



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/Q/ESP/2
24 June 2003

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
26-30 May 2003

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the fourth periodic report of SPAIN concerning the rights referred
to in articles 1-15 of the International Covenant on Economic,
Social and Cultural Rights (E/C.12/4/Add.11)**

I. GENERAL INFORMATION

1. Please describe how the violent activities of the Basque separatist movement and the measures taken by the Government to deal with them have affected the full implementation of the Covenant in that part of Spanish territory.
2. How much autonomy has been devolved in the area of economic, social and cultural rights? Is there a risk that, on the basis of the concept of “sharing”, the State party’s responsibility under the Covenant will be diluted by the transfer to the Autonomous Communities of various legislative powers covering a wide range of issues?
3. Please provide updated figures on the size of the immigrant population in Spain.
4. To what extent does Spanish law protect undocumented foreigners with regard to economic, social and cultural rights?
5. Please describe the measures and positive actions taken by the State party to eliminate discrimination against Gypsies and to help them fully enjoy economic, social and cultural rights.

II. SPECIFIC PROVISIONS OF THE COVENANT

Articles 6 and 7. The right to work and the right to just and favourable conditions of work

6. Please provide detailed information on why Asturias has recently become the most economically depressed region and, in particular, why women suffer most from unemployment.
7. Please provide information on the results achieved during the 3-year-long implementation of the Third Programme on Equal Opportunities for Men and Women (1997-2000), agreed upon by the Institute for Women’s Issues and the National Employment Institute (INEM), as indicated in paragraph 125.
8. What is the percentage of foreign workers and to what extent are they fully integrated into the Spanish labour market? How many foreign workers are on temporary contracts and what are the main areas in which they work?

Article 9. The right to social security

9. Is the level of benefits under the pension scheme the same in all the Autonomous Communities? If not, what steps has the State party taken to avoid disparities?
10. Please clarify what happens to maternity benefits when an employment contract is suspended because of risk during pregnancy, as stated in paragraph 212 of the report.
11. Are there other special organizational or similar laws like those regulating the foreign service, the armed forces and the police which set age limits by category for compulsory retirement?

12. Article 14, paragraph 3, of Organizational Act No. 4/2000 stipulates that “foreigners, regardless of their administrative status, shall be entitled to basic social services and benefits” (para. 302). Please describe the services and benefits concerned.

Article 10. Protection of the family, mothers and children

13. Please provide statistics on the number of males taking advantage of parental leave to care for their children from the time of birth or arrival in the family.

14. Please provide detailed information on the incidence of abortion in the State party.

15. Please provide updated information on the current state of affairs with regard to domestic violence in Spain, particularly as it affects women and children.

Article 11. The right to an adequate standard of living

16. How does the current level of the minimum wage relate to the cost of the family shopping basket?

17. Please explain what is meant by the term “collective housing units”, which appears in the table in paragraph 385 of the report, and how they differ from “lodgings” or “shelters”.

18. Please provide information about the steps taken by the State party to address the problem of the increasing lack of housing for immigrants.

19. Please provide information about the situation of the persons who are in the Sant Andreu barracks in Barcelona and to what extent their right to adequate housing is protected.

Article 12. The right to physical and mental health

20. The *Prestige* oil tanker sank off the Galician coast on 13 November 2002, causing an environmental disaster. According to newspaper reports (*El País*, 10 January 2003), in Galicia alone, over 1,087 persons have required medical attention after working to clean up the oil spill. Can the State party provide information on the impact of this disaster, particularly with regard to economic, social and cultural rights?

21. Please describe the measures taken by the State party to address the problem of the increasing incidence of HIV/AIDS. Are HIV/AIDS patients covered by the State social security system and what type of coverage do they have under this insurance?

Articles 13 and 14. The right to education

22. According to paragraph 454 of the report, illiteracy among the adult population mainly affects women, for whom the illiteracy rate is 4.26 per cent, as compared with 2.1 per cent for men. Please provide information on action being taken by the State party to remedy this situation.

Article 15. The right to take part in cultural life, enjoy the benefits of scientific progress and the protection of intellectual property

23. In the light of the last report, please indicate how the Gypsies' Development Programme has worked in practice to ensure the right of that population to take part in the cultural life of the nation.

24. Please submit information concerning teaching in the regional languages in the public educational system as well as programmes aimed at preserving the cultural identity of regional communities.

- - - - -