



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms of
Discrimination against Women**

List of issues and questions in relation to the combined seventh and eighth periodic reports of Spain

General context

1. The State party provides some information on the impacts of the financial crisis on remunerated home care work and gender mainstreaming (CEDAW/C/ESP/7-8, para. 75),¹ women in the labour force (para. 173) and the protection of women from violence (para. 318). Alternative sources indicate dire cuts in the budgets for health, education, social integration, including for Roma populations and migrants, and all gender equality institutions, programmes, projects and activities at the central, regional and local levels, as well as in official development assistance by Spain. Please provide updated information on the effects of the financial crisis on each of those budgets and on measures to combat poverty and improve the status of women. Please provide information on the measures taken to conduct a gender impact analysis of those cuts, address their disproportionate effect on women and redress or mitigate the effects of the financial crisis on women.

Reservations

2. Please indicate whether the State party is considering the withdrawal of its declaration concerning succession to the Spanish Crown.

Constitutional, legislative and institutional framework

3. It is indicated that, at the time of the preparation of the report, a draft strategic plan on equal opportunities for 2013-2016 had been developed and was to be

* CEDAW/C/61/1.

¹ Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of Spain.



submitted for consultation to the Council on Women's Participation and then approved by the Council of Ministers (para. 39). The State party and alternative sources provide information regarding the insufficient application of a number of laws and/or mention significant regional disparities in their application. Please provide updated information on the current status of the strategic plan and its implementation. Please explain the measures taken to ensure that comprehensive training on human rights, especially gender equality, is provided to legal, judicial, law enforcement, social, medical and educational personnel at all levels of the structure of the State party and in all parts of its territory.

National machinery for the advancement of women

4. Please provide information on specific measures taken to coordinate the policies and mechanisms at the central, regional and local levels in order to achieve the full and uniform implementation of the Convention throughout the territory of the State party. Please provide information on the coordination between the Institute of Women and the ministries dealing with issues relating to gender quality, the empowerment of women and combating violence at both the central and regional levels. Please indicate the budget cuts imposed on the Institute and explain the extension of the Institute's role to other forms of discrimination and the risk of diluting its focus. Please explain the links between the Institute, the Observatory on Equality of Opportunities between Women and Men and the Ombudsman in elaborating studies, proposing draft laws and bringing cases before the courts.

Temporary special measures

5. The State party provides some good examples, such as in paragraph 52, of temporary special measures to accelerate the practical realization of women's de facto equality with men, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures. However, some other examples, such as those in paragraphs 53 and 54, can be considered long-term social policy measures and not temporary special measures. Please indicate any obstacles to the implementation of such temporary special measures as legislative and administrative processes, outreach and support programmes, the allocation of resources and the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas, in areas where women are underrepresented or disadvantaged and in both the public and private sectors, as recommended by the Committee in its previous concluding observations (CEDAW/C/ESP/CO/6, para. 16). Please also indicate the results achieved by the temporary special measures that have been implemented.

Stereotypes and harmful practices

6. It is indicated that, at the time of the preparation of the report, 28 non-binding resolutions and two performance reports had been presented to the Equality Committee of the Congress of Deputies. Those resolutions were on stereotypes in the image of women, the treatment of women in the media, the promotion of non-sexist children's games in schools, women and sport and the reduction of the digital divide between women and men (para. 32). Please provide updated information on the current status of those resolutions, their impact and the results achieved after their implementation at the national, regional and local levels.

7. It is indicated that two agreements were signed with the national radio and television body (RTVE) to promote the non-discriminatory treatment of women (para. 66) and that publicity campaigns and other awareness-raising activities were conducted (paras. 70 and 71). Please provide information on the evaluation of those campaigns and activities, the challenges encountered and the results achieved with regard to changing social attitudes and eradicating violence. The State party acknowledges the persistence of gender stereotypes in science, sport, art and cultural activities (paras. 235-242) and that there are notable differences in extracurricular activities and in the choice of educational paths for girls and boys (para. 64), providing some examples of action taken by autonomous communities to eliminate those stereotypes. Please provide information on coordinated measures taken at the national level to revise school textbooks and curricula to increase the participation of women and girls in science, sport, art and cultural activities and non-stereotyped educational choices. Please indicate whether the budget cuts in the Ministry of Education have followed the practice of mainstreaming the gender perspective in drawing up budgets referred to in paragraph 78.

Violence against women

8. Please indicate the resources and structures available to women who are victims of violence, in particular women with disabilities and migrant and Roma women and girls, in the autonomous communities following the budget cuts. Please also indicate whether studies or evaluations have been conducted on the measures taken to date and whether the current system ensures that all women and girls, especially those in the above-mentioned groups, enjoy sufficient protection and access to justice and all other services, such as shelters, social services and legal and psychological counselling, throughout the territory of the State party. In the light of the Committee's views in communication No. 47/2012, *González Carreño v. Spain*, please indicate whether violence exercised by a father is taken into consideration in legal proceedings concerning the custody of children and visiting rights, whether training is being conducted for court and administrative personnel dealing with those cases and whether the legal framework has been reinforced.

9. It is indicated that the percentage of women who die as a result of gender-based violence that they had not reported is very high and remains almost constant at 81 per cent (para. 306). Please provide information on measures taken to identify the root causes of the high number of homicides in close relationships and to combat those causes. Please explain how the State party addresses the structural discrimination relating to gender stereotypes within the judiciary that prevent women from gaining access to justice, with regard to the handling of their cases, the prosecution and sentencing of perpetrators and the provision of reparation.

10. The State party makes reference to various forms of violence against women, such as violence within a relationship, trafficking, exploitation, abuse, sexual assault, female genital mutilation, crimes committed in the name of so-called honour and forced marriage (para. 301), but does not expand on each form of violence. Please provide information and data, disaggregated by region, on the prevalence of and trends in the above-mentioned forms of violence against women, together with detailed information collected since the consideration of the previous report on the number of cases reported, prosecutions, convictions of the perpetrators and the sentences imposed on them and the relationship between perpetrator and victim.

Trafficking and exploitation of prostitution

11. According to alternative sources, the State party has the second most cases in Europe of trafficking in human beings and forced prostitution. It is indicated that the State party was planning to adopt, in the second quarter of 2013, a new comprehensive instrument to counter trafficking in women and girls for the purpose of sexual exploitation (para. 95 (a)). Please provide updated information on the current status of the instrument and indicate how it will be coordinated with the Police Plan to Combat Human Trafficking for Purposes of Sexual Exploitation. Please indicate whether the objectives of the previous plan have been achieved. Please also indicate whether combating trafficking in human beings and forced prostitution are priorities for the Government and whether the allocated resources are commensurate to the task.

12. Limited information is provided on the existing legal provisions relating to prostitution and their implementation, especially with regard to migrant women without legal status who may find themselves in prostitution as victims of trafficking (para. 98). Please indicate whether obtaining a work or residence permit for those women who are victims of trafficking is contingent upon their collaboration with the police or whether these processes occur independently. Please also indicate whether any measures have been taken to prevent trafficking and exploitation of prostitution, including by decreasing the demand for prostitution. Please provide more detailed information on the exploitation of labour of female migrant workers and victims of forced and abusive domestic work.

Participation in political and public life

13. Please provide information on further efforts to increase the participation of women in political and public life, specifically through the adoption of temporary special measures to accelerate the achievement of substantive equality between women and men in decision-making positions, in particular within political authorities at the regional and local levels. Please also provide information on the recently adopted Law 27/2013 and its impact on women's participation in political and public life at the local level. Please indicate what measures have been taken or are envisaged to increase the low level of women in decision-making positions in the private sector and public enterprises.

Education

14. It is indicated that there are differences between specializations in education and that women represent only 26.4 per cent of students in engineering and architecture and 9.8 per cent in sport studies (paras. 141 and 142). It is also acknowledged that stereotypes are present in the choice of education paths and that women are overrepresented in traditionally female sectors but are underrepresented in computer science, construction, public works, electricity and electronics (para. 64). Please provide information on measures, including temporary special measures, taken to encourage girls and women, as well as boys and men, to study non-traditional subjects. According to alternative sources, the course on citizenship education, which is said to be ongoing in the State party's report and is the only one to address all students in primary and secondary school with regard to education on human rights issues and respect for others, has been discontinued. Please provide information on the current status of the course. Please indicate whether the

measures presented in paragraphs 72 and 74 brought the expected results and whether new, different measures are now being implemented. Please provide information on the measures planned, if any, to ensure that Roma girls who obtain significantly better results than Roma boys upon completing primary education will have better chances of enrolling in secondary education.

Employment

15. It is acknowledged that women are employed in jobs that require lower qualification levels, that fewer women than men reach senior positions of responsibility, women's higher educational level notwithstanding, and that a large proportion of women work in the services sector (paras. 180 and 181). It is also indicated that, at the time of the preparation of the report, a special plan for equal opportunities between women and men in the sphere of labour and against wage discrimination was in its development phase (para. 190). Please provide information on measures, including temporary special measures, to eliminate vertical and horizontal occupational segregation and to ensure that the higher educational achievement of girls and women translates into better chances in employment. Please provide updated information on the current status of the special plan and its objectives regarding the situation of women in employment in both the public and private spheres. Please also specify whether the measures presented in paragraphs 191 to 198 have been evaluated and adopted. Please state whether the action plan mentioned in paragraph 199 has been monitored as specified there and the results of that monitoring.

16. It is indicated that 24.5 per cent of employed women work part-time, compared with 6.6 per cent of men, and that employed women are also more likely than men to be working on temporary contracts (para. 176). It is also indicated that Law 11/2013 on measures to support entrepreneurs, stimulate growth and create jobs establishes measures for the reduction of social security contributions, the capitalization of unemployment allowances and the conversion into permanent contracts of part-time contracts signed with young women (para. 52). Please provide updated information on the impact of that law on women's employment and women's entrepreneurship. Please also provide information on other measures taken to reduce the unemployment of women and their underemployment in traditionally women-dominated sectors and on measures taken to create further employment opportunities for women, including migrant and Roma women.

Health

17. Please provide updated information on measures to lower the rate of unwanted pregnancies, including through improvements in the accessibility, availability and affordability of sexual and reproductive health services, including family planning information and services, as previously recommended by the Committee (CEDAW/C/ESP/CO/6, para. 26). Please provide updated information on any measures to modify the current legislation on abortion, in particular any measure to impose parental authorization for girls between 16 and 18 years of age who are seeking legal abortion. Please also inform the Committee as to the status of the appeal to the Constitutional Court regarding the constitutionality of Organic Law 2/2010 (para. 216). Please explain whether migrant women without legal status are denied access to health and social services even when they are victims of violence and/or trafficking (para. 218).

Economic and social benefits

18. Please explain why the contributory and non-contributory pensions received by women are much lower than those received by men (paras. 228-231). If the reason is linked to caring activities carried out by women in the years before their retirement, explain which measures are taken or planned to overcome that difference. Please also explain whether the legislative changes presented in paragraph 232 represent increases or reductions in the benefits, leaves and pensions concerned. Please clarify the amendments introduced to the General Law on social security (para. 234) and indicate whether those amendments have improved or worsened women's social and economic benefits.

Rural women

19. It is indicated that more than 70 per cent of the owners of agricultural enterprises are men (para. 255). Please provide updated information on the implementation of Law 35/2011 on shared ownership of agricultural enterprises and on the results achieved since its implementation at the national and local levels. Please also indicate the results achieved for and by women through the strategic plan for gender equality in rural sustainable development for 2011-2014 and the programme on sustainable rural development for 2010-2014 mentioned in paragraph 263, as well as by the collaboration of the Institute of Women with the Aurora programme (para. 264).

Disadvantaged groups of women

20. Mention is made of many legislative and other measures to improve the situation of migrant women, including women without legal status (paras. 196-197, 226 and 293) and Roma women (paras. 295-297), but budget cuts and more recent legislative revisions may be undermining those advances. Please indicate measures taken to avoid the exploitation of women migrant workers in agriculture and to ensure that they have decent housing and conditions of work, a set minimum wage and access to health-care and other services. Please indicate whether the various measures taken to empower migrant women and Roma women and increase their access to education, health care, employment and services for victims of violence have been reduced or suppressed as a result of the financial cuts.

21. Please indicate whether the State party is planning to take alternative measures to detention for non-violent criminal activities committed by women, considering that it has the highest proportion of women in detention in Europe, most of whom are detained on charges linked to drug abuse.

Refugee and asylum-seeking women

22. Please provide:

(a) Recent statistical data disaggregated by sex and geographical location on refugees and asylum-seeking persons, the number of facilities available to them and the quality of those facilities, as well as information on asylum claims based on gender-related persecution;

(b) Information on whether training and guidelines are provided to law enforcement officials and border guards on how to deal with gender-related persecution and provide protection to refugee and asylum-seeking women and girls;

(c) Information on measures taken to establish a fair and efficient asylum procedure in Ceuta and Melilla, guaranteeing compliance with legal time frames, ensuring the transfer of asylum seekers to the mainland without delay and taking the measures necessary to protect refugee and asylum-seeking women and girls;

(d) Information on measures taken to develop contingency plans for preparedness in order to ensure adequate treatment in the enclaves and on the Spanish coast during mass arrivals by land and sea, including sufficient capacity to identify protection needs and refer persons in need of international protection to the asylum procedure, taking into account the specific needs of women and girls.
