and also the creation of the Armed Forces Personnel Council as a participatory body has made progress in the law possible - although limited - with regards to recognising citizens' rights of uniformed personnel. This process has not been without its difficulties, as demonstrated by the disciplinary arrests of the two military association representatives in the Personnel Council, not long after it had been established.

Non-official Internal Violence

Despite these small progresses, the internal violence in the Armed Forces still lasts.

The Armed Forces' hierarchical system entails an inherent structural violence and it is usually accepted. It also promoted the existence of situations where the violence is practised in a non-official way.

However, most of these internal conflicts are not tackled because the system neutralises those who report or want to change the system. The military regulations, values of devotion bravery, honour and respect, are used to maintain the status quo.

Thus, in such a strict system, it is sometimes difficult to realise that an action goes beyond discipline. There is a very fine line between discipline and physical punishment, so its appearance is very easily manipulated.

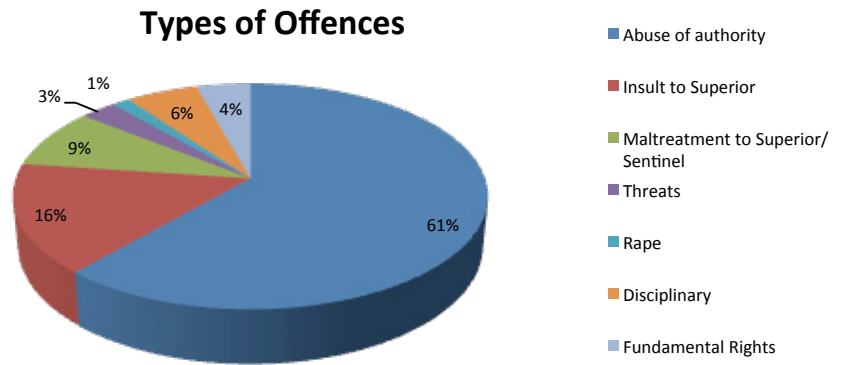
However, several cases of violence in the Armed Forces are known. In order to bring light to those cases, we have sought among the Sentences of the Supreme Court issued by the Military Courtroom between 2009 and 2013, both years included (see Table 7 of the Annex).

The of Personnel's Council aims to the participation of professional associations regarding the regime of personnel, the living and working conditions of the units and the exercise of rights and freedoms of the soldiers

Two representatives to Council for AUME and AMTM, were arrested for making public statements defending the professional rights

The military court of the Supreme Court only deals with cases where there is a hierarchical relation -the peer violence cases are judged in the regular courts. So, as the Graphics 8 and 9 show, most of the sentences show an excess of power - abuse of authority - which includes physical aggression, insults, lack of respect and outrage upon personal dignity -hazing and humiliations. There are also offences defined as occupational abuse - from subordinates or superiors - insults to superiors, threats, rapes, offences against the Disciplinary Regime and violations of fundamental rights.

Graphic 8. Types of crimes out of the analyzed sentences

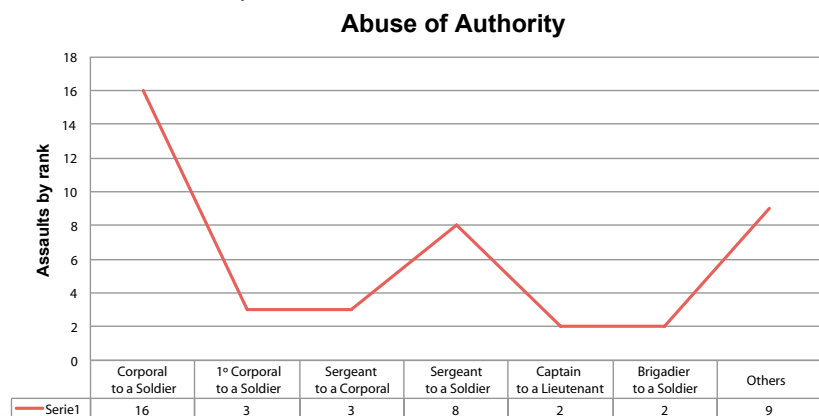


Source: Compiled by the author

The Observatory responds to the need for social protection mechanisms to ensure that military life develops with respect for the individual and their dignity

Thus, it is necessary to take into account that the information used in this section is framed in the context of the Sentences of the Supreme Court which contemplate cases where there are hierarchical differences. In the current study we explore, hence, one of the possible sources of information, the database "Aranzadi Westlaw".

Graphic 9. Aggressor/ victim rank in the analyzed sentence of abuse of authority



Source: Compiled by the author

In relation to abuse of authority, 43 sentences were analysed: 9 in 2013, 12 in 2012, 5 in 2011, 9 in 2010 and 8 in 2009. The highest number of victims – 32 - is found in the rank of private soldiers.

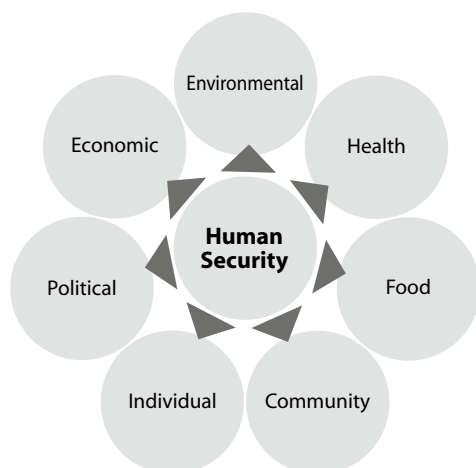
The intern violence in the Armed Forces still lasts

Beyond the type of crime, the facts described in those sentences show the violent relations that can occur within the army.

4. TOWARDS THE SAFETY OF THE PEOPLE

In 1994, the Program for Human Development of the United Nations (PNUD) introduced the concept of Human Security as a opposed to the prevailing paradigm of national security that was based strictly on the security and defense of the States. The paradigm of Human Security, then, tried to implement a more comprehensive vision of security from the point of view of the people, guaranteeing them freedoms and eliminating the needs and fears of the citizens (see Figure 1).

Figure 1. Human Security Fields according to the UNDP report of 1994



Source: Compiled by the author

The Spanish State, as we saw in the last chapters, have always opted for national security, both in what concerns its Defense and Domestic policies as what concerns the role it has played in the different international institutions, without taking into account the insecurities that worry its citizens the most.

For instance, according the Sociological Research Centre's (Spanish acronym: CIS) barometer for July 2013, the main issues of concern for the Spanish population are unemployment (80.9%), corruption and fraud (37.4%), economic problems (32%) and political parties, politics and politicians in general (27.6%). On the other hand, people are much less concerned with issues relating to topics covered by the National Security Strategy and citing just a few of the indicators illustrates this: citizen insecurity (2.8%), drugs (0.3%), terrorism and ETA (0.6%), immigration (2.6%), nationalism (0.6%), international terrorism (0.1%).

These figures reveal a significant mismatch between the views of the Government and those held by citizens in general over what constitutes security and what does not. If it is true that the distinction between internal and external security has been blurred and that, in terms of creating security, what happens inside our borders is just as important as what happens outside, our approach to security is falling well short of reality, as well as being out of sync with what is really happening in the world.

The need to bring about a paradigm shift regarding security becomes ever more pressing, as the Figure 2 shows. We ourselves understand that Human Security is a major challenge and an essential tool for bringing about a secure world, a world where people as a whole can be the centre of attention, rather than the interests of the few, whether these be states, multinational companies or other international stakeholders. A world where the capacity for action is limited, not only for individuals but also for the powers that be, where democracy regains its meaning and becomes a reality and where this political system can co-exist alongside other systems which sustain human development.

There are numerous cases of violence known within the Armed Forces

The facts reported in the different sentences give an idea of the violent relations inside the army

The prevailing paradigm of national security is based on the security and defence of the States

There is a significant mismatch between the views of the Government and those held by citizens in general over what constitutes security and what does not

Figure 2. From the control paradigm to the people's security

Control Paradigm	Source of Instability	People's security
Training of military contingents Re-armament	Armed conflicts	Political dialogue, social policies, disarmament
War on terror	Terrorism	Political dialogue
Infringement of privacy	Cyber threats	Protection of privacy
Police control	Organised crime	No to tax havens Fight against corruption
Suicidal austerity Bank bail-outs	Financial and economic instability	Social policies Bail-outs for individuals
Nuclear energy Fossil fuel Plundering of resources	Climate change Energy vulnerability	Renewable energies Responsible energy use
Arms race Proliferation	Global militarisation	Disarmament and non-proliferation
Border controls	Migratory flows	Migration poses no danger
Militarised response	Emergencies and disasters	Preventative policies Civil protection
Militarisation of maritime space	Increased risks for maritime space	International law Development cooperation

Source: Compiled by the author

Much of the work to improve the situation must be done within the international organisations, of which Spain is a member, as that is where directives, which shape some state policies, are drawn up. The changes must occur in the international system but they must inevitably be driven by each country's proposals. As we have been saying throughout this report, we have to get to the root of the problem, rather than to the symptoms, in order to achieve real, long-lasting changes.

To get a safe world where people are the centre of attentions, and not a few interests, whether it is States, multinational companies or other international players

Although it may seem that at the National Security Strategy many of these issues are addressed, two kinds of wording are used in the National Security Strategy. On the one hand, it uses well-defined language in the small print when dealing with military policies, the rearmament to provide military capabilities, our participation in military operations overseas, strengthening the Spanish military industry, NATO's anti-missile defence program, the protection of Spanish multinational companies' investments overseas or our control over maritime sup-

The ESN uses two kinds of wording: Well-defined language in small print for military and control policies. And vague wording for whatever concerns individual security

ply routes. In contrast, it uses vague wording for whatever concerns individual security or the insecurity that people are experiencing in this economic crisis; it looks good to include these topics whilst being confident that they will not be addressed. This is because concepts such as a hypothetical “model for sustainable economic growth which minimises inequalities” or support for renewable energies are simply wishful thinking and at odds with the day to day policies being developed. Control measures available to the military and police are being strengthened in order to tackle the risks and threats, whether from potential armed conflicts, terrorism or organised crime. No-one, however, is willing to get to the root of the conflicts that give rise to armed conflicts and to the tax havens, which provide shelter for the criminal economy as well as for funds that, officially, are not illegal. We are hearing warnings about the dangers in the proliferation of weapons of mass destruction but nothing about our North American ally when they block every disarmament treaty, fail to sign any arms control treaties, such as the one on biological weapons, and withdraw from the treaty banning anti-ballistic missiles.

The national security strategies raise questions about the risks and threats that we face as a society but they do not raise questions about what risks and insecurity are being created for others. The South is seen as a danger, as the root cause of all threats. We are creating impoverishment and underdevelopment at the very same time as we fear the South as the source of conflict, criminalisation and international instability. When they say that Spain’s security policy will always be guided by the defence of our vital strategic interests and our values, what they are really talking about is how to keep the resources and benefits from our unequal trade with the South, how to protect Spanish companies’ investments overseas and how to prevent the disruption caused by our consumption and economic policies from rebounding back on us in the form of insecurity. Insecurity that will be met with military force.

Spanish security policy, however, will not imply any shift in the militarisation of security. The current Spanish government, just like its predecessors, is committed to continuing with a sustained military effort, investing in armaments and promoting a military industry, which, by exporting to countries in conflict, countries that violate human rights and countries that could create greater security for their populations by diverting their military spending to cover health and education needs, is incapable of complying with the EU’s own code of conduct.

We need a paradigm shift to link security strategies by placing human beings at the centre of public and international policies. Whilst most resources are assigned to increasing military capabilities and to trying to shield the First World from external threats - which, incidentally, we ourselves are helping to fuel - we are moving further away from peace and justice, and they are, ultimately, what a security policy should aspire to attain.

5. CONCLUSIONS

Rajoy’s Government has been shaping his defence policy without ever deviating from the consensus on military policy that has been prevalent throughout the various administrations since Spain’s transition to democracy. The 2012 National Defence Directive outlines the military policy for this parliamentary term. The economic crisis and the context of budget cuts have focussed the Executive’s priorities regarding military policy into two main aims: maintaining the Armed Forces’ military capabilities and supporting the Spanish military industry and its arms sales.

We must mention here the emergence of the nationalist debate, with its emphasis on what it calls “non-shared threats” with our military allies. These should be seen as possible threats to the African cities of Ceuta and Melilla, which come

It is been talked of how to prevent the disruption caused by our consumption and our economic policies from rebounding back on us in the form of insecurity

It is necessary to change into a paradigm that articulates the strategies of security, placing the human being in the centre of public and international policies

under Spanish sovereignty but which are not covered by NATO's article 5 mutual military assistance clause. The nationalist debate reappears in the claim that Spain's main contribution to global security lies in its own military strength. No mention of this debate was made when Spain was complying with the suicidal austerity imposed by the troika but it is a useful argument for justifying an army's military expenditure when the number of its troops is excessive but never questioned and some of its rearmament expenditure lies hidden in other departments' spending.

In terms of defence, this conservative Government under Rajoy has continued, albeit hesitantly, to pursue the legislative cycle started by previous socialist governments. It has set up the Personnel Council for the Armed Forces (Spanish acronym: COPERFAS) and, albeit after a substantial delay, the Observatory of Military Life. It has not yet dared to bring a bill on professional military service but it has brought in a law on disciplinary regulations and a new Military Penal Code. Both projects are regressive in nature; by keeping arrest without effective legal protection in the disciplinary regulations, these fail to comply with the European Convention on Human Rights and by broadening the restrictions of military jurisdiction, which is no longer reserved for special jurisdiction but which will be able to judge ordinary offences and prosecute civilians, the new Military Penal Code creates a very vague definition of aggravating circumstances "in situations of armed conflict".

In 2013, the Government approved a new Security Strategy, which involved its first deal with the opposition in this parliament. This strategy continues along the same path laid down by the previous one enacted in 2011 and it tries to outline the different scenarios of threats and risks to Spain's security, tackling them from the perspective of the State as a whole rather than simply from a Ministry of Defence viewpoint, with the Ministry's role being limited to situations of armed conflict. This strategy, however, has not involved a shift in the security paradigm. The State remains the primary security objective. The control paradigm remains the key for tackling all risks and threats whilst individual security and human security policies are not mentioned or, when they are referred to, it is in extremely vague terms. What is really happening in Spain today – no longer what is threatened but what is directly attacking and impacting on the livelihood, employment, housing and health of the country's citizens – is being ignored.

ANNEX

Cadre 1. SUMMARY – Spanish Security Strategy (EES) 2011

The 2011 Spanish Security Strategy (EES) is structured around five chapters:

1) A necessary strategy. It describes the six basic concepts that drive the Strategy: a) a comprehensive approach to security; b) the need for coordination between the public administration, private companies and the citizens; c) the importance of an effective use of resources due to the economic crisis, which means drafting common defence policies with allies, especially with the EU; d) the anticipation and prevention of threats and conflicts; e) the need for an improved resistance and recovery in order to face unexpected challenges; and f) a commitment for creating a responsible interdependence with allies when establishing multilateral frameworks and instruments. Those instruments are: diplomacy, the Armed Forces, law enforcement agents, intelligence services, civil protection, development cooperation and economic and trading relations.

2) Spanish security in the world. It describes the bilateral agreements that Spain holds in relation to defence - bilateral agreements with 50 countries, having created joint committees with 30 of them and 21 agreements being in a negotiation process - the importance of transatlantic relations with USA, the Latin American countries and relations with the countries of North Africa, set as priority areas, and the appropriateness of reinforcing links with Russia and other Asian countries. It also deals with the involvements of Spain in the UN, NATO and the OSCE.

3) Risk triggers. Six risk factors are recognised, and work must be done in order to minimise them: a) malfunctions of globalisation which, if uncontrolled, can cause macroeconomic imbalances and contagious systematic crises, together with the current political and social instability caused by income inequalities; b) demographic imbalances, that can be moderated thanks to immigration, but that can lead to racism, xenophobia and integration problems; c) poverty and inequality, because poverty, aside from being unfair, is an obstacle for progress, stability and international security and can trigger radicalisms; d) climate change, that can cause conflicts due to the lack of resources and the increase in climate refugees; e) technological problems derived from the greater importance of cyberspace; and f) danger of radical non-democratic ideologies, which spread due to governments' incapability of dealing with the population's needs and to the inefficiency of the international community when solving these conflicts.

4) Threats, risks and responses, in different six areas: ground, sea, air, space, cyberspace and information. This chapter focuses on ten threats, and on the risks that they can cause to national and international security, the measures to be taken in order to tackle them on a national and international level through the implementation of joint multinational policies, and the objectives set for the improvement of the capability for a national or joint response. The aforementioned threats are: armed conflicts, organised crime, economic and financial insecurity, energy vulnerability, proliferation of weapons of mass destruction, cyber threats, uncontrolled migratory flows, catastrophes and emergencies, and facilities, supplies and critical services. In order to deal with those threats, coordination between the EU, NATO and the UN is needed. The document highlights their interdependence.

5) An integrated institutional model. Here, the conclusions of the Strategy are drawn, together with a summary on the need to bring an integrated approach to security issues, improve the inter-ministerial and regional coordination and review the document every five years, or when the parties involved in the drafting of the document agree to do so - the public administration, private companies and civil society.

Source: Compiled by the author with data from the EES 2011

Cadre 2. SUMMARY – National Security Strategy (ESN) 2013

The 2013 National Security Strategy (ESN) is structured around five chapters:

- 1) A comprehensive approach to National Security. It describes the four basic concepts that drive the Strategy: a) the unity of action, that means the need for coordination between the public administration, private companies and civil society under the control of the prime minister; b) anticipation and prevention of threats and conflicts; c) the importance of an effective use of resources, that includes the prioritisation and optimisation of resources and the control and review of the results; and d) resilience or the capability to resist and recover, in order to face the crisis by minimising the negative consequences.
- 2) Spanish security in the world. It describes the bilateral agreements that Spain holds in relation to defence, the importance of transatlantic relations with USA and the Latin American countries, relations with the Mediterranean countries, especially those located in North Africa, and the need to reinforce links with Russia and other Asian countries. It also deals with the involvements of Spain in the EU, UN, NATO and the OSCE.
- 3) Risks and threats to National Security. It focuses on twelve threats, armed conflicts, terrorism, cyber threats, organised crime, economic and financial insecurity, energy vulnerability, the proliferation of weapons of mass destruction, illegal migratory flows, espionage, emergencies and catastrophes, vulnerability of maritime space and vulnerability of critical facilities and essential supplies.
- 4) Strategic lines of action. An objective for each of the twelve threats is outlined, which produces a series of very specific strategic lines of action.
- 5) A new National Security system. It gives details about the role of the future National Security Council and the Specialised Committees that would support it.

Source: Compiled by the author with data from the ESN 2013

Table 1. Maximum Military Personnel According to the Law

	Provision	Leadership ranks	Total troops
1984	Actual troops	66,505	373,000
1991	Armed Forces Model approved by Spanish Parliament	49,720	180,000
1998/ 1999	Dictate for Professionalization and the Armed Forces Employee Regulation Act	48,000	170,000
2007	Military Career Act	50,000	140,000

Source: developed in-house

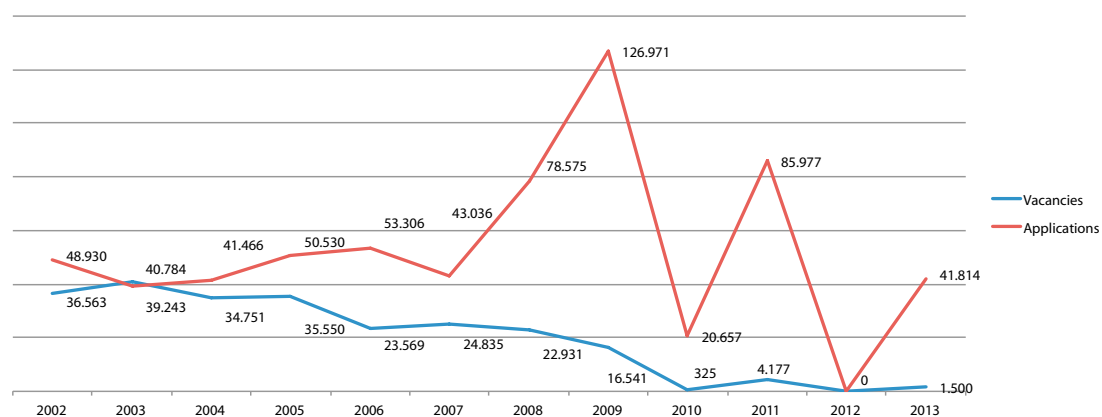
Table 2. Territorial distribution of Armed Forces personnel

TERRITORIAL DISTRIBUTION	Total personnel
Andalusia	27,410
Aragón	9,218
Asturias	1,135
Canary Islands	8,954
Cantabria	65
Castile and León	9,318
Castilla La Mancha	2,516
Catalonia	1,722
Extremadura	4,047
Galicia	6,731
Balearic Islands	1,556
Madrid	29,396
Murcia	6,114
Navarre	647
Basque Country	1,541
La Rioja	283
Valencia	6,296
Ceuta	3,437
Melilla	3,329
Abroad	846
TOTAL	124,561

Note: Data for troops on active duty

Source: Boletín Estadístico del personal al servicio de las Administraciones Públicas [Public Service Employee Statistical Gazette] (last visit: January 2013)

Graphic 1. Vacancies opened for soldiers, seaman and marines (OR 1-5) and applications



Note: In 2012, no positions were announced
Source: Spanish Ministry of Defence. Developed in-house

Table 3. Foreign personnel¹

	2012				
	Total	Men	Women	% Men	% Women ²
TOTAL	2609	2282	327	87,5%	12,5%
Land	2059	1821	238	88,4%	11,6%
Navy	425	352	73	82,8%	17,2%
Air	125	109	16	87,2%	12,8%
Majority countries³					
Colombia	1362	1181	181	86,7%	13,3%
Ecuador	765	679	86	88,8%	11,2%

¹ 2,844 soldiers must be added to these figures, to represent those in active service who entered the Spanish Armed Forces as foreigners and have earned Spanish nationality.

² The percentage of foreign female soldiers is very similar to the percentage of foreign females in the forces overall, but this percentage is lower in the categories of Land and Navy.

³ Colombians represent 52% of foreign soldiers in the Spanish Armed Forces out of the 19 nationalities admitted, followed by Ecuadorians who represent 29%.

Source: Military Observatory for Equality

Table 4. Compulsory/professional military service in NATO's and the EU's countries

European countries in the EU and NATO			
Compulsory military service		Professional army	
Country	Length (in months)	Country	Year
Austria	6 + 30 break days	Ireland	
Cyprus	25	Luxembourg	
Denmark	4 (min.) - 12 (max.)	United Kingdom	1963
Estonia	8	Belgium	1994
Finland	6-9-12	France	1996
Greece	9	Netherlands	1996
Norway	12 (min.) - 18 (max.)	Spain	2002
Turkey	15	Slovenia	2003
		Hungary	2004
		Portugal	2004
		Italy	2005
		Czech Republic	2005
		Slovakia	2006
		Romania	2006
		Latvia	2007
		Bulgaria	2008
		Croatia	2008
		Lithuania	2009
		Poland	2009
		Albania	2010
		Sweden	2010
		Germany	2011
		Malta	2013

Iceland does not have an army

Source: Compiled by the author with data from *The Military Balance* and *The World Factbook*

Table 5. Military personnel in Spain, NATO's and the EU's countries
(in thousands)

	Country	2007	2013	Variation
BELONGING TO THE EU AND NATO	Germany	246	196	-20%
	Belgium	40	33	-18%
	Bulgaria	51	31	-39%
	Croatia 1 2	21	19	-10%
	Denmark	22	16	-27%
	Slovakia	15	16	7%
	Slovenia	7	8	14%
	Spain	121	125	3%
	Estonia	4	6	50%
	France	255	229	-10%
	Greece	147	144	-2%
	Holland	53	37	-30%
	Hungary	32	27	-16%
	Italy	191	181	-5%
	Latvia	5	5	0%
	Lithuania	12	12	0%
	Luxembourg	1	1	11%
	Poland	142	96	-32%
	Portugal	44	43	-2%
	Czech Republic	25	24	-4%
Romania	70	71	1%	
United Kingdom	191	166	-13%	
ONLY BELONGING TO THE EU	Austria	40	23	-43%
	Cyprus	10	12	20%
	Finland	29	22	-24%
	Ireland	10	9	-10%
	Malta	2	2	0%
	Sweden	28	21	-25%
ONLY BELONGING TO NATO	Albania 1	11	14	27%
	Canada	63	66	5%
	United States	1,506	1,520	1%
	Iceland	0	0	
	Norway	23	24	4%
	Turkey	515	511	-1%
NATO total		3,807	3,621	-5%
EU total		1,814	1,575	-13%
Russia		1,027	845	-18%
China		2,255	2,285	1%
World total		19,801	21,767	10%

1. Albania and Croatia entered NATO in 2009

2. Croatia entered the EU in 2013

Source: Compiled by the author with data from The Military Balance (2007 and 2013) and Spanish Ministry of Defence.

Table 6. Women in officer ranks

Officer ranks	Land	Navy	Air	Common Corps	TOTAL
Generals/Admirals	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Colonel/Navy Captain	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Lieutenant Colonel/Frigate Captain	1 (0.1%)	0 (0%)	2 (0.5%)	9 (1.6%)	12 (0.4%)
Commander/Lieutenant Commander	40 (1.9%)	14 (2%)	23 (3.7%)	185 (27.7%)	262 (6.3%)
Captain/Navy Lieutenant	52 (2.2%)	27 (2.9%)	51 (6.6%)	271 (35.3%)	401 (8.35%)
Lieutenant/Navy Second Lieutenant	164 (9.6%)	50 (8.9%)	96 (13.3%)	149 (40.7%)	459 (13.7%)
Second Lieutenant/Frigate Second Lieutenant	-	3 (20%)	-	-	3 (17.6%)
TOTAL	257 (3%)	94 (3.2%)	172 (6.2%)	614 (24.1%)	1137 (6.7%)

Source: Spanish Ministry of Defence. Developed in-house (data from April 2013)

Cadre 3. Sentences from the Supreme Court (Military Chamber) which reveal violence against women in the Armed Forces

STS 4305/2013 Seaman sentenced to seven years in prison for raping a female corporal.

STS 3006/2013 Staff Sergeant from the Artillery sentenced to four months in prison for abuse of authority towards a female gunner.

STS 267/2013 Staff Sergeant sentenced to twenty months in prison for two crimes of abuse of authority involving degrading treatment of two women in lower ranks.

STS 8474/2012 Lieutenant colonel sentenced to two years in prison for abuse of authority involving degrading treatment of a subordinate and ten months in prison for abuse of authority for assaulting a female Captain.

STS 1897/2012 Staff Sergeant sentenced to twenty months in prison for two crimes of abuse of authority involving degrading treatment of two women in lower ranks.

STS 18/11/2011 First Corporal sentenced to four months in prison for abuse of authority for degrading treatment (sexual aggression) towards a female Corporal.

STS 23/09/2011 A Brigadier from the Land Army General Corps sentenced to seven months in prison for abuse of authority involving degrading treatment towards a female soldier (sexual aggression/sexual abuse).

STS 01/06/2010 Corporal sentenced to four months in prison for abuse of authority for degrading treatment towards a female Sailor.

STS 21/10/2009 Infantry Colonel sentenced to a year in prison for abuse of authority for degrading treatment towards a Medical Lieutenant.

STS 09/12/2008 First Corporal from the Land Army sentenced to sixteen months in prison for abuse of authority involving degrading treatment towards a female Soldier.

STS 18/11/2008 Brigadier sentenced to two terms of six months in prison, each for abuse of authority involving degrading treatment (sexual aggression) towards a female Soldier.

Source: Compiled by the author with data from the database *Aranzadi Westlaw*

Table 7: Internal violence according to the Supreme court sentences

Type of offence ABUSE OF AUTHORITY

2014\20091 Sergeant attacks a Soldier by striking him in the chest with a Cadre of ammunition, as well as by throwing guns at his body, grabbing and twisting his arm and immobilising the soldier by the neck with his arm.

2013\7395 Sergeant insults a Soldier, using words such as “useless, dumb, arsehole, retard”, while he kicks him hard three times. That same Soldiers was arrested for 3 days for lack of punctuality. That suspension was not fulfilled, nor notified or conducted into proceedings.

2013\5817 First Corporal kicks a Soldier in the head. He kicked the front part of the helmet the Soldier was wearing and pushed him backwards. His back hit the tank hatch, which caused him a neck sprain by hypertension of the neck and a contusion in the left scapula.

2013\5811 Sergeant includes sexist comments in the orders given to a Soldier in front of her colleagues during a manoeuvre, causing feelings of humiliation and hazing in the victim which affected her personal dignity.

2013\4785 Corporal insults and slaps a Soldier because of an argument.

2013\4527 Sergeant attacks a Corporal in a bar fight, for making fun of the Sergeant’s unit, during the celebrations after a shooting competition.

2013\4526 Officer, who lacks the necessary authority, influences decisions so that some members do not receive the special dedication extra salary, are penalised, and their locations changed.

2013\5368 Corporal throws a kitchen knife at a Soldier, which hits him in the head with the blunt edge. Another time, he grabbed his neck and pushed him against the wall.

2013\1811 Sergeant harasses two female Soldiers. He insisted that they should move to his section because “there, they would live better”, repeatedly invites them to have breakfast with him, distracts them from their duties and starts numerous day-to-day conversations that end in clearly sexual comments and insinuations.

2013\689 Female Captain comes back from a mission and presents herself to her Lieutenant Colonel to be informed of her duties. He answers that “she should substitute his Captain as a secretary and wear a short skirt.” She suffers harassment together with minor touching and insinuations. As she rejected him, he humiliated her, causing an emotional disturbance. Due to her reporting the harassment, he violently pushed the victim against her car, and while forcefully grabbing her, he said: “if this affects my career, I will end you.”

2012\11275 Corporal grabs a Soldier’s neck after he pushed him. The Corporal drags him and almost chokes him, until some colleagues separate them.

2013\1809 Sergeant punishes and humiliates a Soldier in front of his colleagues. His punishment consisted of hanging two chains which weighted 3.1 kg each around his neck.

2013\688 Captain repeatedly insults a female Lieutenant, causing her to suffer from depression.

2012\9698 Lieutenant Colonel does not grant medical leave to a Brigadier, despite a medical report.

2012\8130 First Sergeant reproaches the First Corporal the fact that she told the Lieutenant his delay using sentences such as “you are a snitch; you made a fool out of me in front of the officers”. He also stated that he would punish him for skipping the regulations. As the argument increased, the First Sergeant punched him twice in the right side of his body. Then, the First Corporal shouted at him phrases like “you son a bitch, take your patch off if you’ve got the balls, I will kill you!”. This includes the offence of “insulting a superior rank”.

2012\8178 Soldier is ordered to clean a vehicle and he is injured. In relation to the injury, the Sergeant said “you are the worst, you are rubbish, you are shit.”

2012\4073 Two Corporates hit Soldiers while training; they wanted to enhance motivation. One of them punches a female Soldier in the chest.

2012\7203 Major sexually touches a female Soldier during repeated and unnecessary defence exercises.

2012\7185 Corporal attacks and pulls out hair of a Soldier in response to his insults, which do not constitute an offence in this case.

2012\753 Soldier makes allusions to a female Corporal's personal life and sexual orientation. He said "I'm not a pussy eater." The Corporal's reaction was to hit and scratch the Soldier's upper part of his body. He was also struck in the jaw causing inflammation, and in the molar zone. She, on the other hand, was forcefully held by her arms and head butted in her right eye with a great intensity. This includes the offence of "assaulting a superior rank".

2012\7181 Lieutenant forces Soldier to attend the manoeuvre, despite the doctor's recommendation against any action because of back pain.

2012\740 Sergeant touches a female Corporal's breasts repeatedly, during physical exercises.

2011\7291 Colonel touches a female Soldier's thighs and genitalia. The fact that she agreed to sit on his lap, after he demanded it in a very demanding and imperative way, does not mean an approval of the sexual intentions of the Colonel.

2011\5620 Corporal kicks a Soldier in the back, because he decided to leave the unit and after telling him to mend his uniform.

2011\3297 First Corporal attacks a Soldier. He grabs his lapel and neck and shakes him, due to a bad comment from the Soldier.

2011\2319 Brigadier insults and offends a female soldier with racist comments after putting an end to their affair.

2010\8495 Some Sergeants hit, kick, punch and carry out more physical and humiliating actions on Soldiers, during an instruction activity called "prisoners of war".

2010\6392 Female Corporal tells First Corporal that he needs to have a certification for handling food for working at the canteen. He pushed her, twisted her wrist and yelled comments at her such as "I'm going to kick her so bad she's hitting to the moon".

2010\4340 Brigadier grabs Sailor's arm and neck, pushes him against a locker, while saying "you, kid, are going nowhere, you are worthless, useless, retarded." The arguments was caused because the Brigadier did not pick his automobile up from the garage at the time he was supposed to - he was on his break - and after some insults, the Soldier warned him that he would report his behaviour.

2010\4333 Corporal and Soldier slap each other. The Corporal is blamed with an offence of "abuse of authority": This includes the offence of "assaulting a superior rank".

2012\6382 Sergeant yells a Soldier comments such as "you son a bitch, dickhead, idiot". He also pushes him, and kicks and punches him while he is on the floor. A Lieutenant separates them and says to the soldier "now go and make a complaint".

2010\4312 Corporal kicks and punches a Soldier's left eye, for no reason. The Soldier insults the Corporal during the fight. It includes the offence of "insulting a superior rank".

2010\4308 Corporal throws himself onto a female Sailor, and she stops him with her hands and arms and leaves. Later on, the Corporal tries to touch her breasts. She pushes him, and leaves again.

2010\4289 Female Corporal hits a Soldier twice in the chest and gets into a struggle with him, leaving a minor bruise on his neck. The Soldier had refused to salute her.

2010\1594 Corporal bumped into a Soldier who was carrying a load and he dropped it. He asked the Soldier to pick it up. He did. Then, he asked him to go to the warehouse with him. There, he said "I'm so sick of you, I'm going to beat you off" and he head butted him in the face, which split his eyebrow.

2010\692 Captain calls Lieutenant “useless” in front of the troops very frequently.

2010\1584 Corporal punches a Soldier in his chest, after he declared his desire to end his commitment with the Armed Forces. The Soldier was very nervous and inappropriately used the informal address tú rather than the formal usted. The Corporal told him that his petition was unlikely to be successful as he had been recruited for less than 3 years.

2009\6267 Lieutenant Colonel says sexist comments to a Female Lieutenant, such as “you go to the Canary Islands to fuck all the time, because you Canary Island women have a reputation for being horny”, “you turn me on”, “you smell so nice, you leave my office smelling of perfume”, etc..

2009\6240 Corporal yells and condemns a Soldier’s behaviour. He grabs his lapels and shakes him, just because the Soldier was seated on the floor, which he didn’t think it was appropriate. The Soldier replied that he was just resting, and the Corporal thought that he was making fun of him.

2009\6221 Corporal grabs the uniform lapels of a Soldier, pushes him against a locker and kicks him in the back, because the Soldier replied “I can’t be arsed” to an order.

2009\3930 First Corporal forcefully hits two Soldiers in the chest because they did not have the regulation equipment in their backpacks.

2009\6212 Corporal orders two Soldiers to do several squats in a dormitory while he kicks them in the back and at one point he ordered them to stand up so he could punch them in the chest.

2009\1724 Lieutenant grabs a Sergeant’s neck and hits him in the face and against a wall.

Type of offence INSULTING A SUPERIOR RANK

2014\14185 Corporal leaves his e-mail open in the computer room. Soldier uses it and sends this message to the Corporal’s girlfriend: “Fatty, I really want to fuck you. Kiss”. Then they fight over this fact.

2013\5819 First Corporal, supposedly drunk, slaps a Captain twice, pushes and kicks him.

2013\5807 Soldier says to Corporal comments such as “son of a bitch” and “cocksucker”, and threatens him with this sentence: “I’m going to get you in the street and you’ll know about it.” He reprimanded him for being late, and told him he would report his delay.

2012\11293 Soldier addresses Lieutenant with sentences such as “this fucking army”, “fuck you”, and “you are shit”, because he did not want to dress appropriately to go to a medical check, while he was arrested in a disciplinary centre.

2012\8140 Soldier punches Corporal, causing a broken nose. It was his response to insults, some of them racist, such as “asshole”, “nigger”, “dickhead”, “fucking South American”. They were having a conversation about the opinion they held on an officer.

2012\8138 First Corporal walks past a Soldier, and he forgets the statutory salute. The First Corporal pointed out his omission, and the Soldier replied “if you have balls, we’ll see each other in the street and I’ll silence you”, “let’s see if you are that brave without the badge on, son of a bitch”. At the same time, he ostensibly moved his arms, and bringing his right fist up to to his head a couple of times, imitating a punch, although he did not punch the First Corporal.

2010\4270 Soldier beats two Corporals, breaking one’s glasses and causing a cut in the other’s nose. It was triggered by an argument in which the Corporal wanted the Soldier to go with him to a city nearby at night.

2009\6263 Soldiers disrespects a Corporal, pushing a table and insulting everybody present, as he was asked to go back to his room after he spilled a glass on the table because of his noticeable drunkenness. Then, he hit the lockers, shouting general insults at no one in particular, saying “you are shit, fuck yourselves...”, pushing his colleagues and being very aggressive with the guards.

2009\6260 Lieutenant in reserve faces a Lieutenant Colonel for no reason in a petrol station, saying “you are a clown;” “who do you think you are?;” “you are a piece of shit, you’re worthless;” “go fuck yourself;” “When I get hold of you when there’s nobody around to watch I’m going to beat the shit out of you” with no apparent motive..

2009\2650 Soldier comes back from a stroll very angry, so he hits an extinguisher and starts arguing with his colleagues. When the First Sergeant asked him if it was he who hit the extinguisher he replied: “This fucking First Sergeant, you are not going to tell me what to do;” “if I get arrested I’ll wait for you and kill you;” “I have friends in Madrid who can beat you up”. He also showed him his buttocks, in a mocking way.

2009\2649 First Corporal reprimands a Brigadier working as a Sentinel when he suggests that he is intoxicated, as he could not follow basic instructions. The Corporal insults him using words such as “idiot”.

Type of offence THREATS

2013\326822 Soldier yells very loudly to a Sergeant face things like “in the street there is no hierarchy, everybody is equal;” “you’ll pay;” “It’s not going to end here;” “Ceuta is very small, we’ll see each other in the streets.” The reason is that the Sergeant arrested him on the day of a Muslim celebration.

2010\4266 Soldier sends a text message to a First Sergeant, in which he warns him that he’ll break his legs if he does not stop messing with his girlfriend, also a Soldier, but not his subordinate.

Type of offence ASSAULT ON A SUPERIOR RANK/ASSAULT ON A SENTINEL

2014\1706 Some Corporals and Soldiers get in a fight and hit, punch, push and insult each other. The fight started when the Corporals were driving and found the Soldiers intoxicated in the middle of the road, so the driver has to quickly swerve.

2013\5387 Soldier confronts a Corporal because he owed some money to his cousin. When the Corporal says that it is not the time to talk about that, the Soldier starts touching him and stopping him from going anywhere, so they get into a fight that has to be broken up by their colleagues.

2013\4782 Soldiers is aggressive and intoxicated when getting back to the headquarters, and tries to punch the Sentinel in the face, but misses.

2013\4775 Brigadier mows down a First Corporal, on duty controlling vehicle and personnel access, with his car, causing injuries to his leg and arm, because he did not let him in, as he did not have his accreditation card.

2012\743 First Sergeant is intoxicated and forcefully hits a Sentinel Soldier in the back of the neck with an open palm, whilst grabbing his neck and pushing him backwards a few metres, for no reason.

2011\1687 Soldier throws himself at a Corporal and tries but fails to hit him, and has to be held back by a colleague. The Corporal had ordered him to repeat an exercise and the Soldier got angry because his knee was hurting, saying “this is shit, I want to go”.

Type of offence RAPE

2013\273101 Soldier rapes a Corporal.

Type of offence OTHER OFFENCES

2013\1810 There is no information that confirms that the sanctioning authority gave the appellant the possibility of executing his rights.

2012\8579 The accused made his statements without being notified of the inquiry, his right to legal advice, or of other basic defence rights.

2009\3957 Soldier drinks alcohol and then insults his Captain. He is given a sanction for "drinking whilst wearing uniform in the military headquarters, being a minor offence". The facts are assumed from the Captain's testimony, but no other test to confirm his drunkenness was carried out. So the presumption of innocence was violated.

2009\3954 A Soldier was arrested and held in a disciplinary establishment for a month and a day for attending a meeting in favour of the Civil Guards rights using his position as soldier, and showing his support as President of the AUME.

2013\319950 The instructor did not inform the appellant of his rights, in particular, the fundamental right of not making a statement against oneself.

2011\1694 Lieutenant Colonel accused of carrying out actions against the military discipline that could discredit the Armed Forces. He touched the cleaner's buttocks. Her testimony shows that his behaviour went against the most basic ethical rules showed a complete lack of respect for the complainant's dignity, and broke the integrity, morality and decency rules expected from a member of the military.

2010\7997 Violation of the fundamental right to not make a statement against oneself, leading to the threat of sanction for a Sergeant for refusing to testify.

Source: Compiled by the author with data from the database *Aranzadi Westlaw*

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