

## Comments on the Renger Report and the situation in Spain (April 1962)

**Caption:** Note analysing the main points of the Renger Report on the situation in Spain, submitted and adopted in the Council of Europe on 6 November 1961.

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*Antonio Caro**A*COMMENTSON THE "RENGER REPORT" ABOUTTHE SITUATION IN SPAIN

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Madrid, April 1962.



SOME COMMENTARIES OVER THE "RENGER REPORT"  
ABOUT THE SITUATION IN SPAIN

The Committee of Non Represented Nations of the Consultative Assembly of the Council of Europe, adopted and transmitted on November 6, 1961, to the Political Commission a report about the situation in Spain (AS/NR (13) 14. 30-XI-61). The Political Commission has decided to include this question in the agenda of its next session in Paris, to be held on the 6 and 7 of April, 1962.

If the Political Commission considers that the situation in Spain ought to be studied, it will be able to find at its disposal all kind of information from ~~the~~ direct sources, that is to say, in Spain itself. The Spanish authorities, the press, financial and university circles, the centers of political, economic and international studies, the different europeistic movements represented in Spain, the centers of public opinion surveys ("Gallup" type), and those personalities specially qualified because of their experience or their present activities, in a word, all that represents a real Spain, will offer the Commission whatever it may need to get a clear picture of the real situation in Spain.

It is evidently unconceivable that an Organization like the Council of Europe should pretend to get its information from the writings or declarations full of resentment of old Spanish politicians, who have cut themselves, quite voluntarily, from any direct contact with the Spanish population for more than 25 years. Neither can ~~it~~ responsible information be drawn out of the declarations of certain youths in search of publicity who happened to present themselves in Strassbourg pretending to represent the same Spanish organization that denounced their activities (the former Minister of Foreign Affairs, Mr. Yanguas Messia, and Professor García Valdecasas, President and Vice-President, respectively, of the Spanish Association of European Cooperation, presented their resignation when they learned that 3 members of their organization had gone to Strassbourg without any authorization from Executive Committee of the Association). The lack of any moral qualifications in the person of another of the Spanish informers, Mr. Mariano García, who pretended to be "Minister of Information of the Republican Government in exile", till he quarrelled with his own "Head of the Government", caused the Commission of Non Represented Nations to exclude ~~him from the annex~~ where the different reports from Spanish informers were included. Nevertheless, it was this same Commission that asked him to inform and who used him to contradict two honourable members of Spanish society: Mrs. Martín Artajo and Fraga Iribarne. It does not seem necessary to stress that such a report will not help to the reputation of the Commission of n.r.n. that appears to be talking of Spain as if it were a country like Tibet or Mongolia, about which one could not talk but from hear-say! As from a far away country of insurmountable frontiers!



It seems that the Renger Report envisages the submission of a number of "recomendations", which we shall discuss presently. It should be underlined, however, that a large part of the report, as well as its recommendations, texts that have been classified as "confidential", have already been published in a certain leaflet called "Le Socialiste", published at Toulouse, by Spanish exiles, without the due authorization of the French Home Ministry. This means that its text has found its way into certain opposition groups out of Spanish political life, who are abusing of the hospitality granted by France. But this "leak", isn't it in itself a breach of the secrecy that certain sectors of the Commission of non represented nations should keep on such matters?

Let us now pass to the recommendations that appear at the end of the Report:

Pagph.83. "The Council of Europe deplores..."- It should be stressed that nothing in the present political regime of Spain prevents the election on representants of the Spanish people for the Consultative Assembly, nor to the European Parliamentary Assembly.

Pagph. 84.- "The OECD should be invited..."- It should be reminded that Spain, being a full member of the OECD, can oppose its veto against projects that do not seem fit for such an organization. Besides, the Renger Report to pay a special attention to those sources of information (international syndical organizations, and others) that go against the conclusions of the OECD, whose latest reports are never mentioned (perhaps because they are favourable to Spain?).

Pagph. 85.- "The ILO should be invited..."- The ~~very~~ same sectors that have opposed the entry of Spain in the Council of Europe, have also tried in vain after many years, to raise a so called "Spanish question" in the ILO. Encouraged by the Soviets, they would like to "politize" all the International Organizations.

Pagph.86.- "Recommends that... the International Commission of Jurists..."- Spain maintains direct relations and contacts with the International Commission of Jurists of Geneva, whose latest reports (January 17, 1962) have precisely underlined the fact that "Spanish authorities have made all that was in their power to facilitate the task of the observers" (the International Commission of Jurists'). Obviously, this is a flexible, spontaneous attitude of Spanish authorities, that would have to be reversed, however, if any foreign influences of a political character, should ever try to meddle in the relations between the Commission and the Spanish authorities.

Pagph.88.- "...objective broadcasts in Spanish"- But do the members of the Commission consider the Spanish broadcasts of the B.B.C. of London, of the Radio-Télévision Française, of the radio stations of Western Germany, as non-objective ? In what sense?



We are not trying to build up a case against the Renger report. We would only like to point out to the members of the Political Commission, for their own enlightenment, some facts about certain parts of the said report. They will be able to see how reality can be misformed by a hasty work, biassed by deep-rooted prejudices of certain european polical quarters. And yet, the truth of the situation could so easily have been found by looking for it where it lays, here in Spain, in half-a-million square kms, the dwelling place of thirty million true Spaniards!

### I N D E X

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Renger ReportCommentsThe State and the Constitution

Paghs. 1 to 7

The State and the Constitution

The Spanish political regime was born in 1936 out of the necessity to save the country from the chaos in which it had been submerged by the II Republic, established in 1931 through a real "coup d'état". Instead of facing the problems posed by the world economic situation, the Republic poisoned class resentments and regionalist separatism. In October 1934, after a victory of a rightist coalition in the general elections of that year, an armed insurrection broke out in Asturias, instigated by the Socialists and the separatists and anarchists of Catalonia. The National Movement took over the country in 1936, saving it from chaos, a situation that had ended in the murdering by the police of Mr. Calvo Sotelo, leader of the Opposition in Parliament and former Minister of the Government. The legitimacy of the government of 18 July 1936 is squarely denied by everyone, as one may clearly deduce from the writings of the former President of the Republic, Mr. Alcalá Zamora ("A Regime of Coexistence for the Spaniards") and the "Report over the illegitimacy of the government on July 18, 1936" (2 vols., Barcelona, 1939) written by a commission of jurists.

In these circumstances, the civil war was inevitable, although General Franco had already warned in more than one occasion the republican authorities of the danger. In its place a National Government, backed by a common national front, was constituted after these happenings. During the last 25 years, the Government has undergone an evolution that has led to the constitutionalization of its political structure, the reestablishment of a juridical order and of the necessary bases for a normal political life.

This political trend has only found the obstacles put in its way by the groups of exiles that have been always trying to produce internal disorders in the hope that they may take them back to power.

The system of Fundamental Laws of a constitutional character, are the following ones:

1. The "Labour Charter", proclaimed by the Law of March, 1938 (Social rights).



2. "Charter of the Spaniards", proclaimed by the Law of July 17, 1945 (rights of the individual and of the family).
3. The Law of the "Spanish Cortes" (Organization of the Legislative Power), July 17, 1942.
4. Law of October 22, 1945, that established the "National Referendum".
5. Law of July 26, 1947, establishing the "Succession to the Institution of Head of the State" (institutionalizing the monarchic form of the State and the Regence), which was approved by a national referendum.
6. Law of May 17, 1958, which defined the "Principles of the National Movement" (principles of a general character about the constitutional of the country).

All these fundamental laws have been developed by further juridical norms that constitute as a whole, a real juridical order of the State. The Law of December 22, 1956, instituted a procedure for administrative disputes, that is an effective guarantee against any possible extra-limitations of administrative authorities; the Law of July 26, 1957, defined the "Juridical Regime of the State Administration", subjecting the Government and the Administration to strict rules of responsibility for their respective acts. The Law of July 17, 1958 established the Administrative Procedures, perfecting the system of individual guarantees and appeals against administrative authorities. These and other many norms have created one of the most perfect systems of juridical guarantees and procedures in existence in the realm of the Rule of Law.

In what concerns the Parliament, the "Spanish Cortes" have certain characteristics of their own. Its 550 members represent all the different political shades of the country; only 150 of this total must belong to the National Movement organizations. This chamber is certainly a very interesting experience and they have enacted an imposing legislative activity during their first 19 years of their life. (See M. Fraga's "Procedure of the Spanish Cortes", Madrid, 1958).

The "Charter of the Spaniards", proclaimed in 1945, is a very important declaration of the rights and duties of the Spaniards in what concerns their personal and familiar life.

In the social domain, the "Labour Charter" is of utmost importance. The general principles of the "charter of the Spaniards" and the "Labour



Charter" have been developed by various laws and decrees, in relation to the organization of the courts of justice, legal procedure, Criminal Code, familiar legislation, the organization of the bour, and finally the law of 1961 has established the "right of petition", thus crowning the series of laws that have established the rule of law in the procedure of the administration, which have been mentioned above.

The national referendum is necessary for the enactment of any law that might reform a constitutional law, or whenever the Head of State thinks it is convenient to subject a question to the nation. The way the Referendum is carried into effect is surrounded by all the guaranties normally provided by the electoral legislation.

A publication of 1948, "The popular referendum on the occasion of the Spanish Law of Succession" presents all the different ways that protected the electoral procedure from any irregularities.

The Council of the Kingdom, is composed by the President of the Cortes, the highest authorities of the Ecclesiastical and Military Hierarchies. It has no competence in what concerns exceptional legislation during urgent circumstances, which corresponds normally to the Government who seeks immediately afterwards the confirmation of the Cortes. The Law of July 17, 1942, enumerates the matters that must necessarily obtain the approval of the Cortes, after study and report of a special Commission, according to the nature of the bill.

The local corporations of the local Administration have their own competence, privative, necessary of facultative, according to the law of June 24, 1955. Therefore one can not say that it is centralized.

There is no single party system proper in Spain. The political organization of the regime is the National Movement, whose general principles are shared by a very large number of political organizations and associations of very different origins. No one is forced to belong to this organization, nor to these associations, nor is it necessary to belong to the National Movement in order to have a public or private post or activity.



RENGER REPORTCommentsInterior Policy

Pagph. 17 ...

"The letter of the  
Basque Priests..."

Pagph. 17

The lack of discipline of some members of the Basque clergy, brought to light by the letter supposedly attributed to them, referred to by pagph. 17 of the Renger Report, has been repeatedly denounced by their ecclesiastical superiors, in different occasions:

1) The Papal Nuncio (today a Cardinal), Monsgr. Antoniutti (Homily delivered in Vitoria in June, 29, 1960).

2) The Note signed by the Archbishop of Pamplona and the Bishops of Vitoria, Bilbao and San Sebastian ( July 7, 1960).

3) The Papal Nuncio in a speech delivered at the inauguration of the Seminary of Vitoria. ( October 30, 1960).

4) The Bishop of Malaga, Mons. Herrera Oria, in his Homily delivered on the "Pope's Day" (November 11, 1960).

5) The Papal Nuncio at the opening session of the Faculty of Canon Law of Comillas (Santander, November 11, 1960).

6) Note published by the Bishop of San Sebastian, on November 30, 1960.

7) Confirmation of the collective note issued by the Bishops of the Basque diocesis, by the Holy See.

8) The unanimous feeling of the whole ecclesiastical hierarchy of Spain, that expressed its agreement to the note signed by the Basque bishops.

We suppose that due consideration will be given to the opinions of the above mentioned ecclesiastical authorities, whose judgement and authority in this matter is unquestionable.



RNGER REPORTInterior PoliticsComments

Pagph.18: Attempt to derail  
the San Sebastian train.

This paragraph of the Report deals with a very concrete case, in doubtful terms, which has been proved and some of whose authors have confessed their participation. The derailment, which would have caused many victims as it would have been very important, was prevented thanks to accidental circumstances and the highly successful intervention of a Railroad watchman. The train chosen for this criminal act, was a train that was to carry former members of the Nationalist Army, and the day when it was to happen was the date of the 25th. anniversary of the National Movement. These facts shed a very clear light as to the intentions that lead to this attempt.

The competent Court of Justice pronounced its sentence the 25th. of October, 1961, condemning the seven principal accused. All the legal procedures and guarantees were naturally present in this process. No pressure whatsoever was exerted on them to obtain declarations or confessions. The accused used all their rights to assure their defense, that was undertaken by the lawyer Francisco Espinosa Arroquia, former Lecturer of Criminal Law of the University of Valladolid. This lawyer was aided in his defense by a person of great renown in juridical circles, as is Joaquín Ruiz Jimenez, Lawyer, Professor of the Faculty of Law and former Minister of Education. The defense was of course chosen by the accused.

This criminal act would have been also punished by any other Court in any of the countries represented in the Council of Europe, and with equal severity. Besides, similar acts happen in other European countries.



RENGER REPORTThe Church and the State

## Comments

Pgphs. 39, 40 and 41Pgphs. 39, 40 and 41

Reference to the Concordat, attributing certain political attitudes to the Catholic hierarchy, and to the higher and lower clergy, without any evidence.

The Concordat of August 27th., 1953, is an International Treaty that regulates the position of the Catholic Church of Spain, including and putting up to date the contents of previous Concordats.

No comments seem necessary on the unfounded speculations over whether the Spanish Church is divided in a sector that backs Franco and another one, younger, who is increasingly hostile to him.

Pgphs. 42, 43 and 44Pgphs. 42, 43 and 44

Conditions of persons of Protestant faith in Spain.

The interpretation that Spanish bishops may give of the 2nd.pgph. of art.6 of the Charter of the Spaniards, is of course, void of any legal effect. Only the competent civil authorities of the State may interpret and apply the Laws of the country. The fact that art.6, 1st.pgph. declares that "the Catholic Religion is the Religion of the Spanish State", does not turn to the Spanish clergy the right to interpret the Laws of the country.

The actual number of Spanish protestants is in fact very low (between fifteen and twenty five thousand); they are highly scattered throughout the country and they belong fundamentally to the following four sects: Spanish Reformed Church (anglicans), Brother of Plymouth (Wesleyans), Evangelic Church of Spain (lutherans, calvinists, methodists) and the Baptists Evangelic Union of Spain (baptists). They have 126 chapels for their religious services, a publishing firm, an orphanage and several sunday schools.

Part of the difficulties that the protestant sects have found in Spain for their activities are derived from the fact that they have preferred to act under the cover of foreign commercial societies ("The Continental Lands Co.", "The South of Europe Land and Building Co. of London", etc.), instead of abiding to what was disposed by the Associations Law of June 30th. 1887 (modified in part by the Decree of January 25th., 1941) according to which they would



have enjoyed a public juridical "status" since a long time ago.

The very protection of foreign Embassies, which the protestants themselves have also sought, has also contributed to give them this non national character.

The activities of other sects, such as the Jehova Witnesses, whose principles go against the Fundamental Laws and the Spanish Common Law, are of course, not allowed. The Spanish State does not persecute its beliefs, but it can not tolerate any public manifestations against its social order (as refusal to military service, refusal to pay taxes, etc.).

There is no discrimination whatsoever in Spanish Common Law (specially in what regards the status of the individual in society) based on religious motives. Jews, Mahometans and Protestants are all admitted to the public service -except for the post of Head of the State they may carry on with their professions with utmost liberty, they are not separated from their sons nor do they lose their legal rights over them and they may also ask for their sons an exemption from religious teaching in primary and secondary schools (as disposed by art.27 of the Concordat with the Holy See). The Spanish Civil Code regulates (art.42) the possibility of a civil marriage for persons who do not belong to the Catholic Faith. The application of this article, has nevertheless lead to some difficulties -specially in what concerns the specification of the qualifications of a non catholic- difficulties that complementary juridical texts have tried to superate.

Spanish Laws also determine, in accordance with Canon 1212, the possibility of having civil cementeries reserved for non catholics. These cementeries where Spanish Protestants are buried may not have any relation to those in existence for the burial of suicides.

Pagph. 45

#### Other Religions

Pagph. 45

There are no difficulties over religious services of jews and mahomethans. There are Synagogues in Madrid and Barcelona, and the Mahomethans have their own places of prayers and enterrement.



RENGER REPORTCommentsPagph.54

The Spanish Press had to obey strict orders at the death of Ortega y Gasset.

The Renger Report in its 54th. pagph. quotes the death of Ortega y Gasset as an occasion in which Spanish Newspapers had to obey very strict orders issued by the Dirección General de Prensa, as to the way of commenting and informing this sad happening. It states that the Spanish newspapers "had to underline in all their articles the religious mistakes of the philosopher; they were not allowed in any case to publish photographs depicting Ortega during his life".

Any person then living in Madrid could easily confirm the mendacity of this statement. The most important newspaper of Madrid, ABC, practically published an extraordinary number devoted to the life and work of Ortega, with magnificent leading articles written by the very first figures of contemporary Spanish literature and science, by his friends and disciples, many of whom have a very ample liberal mind. In what concerns the photographs of the living Ortega, the same ABC illustrated these articles with, among many others, a photograph of Ortega and his wife, accompanied by D. Emilio García Gómez, Member of the Spanish Academy, and now Ambassador in Beirut, who had written one of these articles. Another photograph depicted Ortega talking to Professor Heuss, then President of the German Federal Republic. What irony that the very representation of the President of the country of the deputy Ana María Renger, should come to give evidence of the mendacity of her unjustified and malevolous imputations!

Any member of the Consultive Assembly of the Council of Europe who so wishes, has at his disposal a set of photographic reproductions of the Spanish press, commenting the death of Ortega. Three Ministers of the Government were present at his burial. Some time afterwards, the Mayor of Madrid gave his name to a central street of the town, that had been called till then after the ecclesiastical poet Alberto Lista!



RENGER REPRTCommentsThe Economic Situation

Pagphs. 58 to 77

Pagphs. 58 to 77.

The Reprt is evidently out of date and it only reflects a situation that has been over-ridden in most of its aspects.

For example, the annual rate of growth of our industrial economy given in the reprt is the one corresponding to the 1950-57 period; we are now in 1962. The data of our population and its distribution according to the different sectors of Production, only refers to the situation in 1950. Many important data is taken out of the 1958 Report of the OECE for Spain, disregarding the fact that this same Organization has already issued a new Report in July, 1961, and has already given an advance of its next report for 1962; both these texts should have been duly consulted. (pagph.64, unemployment; pagph.65, higher costs of consume goods; the same happens also with pagphs. 70, 71, 73, etc.).

But not only is it necessary to put up to date all these data over which the Renger Report draws all its mistaken asserts, but it would be also necessary to take into account the important and decisive evolution that has taken place in the Spanish economy since the Stabilization Plan was put into practice in July, 1959.

Besides, only the negative aspects of the 1960 Report of the EOEC has been carefully chosen, leaving asside all other positive aspects contained in that same report, including the very justification of many of those negative considerations.

For example, pagph.68 of the Renger Report speaks about the negative effects of the Stabilization Plan over the output of our industrial production. But it does not state that: "the inevitable consequence of any stabilization program is a temporary interruption and sometimes even a reduction of the activity of certain industrial sectors", as the EOEC Report of August 1960 affirms in its 2nd. pagph.

Nevertheless, the relatively prolonged recession that followed the stabilization of our economy, gave place after the summer of 1960 to a progressive recovery of our production; thus, during the first months of 1961, many industrial



sectors had already attained, and indeed superated, their maximum production indexes for the period before the recession (See EOEC Report for Spain, July, 1961, pagph.1).

The recession undergone by the Spanish economy, that lasted for a year more or less (from Spring, 1959 to May 1960) has almost completely disappeared. A progressive recuperation has been confirmed all throughouth 1961, as the following indexes of the present economic situation will show:

1. Banking credits for the private sector of Spanish economy has been incremented (20 per cent in a year).

2. Normal working hours and production output has been reestablished in most sectors of our industry.

3. There has been a growing volume of imports from November 1960 on, that has even caused a deficit in our trade balance during the first eight months of 1961, that amounted to 237 million dollars.

4. More electric energy is being consumed now (14 per cent more during the first five months of 1961 than in the same period for 1960).

5. The home market has been ordering a greater amount of iron and steel (See EOEC Report, July, 1961, pagphs. 4 and 6).

Pagphs. 71 and 72

The very figures given by the EOEC Report for the stabilization of prices in the Spanish market even after the negative aspects of the Stabilization Plan (pagph.71), are however questioned by the Renger Report in pagph.72, basing its assertions on unfounded reports of the CISL and CISC. This contempt for the texts of such a serious organization as the EOEC, whose data is subordinated to the baseless figures given by foreign trade union organizations, whose persistent byass in all questions related to Spain is sufficient cause to question the veracity of its affirmations, is certainly a proof of the prejudiced intentions with which the Renger Report has been written.



### Results of the Stabilization Plan

1. The Plan has reestablished the normal conditions of our home finances and has eliminated inflationary pressures.

2. The index of prices has been relatively stable, generally speaking (industrial products are only 2 per cent higher, and the wholesale prices only 4 per cent, during the period running from April, 1960 to April, 1961).

3. After the 1959 Reforms, the constant deficits of the Spanish payment balance have given way to considerable superavits and an important accumulation of foreign currency. At this moment the Spanish reserves of gold and convertible foreign currency amounts to 863 million dollars.

4. Spain has already cancelled the credits put at her disposal by the International Monetary Fund and the European Fund (74 million dollars), as well as some of those offered by certain American Banks, thus having already paid back all the credits that were agreed for the execution of the Stabilization Plan.

5. The Foreign Public Debt of Spain has now been reduced to a minimum and only amounts to 196,6 million dollars. In the following ten years, the amount of funds for the redemption of this debt and its interest will not be higher than 16,3 million dollars per year, which is approximately only a 1,5 per cent of our total revenue in foreign currencies of last year. If one takes into account that the IBRD considers that an exterior debt not superior to 12 per cent of the annual revenue of foreign currency, as a very satisfactory situation, one may realize the very considerable capacity that Spain enjoys to contract further debts till that limit is reached.

The most serious and strict economic circles of Europe (as informs the EOEC) believe that "Spain has definitely overridden the first phases of its development and offers certain advantages that could even further a quick advancement of its considerable growth potentialities in the long run".

This same Organization also affirms: "There are already in Spain certain industrial areas capable of attracting in a short time a large labour force with a good industrial training, and afterwards, an even greater proportion of the labour reserves of the agricultural sector". Besides this fundamental factor of economic growth, the Spanish economy pre-



sents other features that may encourage a quick development. For example: the variety of its natural resources; its geographic vicinity and important trade relations with the most important European markets; a flourishing touristic industry, which not only is an important source of foreign currency but also is an important factor for the expansion of the economic activities of many provinces; a very considerable amount of monetary remittals, sent to Spain by Spanish emigrants (more than 77 million dollars); regular budget superavits; long run trend towards a higher percentage of savings; all these elements, coupled to the stability of the financial situation, constitute the bases for a strong initial start towards a firm process of development. (EOEC Report, 1962).

Pagph. 69

#### Social and Economic Aspects

Pagph.69 of the Renger Report states that the industrial workers have had to bear the weight of the transformation of the Spanish economy. As in other parts, this assert is based on the biased information given by the CISL. The truth, however, is that the strains of the Stabilization Plan have been beared by all social classes and particularly by managerial sectors. The Spanish government was well aware and worried because of the possible consequences of the Plan on the social aspects of our structure. It was precisely because the workers were protected and that they couldn't be fired by the free will of the managers that many small firms had to close down, being unable to reduce one of their highest costs of production, its labour force. It was precisely these social considerations that lead the Spanish government to disregard the recommendation of the International Fund and the EOEC for a larger flexibility in the labour market and an easing of the conditions that restricted the possibility of firing employees.



Paragraphs. 73, 74 and 75

In this same line of social policy, the Spanish government established at the beginning of the Stabilization Plan, by a decree of November, 26, 1959, a system of social security for unemployment, for the benefit of those workers that were unemployed as a consequence of the first measures of the Plan. This was only the first step for the establishment of a General System of Social Security for Unemployment, constituted by the Decree of July 22, 1961, and which applied to "those that willin and being able to work, loose nevertheless their job and therefore their salary". This system applies as much to total unemployment as to partial unemployment; it has been also extended to foreign workers employed by Spanish firms. The system gives the unemployed the right to percieve for a maximum period of six months (which can afterwards be prolonged if necessary) the following sums: 75% of their basic salary and familiar aids, as well as the extraordinary gratuities.

At the present moment, the normal working week has been reestablished in most industrial sectors, and therefore their workers are already perceiving, in addition to their basic salary, the sums due to their extraordinary hours of labour, that they used to percieve before the Program of Stabilization.



RENGER REPORTCommentsPagph. 68

"The present Spanish Government ignores the European Convention of Human Rights".

The Renger Report accuses the Spanish Government in its final conclusions (pagph.68) of "ignoring" the European Convention of Human Rights. But it apparently forgets that art.66 of this Convention states that it is "open to the members of the Council of Europe". Therefore, the Spanish Government, that did not participate in the long discussions that lead to the signature of the Convention and its additional Protocol, considers this accusations as a mere sophism, since it has never been invited to study the text, nor to sign it, possibility that art.66 of the Convention prevents. Although the Convention has not been ratified by all the members of the Council of Europe, the Spanish Government respects its text, has distributed it to the press in great extent, it has also appeared in the commentaries of scientific magazines, has also been the object of several books and doctoral thesis, many of them sponsored by provincial and local organizations.

Nevertheless, Spain belongs to the United Nations Organization, and therefore participates in the discussions of the Human Rights Commission of the Social and Economic Council, as well as in the activities of the Council of the ECOSOC and of the third Commission of the General Assembly of the United Nations, although a certain sector seems to insist in closing the doors of the Council of Europe to Spain. The Spanish delegates to the Third Commission of the General Assembly have accepted in the name of the Spanish government all the articles of the Human Rights Convention approved by the General Assembly up to the present time. The XVI session held in the autumn of 1961 approved articles 1 to 25 of the Convention of Civil and Political Rights.

It would be interesting to remember that when the Council of Europe discussed the thesis of the enumeration of Human Rights, against the thesis of the precise definition of Human Rights, many voices were raised in favour of the first method, because the Human Rights Commission of the United Nations was already working on this same subject, and therefore it seemed best to wait for the results of its study.



Finally, the question was solved by a compromise, reached in June, 1950: the human rights defined by the European Convention would closely follow the texts already in existence of the Draft Declaration of Human Rights of the United Nations.

It is therefore perfectly logic that Spain, a country that was not invited to take part in the elaboration of the European Convention of Human Rights, and that can not sign it a posteriori because it is not a member of the Council of Europe (as specified by art.66 of the Convention), should center and limit the scope of its efforts to the elaboration of the Human Rights Convention of the United Nations. It should not be forgotten, however, that its principal provisions have already been incorporated to our internal legislation.

Something similar could happen with the European Social Charter drawn up by the Council of Europe. Spain has not participated either in the elaboration of this text, and it seems that she will not be able to adhere to it, since it is limited to the countries belonging to the Council of Europe. Nothing, however, would have to prevent our internal legislation from adhering to its text, by the acceptance of those articles that the Charter specifies as of necessary application.

Among the Human Rights recognized by Spanish Laws as having constitutional character, we may enumerate the following ones: equality before the law; right of personal honour; religious liberty; free expression of opinion; free and secret correspondence; freedom of residence; inviolability of individual homes; personal immunity; procedural guaranties in criminal prosecution; juridical security from the administration; irrevocability of the Spanish nationality; right of petition to the Head of State; right of petition to the Cortes and Governmental authorities; family rights; freedom of assembly and association; right of political representation and right of public office.



RENGER REPORTCommentsSocial Security

Pagphs. 79 ...

"There is no System of Social Security... in Spain".

Social Security in Spain

The phrase that appears in the margin, ~~xxx~~ stating that "there is no social security in Spain", is a typical example of the ignorance of the reality of Spain that the whole report reflects, and which suggests evidently the bad faith with which it has been written.

Indded, it can be stated with all conviction that the spanish policy of social security is the effect, in all its aspects, of the legislative action of the National Movement in the social field. Before 1936 one could only find in Spain: social security for labour accidents; a very feeble maternity aid and an equally feeble social insurance for the old. In our days, instead we can enumerate, since there is only space for a simple enumeration, the following social insurances:

Old age subsidy, afterwards transformed in the Old age and disablement social insurance.

Illness insurance (first applied by a Law of dicember, 1942, that only referred to the industrial workers, being now extended to the agricultural labourers as well).

Disablement on account of common and professional ailments (as sylicosis).

Familiar subsidies: (constituted by the Law of ~~xx~~ July, 18, 1938)

Familiar aid ( 29th. March, 1946)  
Aid for Large Families (December, 13, 1943)  
Matrimonial Gratuity (December, 19, 1948)  
Labour Accident Insurance  
Maternity Insurance  
Pensions for Widows  
Pensions for Orphans  
Education Insurance  
Technological Unemployment

Unification of Labour Accident Insurance in Industry and Agriculture

National Pension Fund for Doiestic Service ( which includes pensions and insurances).

National Pension Funds for Local Administration and agricultural social work. etc.etc.



If we examine the different sectors of the Spanish population that enjoy this ample system of Social Security, we will find that:

In the first place, the industrial, mining and general trade workers enjoy the general social insurances provided by the National Institute of Social Work, as well as the social insurances of each profession, administered by the Labour Funds.

In the second place, the sea workers (fishermen and sailors) are protected by the Social Institute of the Navy.

In the third place, the agricultural labourers were until recently partly included into the general system of the National Social Insurances, but have recently been transferred to the National Fund for Agrarian Social Work.

In the fourth place, the students enjoy the benefits of the Education Pensions Fund.

In the fifth place, Domestic Service has its own National Pensions Fund.

In the sixth place, the public servants of Local Administrations are protected by their own National Fund.

And finally, the public servants of the Central Administration have their family subsidies and old age pensions in addition to the aid received from their own Pension Funds.



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The Report ignores the facts of the Spanish Trade Union Organization. It doesn't realize the privileged position that it enjoys in all the different sectors of Spanish political life, in home politics, in legislative activities, in municipal institutions, in the Economic and Social Councils, etc. A third of the members of the Spanish Cortes (Parliament), as well as a third of the members of the General Councils of the Provinces (Diputaciones Provinciales) and of the Municipal Councils (Ayuntamientos), are elected by the Trade Unions Organizations. Thus, the Trade Unions are in the position of making their point of view known on every matter of some political, economic or social importance, in a degree unknown in any other country.

A growing number of visitors come every year from abroad to study the different features of the Spanish Trade Unions. We will only mention, as an example, the visits of the following Labour MPs. that came over to Spain last year:

A. Woodburn and S. Cullen, in May, 1961  
 Harold Neal and Ness Edwards, in March, 61.  
 Albert Roberts, William Small, Eta Fitch,  
 and Alfred Broughton, in June, 1961.  
 Albert Roberts, Harold Boardman, Ernest  
 Thronton, Charles Pannell and Archie  
 Manuel, in September, 1961  
 Harold Neal, George Deer, Robert Mellish,  
 and Edwin Wainwright, in October, 1961  
 John Hynd, member of the Consultive Assem-  
 bly of the Council of Europe, Oct., 1961.

Other visitors came to assist to the sessions of the II Sindical Congress, that was held in March of this year in Madrid. The "Times" of London wrote the 10th. of March, referring to this Congress:

"Mistaken Ideas about Spain"

Madrid, March 9: Mr. Ness Edwards who heads a delegation of five British Labour M.P.s, invited by the syndicalist organization to their second national congress now being held in Madrid, has criticized in a press conference the mistaken ideas held in other countries about the Spanish Movement. Because of dislike for the Regime, the syndicalists were treated as outcasts, he said.

Mr. Edwards said he and his companions were impressed with the progress that had been made by the Organization in dealing with the social and economic problems of the workers. A steady evolution was under way, and Mr. Edwards said he hoped it would continue without violence so that the workers could



accomplish their ideals of social justice. If there was a clash, help might be sought from outside Spain, and this could lead to a wider conflict."

The same Labour M.P. commented to a correspondent of the "Daily Telegraph" (March 12, 1962), among other things, that: "the syndicates, within the limits imposed by the regime, represent an important step towards organizing workers and industry.... the movement is an important one. It might lead ultimately to Spain having one of the most solidly united labour movements in the world."

Other visitors from abroad who have seen with their own eyes what the syndical organization has done in Spain, have also written: "We particularly admired the flats which the syndicates are putting up for the lower-income groups. These flats, I discovered, could be bought on instalments -for the equivalent of thirty shillings a week. Others, erected by the syndicates or municipality with the help of State subsidies, are let at low rents. But ownership is encouraged. A worker can obtain a generous 25year loan through his syndicate at a nominal rate of interest or even free of all interest...Perhaps the most interesting experience of our stay (was) the Residential City on the coast outside Tarragona...one of the syndicates' 46 "leisure cities" ... (where) we were left to "sink or swim" without guide or interpreter. Each "casa"... is slightly different. Ours was elegant and comfortable, and the food in the public dining room was excellent. Three or four plates were piled in front of us to be quickly removed... Liqueurs were often served with black coffee, and there was always a bottle of red wine on the table. (All this for the equivalent of 2 pounds, 10 shillings, a week and no extras!)...its the "Residential City of Education and Rest" ("Southern Evening Echo", Southampton, September 29, 1961).

Spain does not believe in the struggle of classes, which workers had to bear as one of the characteristics of the liberal period of XIX economy, under the principle of "laissez faire". The worker had no other means against the oppression of the employers, than the arms of class struggle, in its different forms. But this period has been definitely superated. We are now in the epoch of cooperation between workers and employers, under the careful supervision of the State, checking the conditions of labour in the benefit of the worker. The Spanish system has besides, the advantage of channeling the interests of the labour forces towards the most important political activities, through the syndical organization, where it is represented in the municipal, provincial and national levels (a third of its total representation), and even in the Council of the Kingdom, supreme consultive organization of the Spanish State.