



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**Seventh and eighth periodic reports of States parties to be presented  
in 2013**

**Spain\*\*,\*\***

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\*\* The present document is being issued without formal editing.

\*\*\* Annexes can be consulted in the files of the Secretariat.



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## Contents

	<i>Page</i>
Introduction . . . . .	3
Article 1. Definition of discrimination against women . . . . .	3
Article 2. Obligation to eliminate discrimination against women. . . . .	4
Article 3. The advancement of women and the enjoyment of human rights . . . . .	8
Article 4. Affirmative action . . . . .	9
Article 5. Roles and stereotypes of the sexes . . . . .	10
Article 6. Trafficking and prostitution . . . . .	13
Article 7. Political participation of women: eliminating political and public discrimination. . . . .	16
Article 8. International representation and participation . . . . .	19
Article 9. Nationality . . . . .	21
Article 10. Education . . . . .	21
Article 11. Employment . . . . .	24
Article 12. Health . . . . .	28
Article 13. Social and economic benefits . . . . .	31
Article 14. Rural women . . . . .	34
Articles 15 and 16. Equality in civil law. . . . .	36
Additional section on exclusion. . . . .	37
Additional section on violence against women. . . . .	40

## Introduction

1. The Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979, was ratified by Spain on 16 December 1983 and published in the State official gazette<sup>1</sup> on 21 March 1984. Upon ratification, Spain entered a reservation which remains valid, namely, that the ratification of the Convention by Spain shall not affect constitutional provisions concerning succession to the Spanish Crown.

2. Since the date of publication, this treaty has been part of the national legal system, in accordance with article 96.1 of the Spanish Constitution of 1978 and article 1.5 of the Civil Code. Spain submitted reports under article 18 of the Convention in 1985, 1989, 1995, 1998, 2002 and 2008. The last report, submitted in 2008, was discussed by the Committee in July 2009 and included information up to 2007. This double report which is now being submitted covers the period 2008 to 2013. With regard to 2013, the report includes information available to the date.

3. This report covers progress made towards ensuring equality between women and men with regard to the mandates specified in the text of the Convention and within the framework of legislation and policies of the European Union. Likewise, this report takes into account the Committee's concluding observations concerning the sixth report submitted by Spain.

4. The report has been drafted according to the "General guidelines on the form and content of reports" and is structured in accordance with the articles of the Convention, although two further chapters have been included, one dedicated solely to gender violence and the other to social exclusion.

5. Each chapter includes statistical data on the situation of women in the area discussed; the main changes made in the legal system; and a description of the most important policies, programmes and actions carried out in each area.

6. With regard to the Millennium Development Goals, concerning which the Committee requested information, no specific section has been included in this report. However, relevant information can be found in paragraphs 47, 121 and 122 of the report. It should furthermore be taken into account that CEDAW and the Beijing Platform for Action have been adopted as reference frameworks in development policy, both for Law 23/1998 on international development cooperation and in the successive second, third and fourth master plans applicable for this period.

7. This report includes the following annexes: annex 1: Extension of the number of articles; annex 2: List of the national administration's plans, projects and protocols; annex 3: Case law list; and annex 4: List of legislation.

8. Plans, projects and protocols listed in annex 2 have also been included, as have a series of information sheets provided by the 17 Autonomous Communities and the two autonomous cities with information on the scope of their competencies.

## Article 1. Definition of discrimination against women

9. As noted in Spain's earlier reports to the Committee, the general framework for equality is established in the Constitution of 1978, which recognizes equality as a value, a principle and a right in articles 1, 9 and 14.

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<sup>1</sup> *Boletín Oficial del Estado*.

10. The Organic Law 3/2007 of 22 March on effective equality for men and women (hereinafter referred to as the LOIE), which was described in greater detail in the sixth report, defines in its articles, among others, different concepts regarding the principle of equality or direct and indirect discrimination on the grounds of gender (see annex I.1).

11. The definition of discrimination has been refined through case law resulting from verdicts of the Constitutional Court, Supreme Court and High Courts of Justice of the Autonomous Communities. All have developed a precise doctrine on the meaning of equality and the right to non-discrimination on the grounds of gender. Of particular interest in the period covered by this report is the development of the concept of indirect discrimination as an element inseparable from the blanket ban on discrimination contained in article 14 of the Constitution (see annex I.2).

12. Case law has also been developed with regard to social security and access to retirement pensions by workers on part-time contracts (see annex I.3). By means of the Royal Legislative Decree 11/2013 of 2 August for the protection of part-time employees and other urgent measures relating to the economic and social order, the consolidated text of the General Law on social security has been amended and approved by the Royal Legislative Decree 1/1994 of 20 June in order to adapt it to the Constitutional Court verdict 61/2013 of 14 March, with regard to the calculation of waiting periods for the purposes of acquiring an entitlement to social security benefits, in the case of workers on part-time contracts.

13. Lastly, reference needs to be made to constitutional case law that has become available in relation to the aggravated nature of the criminal prosecution of violence under our legal system, where the victim is a woman and spouse of the aggressor, or has been in a similar emotional relationship with the aggressor, either before or at the time of the acts. This aggravated nature was introduced into our legal system by Organic Law 1/2004 of 28 December on integral protection measures against gender violence (see annex I.4).

## **Article 2. Obligation to eliminate discrimination against women**

14. The general legal framework within which the elimination of discrimination against women takes place in Spain is derived from the Constitution, which establishes as one of the higher values of the legal system the principle of equality through various pathways: articles 9.2, 14 and 32 (see annex II.1).

15. Other articles, such as 23.2 or 35.1 establish equality in specific areas (access to public roles and posts or concerning the duty and right to work). On the other hand, article 66 of the Civil Code regarding matrimony establishes, that “the spouses are equal in rights and duties”.

16. A clear judicial framework exists, that aims to eliminate discrimination against women. Recently the LOIE and the consolidated text of the law on the organization and supervision of private insurance have been modified to comply with the verdict of the European Union Court of Justice, of 1 March 2011 (C-236/09 “Test-Achats”), according to which in future no differences with regard to gender can exist in insurance premiums and benefits (see annex II.2).

17. Furthermore, the elimination of all discrimination is included in the Criminal Code through articles 22.4 and 510 (see annex II.3).

18. During the period covered by this report, the political and administrative rank of the position responsible for gender equality policies in Spain has been successively modified (see annex II.4).

19. In the institutional area, and with the purpose of disseminating the Convention on the Elimination of All Forms of Discrimination against Women and in accordance with the Committee's recommendations, the Institute of Women has implemented a variety of initiatives, such as the publication of a leaflet entitled "Equality interests us",<sup>2</sup> containing the Convention's articles, and which was distributed to women's associations, organizations involved in equal opportunities, universities, the Autonomous Communities and local bodies.

20. The LOIE created a series of institutional mechanisms that have been implemented in the national administration during this period, including Equality Units of the ministerial departments, which have been active during the period covered by this report. Since December 2010, the Institute of Women has been implementing an initial training process aimed at the persons responsible for the Equality Units in different ministerial departments. In 2013, the Equality Plan of the National Administration was assessed. The plan includes all the objectives and measures to incorporate equal opportunities for women and men in the management of the national administration's human resources policies.

21. The Delegated Committee of the Government for Equality Policy is a professional body of the Government, the creation of which has been agreed by the Council of Ministers by means of a Royal Decree. It has the following functions: to examine matters of a general nature related to the ministerial departments that comprise the committee; to study those matters which, concerning several ministries, require the development of a joint proposal prior to being decided upon by the Council of Ministers; and to resolve matters which, concerning more than one ministry, do not need to be escalated to the Council of Ministers (see annex II.5).

22. They have developed their own institutional gender structures and some have set up interdepartmental committees for equality between women and men. These have been assigned competencies with regard to equal opportunities and the eradication of violence against women, in accordance with the Spanish constitutional framework and the Autonomous Communities' respective statutes of autonomy. Regional ministries of the Autonomous Communities' governments develop policies concerning these matters. The Autonomous Communities have their own equality bodies, most of them called Institute of Women of the Autonomous Community in question. A sector conference on equality coordinates action between the State and the Autonomous Communities (see annex II.6).

23. Cooperation with local governments has taken place through subsidy rounds and cooperation agreements between local governments and the Institute of Women. A cooperation agreement is signed each year between the Institute of Women and the Spanish Federation of Municipalities and Provinces to co-finance joint programmes on such topics as a best practice guide for local employment policies; reconciliation plans at the local level; training for holders of political office and for equality technicians in local government; or local plans on awareness and prevention of gender violence. The Autonomous Communities also possess mechanisms for cooperation with local companies.

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<sup>2</sup> "La igualdad nos interesa".

24. In its concluding observations (para. 14), the Committee noted that the Council on Women's Participation was not yet functioning and urged Spain to finalize regulations governing its function and competencies. As part of the implementation of the LOIE's provisions, Royal Decree 1791/2009 of 20 November was passed, which regulates the functions, competencies and composition of the Council on Women's Participation, a professional consultation and assessment body. The primary aim of the Council on Women's Participation is to serve as a channel for participation of women in the effective achievement of equality of treatment and opportunities between women and men, and the fight against discrimination on grounds of gender (see annex II.7).

25. Lastly, reference needs to be made to gender equality as one of the distinguishing marks of the Spanish Cooperation,<sup>3</sup> as the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee (CAD) recognized in its December 2011 peer review report. In this respect, the LOIE, in its article 32, recognizes development policy as fundamental for its implementation, and, as an example of the coherence of policies, the 2007-2011 Strategic Plan on Equal Opportunities (PEIO)<sup>4</sup> for the first time incorporates Axis 11 on foreign policy and international cooperation.

26. The 2009-2012 Third Master Plan of the Spanish Cooperation consolidated gender focus in development as described by the Strategy on Gender in Development of the Spanish Cooperation, which the Second Master Plan (2005-2008) included for the first time as described in the previous report submitted by Spain.

27. The 2013-2016 Fourth Master Plan of the Spanish Cooperation continues in this vein, incorporating among its eight priorities gender focus in development, the promotion of women's rights and the promotion of the right to gender equality. It reaffirms the objectives established in the Strategy on Gender in Development, the Action Plan for Women and Peacebuilding, in application of resolution 1325 (2000),<sup>5</sup> and the Sector Gender Action Plan of the Spanish Agency for International Development Cooperation (AECID), foreseeing specific actions for formal equality, real equality and for the empowerment of women, thus consolidating Spain's leadership as a donor committed to gender equality.

28. Reflecting the Committee's concluding observation to Spain (para. 34), concerning the Beijing Platform for Action, it should be noted that the instruments mentioned foresee actions to fulfil the economic, labour, social and cultural rights of women, being complemented with specific actions for the empowerment of women. To this end, multiple projects have been approved in different areas of support for the legislative frameworks, public policies and specific measures, and in the international, regional, national and local frameworks. Many of these projects include specifics on double and triple discrimination against women.

29. Mainstreaming gender focus in the Spanish development cooperation should be taken into account, because both the third and fourth master plans are committed to a dual, sector and mainstreaming strategy within which training comprises a key tool (see annex II.8).

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<sup>3</sup> "Spanish Cooperation" is the term used to refer to Spain's international development cooperation policy and programmes. The body tasked with implementing the policy is the Spanish Agency for International Development Cooperation (AECID).

<sup>4</sup> Plan Estratégico de Igualdad de Oportunidades.

<sup>5</sup> Security Council resolution 1325 (2000).

30. As good practice towards achieving better quality assistance and greater coordination and institutionalization of gender focus in the AECID, the Technical Cooperation Offices' Network of Gender Officers should be noted.

31. Spain has been the donor with the most financing assigned to gender within the United Nations system: important global funds have been financed, such as the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women, the Gender Window of the Millennium Development Goals Fund and the Multi-Donor Fund for Gender Equality, of which Spain has been a promoter and principal donor (see annex II.9). The following should also be highlighted: the signing of a multinational 2010-2012 Strategic Association Framework with UNIFEM<sup>6</sup> and UN-Women, which is being reviewed with a view to renewal; the World Bank Gender Action Plan and the NEPAD<sup>7</sup> Spanish Fund.

32. With regard to actions carried out within the parliamentary framework, the Equality Committee of the Congress of Deputies has functioned as a permanent legislative committee in the ninth (2008-2011) and tenth (2011-present) parliamentary terms. Twenty-eight non-binding resolutions<sup>8</sup> and two reports of a non-binding resolution performance level were presented. The main topics addressed by these resolutions were: stereotypes in the image of women; their treatment in the media; the promotion of non-sexist children's games in schools; women and sport; and reduction of the digital divide between women and men.

33. Furthermore, non-binding resolutions were presented with regard to the labour status of women: the wage divide; the situation of self-employed women on maternity; achieving work-life balance; paternity authorization; rationalization and greater flexibility in working hours; breastfeeding rights (to be enjoyed by both parents jointly and without distinction); non-sexist designations in the professions; the fishing sector; and rural women. Of further note are non-binding resolutions concerning early prevention of gender violence in the health-care, education and social services systems, particularly concerning immigrant women; the regulation of forced marriage as a specific offence in the Criminal Code; and the elimination of advertising for brothels in public transport.

34. Persons in senior positions responsible for gender equality and combating violence against women have made a number of appearances at the Equality Committee of the Congress of Deputies. During this Parliament, the minister of health, social services and equality on 9 February 2012, reported on the main lines of her government with regard to equality. During her latest attendance, on 29 May 2013, she reported on gender violence measures, the fight against trafficking for purposes of sexual exploitation, and the possible amendment of the law on the voluntary termination of pregnancy.

35. During this period, numerous motions have been presented in the Equality Committee of the Congress of Deputies and of the Senate, which encourage the Government to coordinate resources with the Autonomous Communities and local companies regarding measures to combat gender violence, to promote women's participation in the labour market and to achieve work-life balance. Others concerned women's sport or discrimination of women in the media.

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<sup>6</sup> United Nations Development Fund for Women.

<sup>7</sup> New Partnership for Africa's Development.

<sup>8</sup> *Proposición no de ley*.

### **Article 3. The advancement of women and the enjoyment of human rights**

36. First of all, it should be noted that the fight to eliminate violence against women is considered in Spain to be part of the policies for advancing the implementation of human rights.

37. It specifically should be noted that Spanish legislation orders the imposition of an ancillary penalty prohibiting the offender from approaching the victim, without foreseeing the possibility of dispensing with the measure in the event that the victim wishes to re-establish the relationship with the aggressor (see annex III.1).

38. During the period covered by this report, the implementation of the 2008-2011 Strategic Plan on Equal Opportunities, mentioned in the earlier CEDAW report, has been taking place in various areas of action.

39. The Institute of Women has developed a draft of the new 2013-2016 Strategic Plan on Equal Opportunities, structured on the basis of the analysis of the current situation, the implementation of the previous plans, and the main challenges with regard to equal opportunities between women and men. Following the contributions of the ministries involved, the draft plan will be submitted for consultation to the Council on Women's Participation and, finally, approved by the Council of Ministers. The measures shall be structured according to the following fields: labour equality; reconciliation and co-responsibility; combating gender violence; participation of women in politics; economy and society; education; implementation of specific measures in health policy; sport; mass media; the information society; and as a new element, a specific axis on foreign policy and international cooperation. Some priority axes, such as the one concerning labour, will be implemented by means of a special plan for equality between women and men in the area of labour and against wage discrimination, and the gender violence axis by means of the National Strategy for the Eradication of Violence against Women.

40. Furthermore, a variety of plans concerning human rights have been approved, in which the progress of women is given priority (see annex III.2).

41. The LOIE instructs the Government to implement in due form Law 30/2003 of 13 October on measures to incorporate the evaluation of the impact of gender on regulatory provisions. For this purpose, Royal Decree 1083/2009 of 3 July was issued, which regulates reporting on the analysis of the impact of regulations (see annex III.3). As part of implementing the second additional provision of this royal decree, each year a report is drawn up on the gender impact of the national budget bill.

42. The Institute of Women continues to maintain up to date its "Women in Figures" database, which contains more than 300 indicators. Since 2013, it has developed the electronic publication *Women in Figures Statistical Bulletin*. Furthermore, it continues to collaborate closely with the National Institute of Statistics (INE) to carry out jointly the online publication *Women and Men in Spain*.

43. The Ministry of Education has at its disposal various periodic reports which include, among others matters, actions in fulfilment of the LOIE and collaboration with various ministerial units on implementing this law.

44. Within the area of defence, measures have been approved that favour the status of women in the Spanish Armed Forces (hereinafter FAS). The LOIE establishes specific precepts for the FAS that require the application of the



principle of equality with regard to access, training, promotion, stationing and administrative status, as well as that these precepts be applied to military personnel with regard to equality, prevention of gender violence, and reconciliation of personal, family and working life (see annex III.4).

45. The Ministry of Defence also has at its disposal the Military Observatory for equality, a body tasked with ensuring that real and effective equality between women and men in the armed forces is achieved, and with promoting measures for the reconciliation of personal, family and working life (see annex III.5).

46. A study is also being carried out in the Ministry of Defence with regard to the impact of the geographical mobility of military personnel on their family life. A consultation service is also available, permanently staffed by two female officers attached to the Permanent Secretariat for Equality, which receives and addresses more than 500 enquiries a year relating to the practical application of the large body of regulations concerning reconciliation.

47. During the period covered by this report, a number of Autonomous Communities, such as Castile-La Mancha, Asturias and Extremadura, have approved their own laws on equality (see annex III.6).

48. Many Autonomous Communities have Equality Plans that include various areas of action: mainstreaming; education; gender violence; social welfare; health; rural areas; information society; mass media; reconciliation; or employment.

49. Furthermore, Navarre, Catalonia, Asturias, Extremadura, Castile-La Mancha, Castile and León, Andalusia, La Rioja, the Balearic Islands, Galicia y Valencia have also incorporated the gender impact report when passing bills, decrees and certain plans of special relevance. Specifically, by means of Decree 20/2010 of 2 February, Andalusia regulated the Committee for Gender Impact in the Budgets of the Autonomous Community of Andalucía, represented in all the regional ministries of the Junta de Andalucía<sup>9</sup> to encourage the budget to be an active element concerning the effectiveness of equality between women and men.

50. The International Cooperation for Development has strategic lines for formal and real equality, as well as numerous programmes, projects and activities both in the multilateral and bilateral areas, which pursue the empowerment of women in fulfilment of economic, social, civil, political and, especially, cultural rights. In these programmes, projects and activities, Spanish cooperation in turn has the Strategy on Indigenous People and the Strategy on Culture, with mainstream integration of the Gender in Development (GED) focus, as well as very significant projects and initiatives in the aforementioned areas in partner countries of Africa, Latin America and Asia (see annex III.7).

#### **Article 4. Affirmative action**

51. The Committee made a concluding observation (para. 16), in which it encouraged Spain to take measures relating to article 4, paragraph 1, of the Convention. The following paragraphs address that concern.

52. With regard to employment and assistance in finding work, during the entire period covered by the report, employers' social security contributions have been topped up whenever they have concluded employment contracts with women. Normally this has involved encouraging the signing of permanent contracts or converting part-time contracts into permanent ones. Thus, Law 3/2012 of 6 July

<sup>9</sup> Executive body of the Autonomous Community of Andalusia.

on urgent measures for reforming the labour market put into place qualified assistance to promote the hiring of women. Also, Law 11/2013 of 26 July on measures to support entrepreneurs, stimulate growth and create jobs, which establishes, among others, 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.

53. The actions to set out funding conditions for the subsidies of the Ministry of Employment and Social Security take gender perspective into account when evaluating the programmes submitted (see annex IV.1).

54. With regard to immigration, the Directorate General for Migration, part of the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security, has supported the development of programmes and initiatives aimed at immigrant women. Every year a project is carried out aimed at facilitating the integration of immigrants into Spanish society through actions directed specifically at equal opportunities between immigrant men and women, as well as at improving the training, leadership and social participation of immigrant women (see annex IV.2). Out of the overall budget for assistance announced for 2012, a total of €3,632,951.47 was spent on financing programmes directly related to equal opportunities between men and women, of which €21,585.84 was co-financed by the European Social Fund and €2,556,080.30 by the European Fund for the Integration of Third Country Nationals.

55. The Directorate General for Equal Opportunities of the Ministry of Health, Social Services and Equality and the Institute of Women have also developed a series of programmes and initiatives aimed at improving women's entry into the labour market, women's entrepreneurship and women's access to executive positions within companies.

56. The Institute of Women collaborates in strengthening women's associations through funding provided by the General Fund. Throughout 2008-2012, economic assistance was granted to 687 programmes from 467 entities.

57. During this same period, through the allocation round of subsidies destined for cooperation and social volunteer programmes funded out of income tax (IRPF), 496 programmes were carried out with 374 entities on labour market entry, the social integration of women suffering from or at risk of social exclusion, and the prevention and eradication of violence against women.

58. The Autonomous Communities have encouraged measures to promote women's associations through the implementation of policies stimulating and aiding women's employment. These policies have been summarized under the section on employment (see annex IV.3).

59. The Spanish Cooperation has promoted parity in positions within the structure of the Cooperation Secretariat, with women in the most senior levels of management, including women general secretaries, directors and deputy directors of the State Secretariat and of the AECID.

## **Article 5. Roles and stereotypes of the sexes**

60. In its concluding observations concerning Spain's sixth periodic report, the Committee expressed concern (para. 18) about the persistence of entrenched traditional stereotypes regarding the functions and responsibilities of women and men. It also highlighted the lack of information concerning specific measures within the area of education to eliminate those stereotypes, as well as the lack of

positive media portrayals or images of women belonging to ethnic groups and minorities. Response to these concerns is provided in the following paragraphs.

## **I. Current situation**

61. The roles and responsibilities of women and men in the home and in Spanish society are reflected in the customs of the time. From available data it can be observed, on the one hand, that important basic differences exist in the time dedicated by women to the home and family (4 hours, 7 minutes) and by men to remunerated work (3 hours, 25 minutes). A slight increase has taken place in the time dedicated by women to remunerated work (12 minutes), and a decrease in that of men (39 minutes) (see annex V.1).

62. Other data that can have a bearing on the stereotypical image of women, and which concern the reconciliation of personal and working life, co-responsibility in the distribution of domestic chores and attention to the family, are those relating to maternity and paternity leave, as well as leave of absence. In 2012, maternity leave was granted 298,732 times, of which 5,028 (1.7 per cent) were for fathers availing themselves use of the opportunity granted by article 48 of the Statute of Workers' Rights. Also in 2012, 245,867 fathers opted to take the 13 days of paternity leave granted under the LOIE.

63. In 2010, women comprised 92.6 per cent of persons in employment between the ages of 16 and 64 who took full-time leave of absence to look after a child under the age of eight. This percentage increases to 97.7 per cent in the case of leave of absence of more than one year. Furthermore, working women comprised 96.8 per cent of persons who chose to reduce their working hours to look after dependents, compared with 3.2 per cent of men.

64. Stereotypes are also present in the choice of education paths. Thus, in vocational training studies at the middle level, in which women are overrepresented in traditionally female sectors, such as textiles, personal image, cultural services for the community and health, and underrepresented in others in which men have always been more present, such as computer science, construction and civil works, electricity and electronics. Likewise, with regard to university studies, even though women are a majority in all branches, they continue to be less present in branches such as engineering and architecture (technical studies). That choice can, in turn, have a clear bearing on the professional careers of women (see annex V.2 for a specific reference to the presence of women in the mass media).

## **II. Legislative measures**

65. General Law 7/2010 of 31 March on audiovisual communication was passed during this period. This law regulates adherence to minimum principles for preventing and eliminating gender discrimination or discrimination on the basis of any other personal or social circumstances (see annex V.3).

## **III. Policies and programmes**

66. In 2009 and 2010, the Institute of Women signed two agreements with the national radio and television body (RTVE) to promote non-discriminatory treatment and to favour a positive representation of the image of women. Programmes were carried out aimed at promoting change in social attitudes towards real equality between women and men, eradicating all forms of violence against women, and disseminating a real and non-discriminatory image of women, with the aim of promoting treatment by the media highlighting their

participation and contribution in all areas of society, as well as knowledge of and reflection on the forms of cultural transmission of sexist attitudes.

67. Training sessions for media professionals have been organized within the framework of these agreements, aimed at encouraging equality in the media.

68. Each year, the Institute of Women, through the Observatory of Women's Image, receives, analyses and channels complaints about sexist advertisements that appear in any media. On this basis, firms are requested to amend or withdraw their advertising campaigns, and are advised on how to eliminate discriminatory messages. A total of 4,091 complaints were received during the reference period; action was taken on 131 occasions. Every year, the Observatory draws up a report on the actions taken (see annex V.4).

69. Internationally, it is worth noting the meeting of experts on "Equality and Mass Media", held on 31 May 2010, in Madrid during the Spanish presidency of the European Union. Collaboration in the development and dissemination of the "*Women and Journalists First*" manual of the Council of Europe also took place. Both initiatives are directed at the discussion and reflection on stereotypes in the mass media and on the need to overcome them as an imperative of human rights.

70. A variety of publicity campaigns were carried out at the national level to raise awareness among the population concerning family co-responsibility in the household, sexist language and highlighting the role of women in sport (see annex V.5).

71. The Institute of Women led actions to raise awareness about stereotypes, notably the project "Balance between work, family and personal life", with the development of a best practice guide, as well as the "Editorial Programme" to enhance public awareness of the need to change cultural patterns and roles (see annex V.6).

72. Between 2008 and 2012, 93 projects on the following topics were financed within the framework of the National Plan for Scientific Research, Development and Technological Innovation: public policies; gender equality in economic life; participation in decision-making; promotion of quality of life for women; promotion of civil equality; transmission of egalitarian values and attitudes; reconciliation of personal, family and working life; cooperation; gender violence; attention to diversity and social inclusion; equality in the application of the law; and mass media.

73. In 2010 and 2011, the Institute of Women organized a new round of subsidies for the promotion of equal opportunities between women and men to encourage artistic creation, production and dissemination. Within this area, online training on the analysis of gender stereotypes relating to the representation of women and men in cinema should be mentioned. The training comprised 40 hours, with a total of 150 places on offer.

74. Furthermore, funding was provided for subsidies aimed at promoting the principle of equality of opportunity for women at university, which financed activities, seminars and official postgraduate degree studies in public and private universities, associations, entities and foundations linked to universities. This represents specific backing for formalizing feminist studies, gender studies, and women's studies at university level. From 2008 to 2012, funding was provided for a total of 858 programmes.

75. Lastly, the Observatory on Equality of Opportunities between Women and Men has produced a number of studies on a variety of topics (gender-based wage discrimination; equality plans in collective bargaining; impact of the

economic crisis on remunerated home care work; and gender mainstreaming, among others) (see annex V.7). A new working group within the Observatory has been set up: the Statistics Committee, which includes the committees on time and work, immigration, mainstreaming and statistics.

76. The Institute of Youth (INJUVE) promotes the participation of young people and of young people's associations by means of an annual round of subsidies. It carries out training and educational action which promote equality of opportunities; non-sexist language; the fight against attitudes and stereotypes among young people with regard to gender equality; sexual diversity; reconciliation; and the prevention of gender violence among young people, particularly within the context of new technologies.

77. With regard to non-sexist language, the "*Guide on non-discriminatory use of language vis-à-vis persons with disabilities*", drawn up in 2010 by the Institute for the Elderly and Social Services (IMSERSO) through the Gender Unit in the Centre for the Rehabilitation of Physically Disabled Persons (CRMF) in Salamanca, proposes guidelines for the use of non-sexist language in dealing with women with disabilities.

78. The Ministry of Education every year draws up a Departmental Training Plan through which internal training courses are held on public policies on equality between women and men, as well as specific modules on the use of non-sexist language in public administration or on the gender perspective in drawing up budgets.

79. Within the armed forces, the Ministry of Defence awards the "Soldier Idoia Rodríguez Buján, Woman in the Armed Forces" prize in recognition of those persons or institutions which have contributed to the integration of women into the FAS. The Ministry also carries out actions to value and disseminate the work of women in the armed forces (travelling exhibition of audio-visual materials on the Spanish military woman; organization of meetings and conferences). Work is also under way in 2013 on the agenda of activities to mark the 25th anniversary of the inclusion of women in the FAS.

80. The Autonomous Communities have developed their own instruments and programmes to eliminate these stereotypes, concerning access to training, employment and sport, among others (see annex V.8).

81. The Autonomous Communities have also carried out actions, particularly in secondary education, to promote professional paths that are non-sexist and not conditioned by cultural stereotypes.

82. The Spanish Cooperation promotes activities to raise awareness about the change of sociocultural and educational patterns, through education projects with a gender focus (framework for partnership with UNICEF and contributions to its strategic plan and to specific UNICEF projects), and through courses, workshops and awareness campaigns held at offices on the ground or through NGOs financed by the Spanish Cooperation.

## **Article 6. Trafficking and prostitution**

83. In its concluding observations on Spain's VI periodic report, the Committee expressed its concern regarding the prevalence of trafficking in women and girls, and exploitative prostitution, as well as the lack of exhaustive research and data about all aspects of this phenomenon. A response to these concluding observations has been provided in the following paragraphs.

**I. Current situation**

84. Although important progress is being made in the collection of data on the trafficking in women and girls for the purposes of sexual exploitation, it is believed that the true extent of this grave offence in our country remains unknown.

85. All the ministerial departments involved are working together to improve data on the institutional response to this offence. Thus, the Third Monitoring Report of the Integrated Plan against Trafficking for Purposes of Sexual Exploitation for 2011 for the first time included a statistical annex.<sup>10</sup>

86. According to the Fourth Monitoring Report of the Integrated Plan against Trafficking for Purposes of Sexual Exploitation, State security forces in 2012 carried out 2,201 administrative inspections in places of prostitution and issued 239 police statements. Among the 12,305 persons identified as being at risk, 976 victims were identified.

87. In 2012, a total of 40 specialized, non-profit organizations were financed through public subsidies destined for social aid and assistance projects for women who are victims of human trafficking for the purposes of sexual exploitation. These organizations noted signs or identified situations of trafficking for purposes of sexual exploitation or situations of sexual exploitation in the case of 1,317 women.

**II. Legislative measures**

88. Organic Law 2/2009 of 11 December, reforming the law on foreigners, introduced article 53 (b) of Organic Law 4/2000 of 11 January on the rights, freedoms and social integration of foreigners in Spain, which includes protective measures granted to women victims of human trafficking who decide to denounce the person exploiting them or who find themselves in a special situation, thus ensuring the exercise of their constitutional right to effective judicial protection.

89. The regulations of the aforementioned law, approved through Royal Decree 557/2011 of 20 April, dedicates chapter IV of title V to the temporary residence and work owing to exceptional circumstance of foreign victims of human trafficking.

90. Through reform of the Criminal Code, carried out through Organic Law 5/2010 of 22 June, which entered into force on 23 December 2010, the following were incorporated into the Spanish judicial system: the offence of trafficking, according to its definition in the Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children; the Council of Europe's Framework Decision 2002/629/JAI of 19 July 2002, and, lastly, the Warsaw Convention of the Council of Europe, of 16 May 2005 (see annex VI.1., reform of the Criminal Code by means of the aforementioned law).

91. The draft Organic Law on reform of the Criminal Code contributes to the transposition of Directive 2011/93/EU, on combating sexual abuse and sexual exploitation of children and child pornography, and of Directive 2011/36/EU, of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims. It also amends the current regulation of the offence of illegal immigration, clearly separating this offence from the offence of trafficking human beings and adjusting types of offences and sanctions according to the requirements of Directive 2002/90/EC and framework Decision 2002/946/JHA. The aforementioned draft law includes measures of considerable

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<sup>10</sup> <http://www.msssi.gob.es/ssi/violenciaGenero/tratadeMujeres/planIntegral/home.html>.

impact, such as the classification of forced marriage and repeated acts of bullying and harassment (see annex VI.2).

92. The transposition of Directive 2011/93/EU also has a significant impact in this area since it revises the regulation of the sexual abuse of minors, as well as offences relating to child pornography (see annex VI.3).

93. The approval of the instrument of ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, signed in Warsaw on 16 May 2005, was published in the State official gazette on 10 September 2010.

94. The instrument of ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed in Lanzarote, Spain, on 25 October 2007, has also been approved. It entered into force in Spain on 1 December 2010.

### III. Policies and programmes

95. The main instruments in the fight against human trafficking are as follows:

(a) The 2008-2012 Integral Plan to Combat Human Trafficking for Purposes of Sexual Exploitation, designed around five objectives: awareness; cooperation with countries of origin, transit and destination; participation of NGOs; assistance and protection; and persecution of traffickers and pimps. Monitoring of the plan's implementation has been carried out through yearly reports.<sup>11</sup> Once the assessment of the plan has been completed, a new integral instrument will be approved to counter trafficking in women and girls for the purposes of sexual exploitation, most likely in the second quarter of 2013;

(b) The 2010-2013 Third Plan of Action against Sexual Exploitation of Children and Adolescents proposes the improvement and integration of statistical data collected by police forces at the national, Autonomous Community and local levels;

(c) The system of intelligence on the trafficking of human beings, approved in 2009 by the Ministry of the Interior comprises a database with information on the number of victims and their characteristics, as well as on specialist assistance provided to them;

(d) The Police Plan to Combat Human Trafficking for Purposes of Sexual Exploitation, approved in 2013. In order to achieve its objectives, the National Police has the Units against Immigration Networks and Documentary Fraud; the Provincial Brigades on Immigration and Borders, and a central brigade against the trafficking of human beings, which was also set up in 2013. The campaign on human trafficking for purposes of financial exploitation has been publicized on the police website.<sup>12</sup> An email address to which any relevant information can be sent and a telephone helpline for victims are available;

(e) The Framework Protocol for the Protection of Victims of Trafficking of Human Beings, adopted in 2011, together with its follow-up commission, improves mechanisms of detection, identification, assistance and protection of victims;

(f) The Social Forum against Human Trafficking facilitates cooperation between NGOs and all levels of government.

<sup>11</sup> <http://www.msssi.gob.es/ssi/violenciaGenero/tratadeMujeres/planIntegral/home.htm>.

<sup>12</sup> [www.policia.es/trata](http://www.policia.es/trata).

96. With regard to the integration of immigrants, the Directorate General for Migration (General Secretariat for Immigration and Emigration) of the Ministry of Employment and Social Security supports the development of programmes that promote knowledge, the launching of actions and the creation of social support networks for immigrant women who are vulnerable as a result of being victims of sexual exploitation or human trafficking.

97. These actions include financing specific programmes aimed at women in situations of economic risk, victims of prostitution rings and who lack social support networks, as well as funding programmes aimed at the eradication of human trafficking for purposes of labour or sexual exploitation through social-labour integration paths and work training. Furthermore, a Specific Protocol for Actions Concerning Possible Cases of Human Trafficking is being implemented in the Migration Centres, which are subordinated to the Directorate General for Migration, and among subsidized non-governmental organizations.

98. Above and beyond these plans, numerous actions of integrated assistance and support for trafficking victims need to be highlighted, as well as educational and information initiatives, such as the drawing up of a guide on support resources for human trafficking victims or the marking of the International Day Against the Sexual Exploitation and Trafficking of Women and Children (see annex VI.4).

99. The third and fourth master plans of the Spanish Cooperation, the Gender Strategy and the Sector Gender Action Plan foresee specific actions aimed at reducing all forms of violence and discrimination, in particular those of extreme gravity, such as trafficking and sexual exploitation. The Secretariat for International Cooperation and the AECID collaborate in following up on the Integral Plan to Combat Human Trafficking for Purposes of Sexual Exploitation and in the Social Forum against Human Trafficking. Numerous training and prevention projects and actions fall under this international cooperation framework, such as various bilateral agreements with emitting countries or the collaboration in the Network of National Rapporteurs of the European Union anti-trafficking coordinator (see annex VI.5).

100. The Autonomous Communities of Asturias and Extremadura have carried out specific work in this field to highlight and socially denounce human trafficking (see annex VI.6).

## **Article 7. Political participation of women: eliminating political and public discrimination**

### **I. Current situation**

101. In the current Parliament, the Prime Minister is a man and the Deputy Prime Minister a woman, who furthermore also holds the positions of Government minister and spokeswoman. Her predecessor as Deputy Prime Minister was also a woman. Women ministers comprise 30.77 per cent of the executive.

102. In December 2012, with regard to the national administration's senior bodies and senior positions, women held 32.59 per cent of these posts, compared with 28.47 per cent in 2008, according to data provided by the Ministry of Finance and Public Administration. This data includes senior positions in public entities appointed by the Government, even if they have no specific administrative rank.



103. With regard to the Congress of Deputies, the percentage of women elected comprises 36 per cent for the current Parliament (see annex VII.1).

104. In the Senate, in the current Parliament, the number and percentage of women elected Senators (33.33 per cent) are the highest ever (see annex VII.2).

105. In July 2012, a woman was elected for the first time as Ombudsman.

106. With regard to the Parliaments of the Autonomous Regions, the highest number of women deputies so far was achieved in 2012 and the presence of women in the autonomous community governments has consolidated, both in the presidencies and in the regional ministries, though with certain variations (see annexes VII.3 and VII.4).

107. At the local level, the proportion of women mayors and councillors has grown steadily. Following the most recent municipal elections, women mayors comprised 16.77 per cent and women councillors, 34.95 per cent (see annex VII.5).

108. The number of women representatives of Spain in the European Parliament has also been increasing steadily. Women elected to the European Parliament in 2009 represented 36 per cent of the seats allocated to Spain. In 2007, the proportion was 33.3 per cent.

109. The participation of women in the judicial system has also been increasing, particularly in the single-person courts. However, their proportion is much smaller in the professional bodies. In the Supreme Court, women make up 13 per cent, and 32 per cent in the National High Court and the higher courts of justice (see annex VII.6).

110. The participation of women also increases considerably in other constitutional bodies (see annex VII.7), in the economic powers-that-be (see annex VII.8), in the affiliation to the main political parties (see annex VII.9), those holding senior executive roles and in the larger trade unions, as shown in the tables in the annexes (see annex VII.10).

111. Lastly, it should be noted that the FAS are among the armed forces of Western countries with the largest percentage of women (comprising 12.4 per cent of the armed forces).

## **II. Legislative measures**

112. The Committee made a concluding observation regarding the previous report of Spain (para. 12), expressing concern that the constitutional reform to guarantee equality before the law for women and men in succession to the Crown had not been carried out.

113. Several years ago a discussion took place concerning a possible reform of the Constitution with regard to four questions: (a) elimination of discrimination against women in succession to the Crown; (b) inclusion of the names of the Autonomous Communities; (c) reform of the Senate; (d) adapting the text of the Constitution to what was expected would be the European Constitution. The matter was submitted for consideration to political agents and experts, with a report being requested from the Council of State. In the end, the reform was not carried out due to a lack of political consensus.

114. For constitutional reform to be implemented, it is not only advisable to have unanimous agreement of the political powers of the State with regard to the rules on which rest the entire judicial system, but the reform is also formally not possible if it does not enjoy the support of a broad majority in the Spanish

Parliament.<sup>13</sup> In certain circumstances, it would become necessary to achieve an even greater parliamentary majority and to dissolve Parliament; to request anew the approval of two thirds of the new parliamentary chambers; and finally to put the decision to a referendum. This burdensome reform procedure which specifically would apply to constitutional regulation of succession to the throne, is meant to guarantee that the matters that constitute the axis of the democratic system can only be reformed if they enjoy a very high degree of political consensus, something that at present is not the case.

115. In another matter, at the end of the last Parliament, in August 2011, reform of the Regulations of the Congress of Deputies was approved, with the possibility of remote voting being introduced so that members of Parliament can vote in plenary session in certain votes, even if absent due to pregnancy, maternity, paternity or serious illness.

### **III. Policies and programmes**

116. Within the armed forces, in all assessment bodies and boards of the Ministry of Defence concerned with commands, postings and promotions, the presence of women is required in proportion to the number of women among those being assessed. Fulfilment of this rule is verified through quarterly reports which the personnel commands of the Army, Air Force and Navy send to the Ministry's Permanent Secretariat on Equality.

117. Concerning participation of women in civil society, the Institute of Women provides technical and infrastructure support to NGOs working to strengthen equal opportunities between women and men and to promote women's participation in all areas. Article 4 of this report provided information concerning the Institute's calls for proposals for grants from the General Fund to be funded out of the IRPF.

118. The Autonomous Communities have councils on women's participation (see annex VII.11).

119. International Women's Day (8 March), International Day for the Elimination of Violence against Women (25 November) and Equal Pay Day (22 February) have been commemorated. On the 100th anniversary of the Constitution of Cadiz of 1812, tribute was paid to women constituent members: 27 Senators and Deputies from across the parliamentary spectrum of the 1977 legislature.

120. The Development Cooperation, beyond gender mainstreaming, runs specific assistance projects for the political participation of women and the elimination of political and public discrimination, through the Economic Commission for Latin America and the Caribbean (ECLAC), Council of Women Ministers of Central America/Central American Integration System (COMMCA/SICA) in Latin America, as well as through the United Nations Development Fund for Women (UNIFEM), the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), among others (see annex VII.12).

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<sup>13</sup> The Cortes Generales.

## **Article 8. International representation and participation**

### **I. Current situation**

121. The participation of women in political life has gradually increased, but there is still an obvious imbalance in terms of quantity and quality. This is more evident in the sphere of international relations, particularly as regards positions of responsibility (see annexes VIII.1. and VIII.2).

122. On the other hand, since 2008, Spain has been significantly strengthening its participation in international forums linked to development, its participation in executive meetings of international bodies of the Fund for Gender Equality and the gender action plan of the World Bank,<sup>14</sup> as well as in the European Commission's decision-making spaces on gender and development. The support, during Spain's Presidency of the European Union in 2010, for the approval of the 2010-2015 European Union Plan of Action on Gender Equality and Women's Empowerment in Development was of particular significance. The plan is current and is an example of good practice in follow-up coordination between the European Union and its member States.

### **II. Legislative measures**

123. The Committee included in its concluding observations on the sixth report presented by Spain a section concerning ratification of treaties. In this respect, it can be mentioned that Spain has ratified the International Convention for the Protection of All Persons from Enforced Disappearance. It submitted the first report to the Committee in December 2012, with discussion of the report planned for November 2013.

### **III. Policies and programmes**

124. Spain, as a State within the sphere of the United Nations, and as holder of the Presidency of the European Union, has contributed actively to the creation of UN-Women through General Assembly resolution 64/289 of July 2010, concerning system-wide coherence.

125. On 10 November 2010, the Economic and Social Council chose Spain as a member of the first Executive Board of UN-Women, as a leading donor, given that in recent years, Spain has become the leading global contributor to the gender-related organizations of the United Nations development system and, specifically, to UN-Women.

126. The Prime Minister, in May 2011, undertook to maintain support for UN-Women within the framework of the 2010-2013 Strategic Association Agreement. In this regard, UN-Women participates in 28 initiatives financed by the Spanish Millennium Development Goals Achievement Fund.

127. In recent years, Spain has actively participated in the following forums and international bodies: the European Union, CEPAL, the United Nations Development Programme (UNDP), UN-Women, OSCE, NEPAD, the Commission on the Status of Women (CSW), and the OECD Development Assistance Committee (see annex VIII.3).

128. During the Spanish presidency of the Council of the European Union, in the first quarter of 2010, Spain's priority objectives included promoting equality between women and men, and combating violence against women. These objectives were achieved through the approval at the Employment, Social

<sup>14</sup> Gender equality as smart economics: A World Bank group gender action plan.

Policy, Health and Consumer Affairs Council (EPSCO) meeting of 8 March 2010 of the Council Conclusions on the Eradication of Violence against Women in the European Union, as proposed by Spain, and in the Declaration by the trio presidency, together with Belgium and Hungary.

129. During the Spanish presidency of the of the Council of the European Union, the European Women's Forum: Beijing+15 and the European Women in Power Summit were held. The latter event brought together 28 women ministers and Secretaries of State of 19 European countries and concluded with the Declaration of Cadiz.

130. With regard to the National Plan for the Application of Security Council resolution 1325 (2000) on Women, Peace and Security (2007), mentioned in the previous report, it should be noted that this plan has been revised and updated twice in recent years, bringing it into line with the provisions of the most recent resolutions of the Security Council and broadening the provisions concerning sexual violence in conflicts. Within the framework of this plan, and during the period covered by this report, numerous actions have been carried out, among which the organization of a Spanish-Dutch course on civil-military training in the area of gender and protection of civilians should be highlighted, and which has already been run six times (see annex VIII.4).

131. Furthermore, the Spanish Cooperation is developing a specific plan on women and peacebuilding, in order to apply the above-mentioned national plan.

132. Specifically concerning the FAS, the Ministry of Defence is actively promoting the values of equality between men and women, as well as the application of Security Council resolution 1325 (2000) in various international forums and bodies: the European Union, NATO, the United States Africa Command (AFRICOM), OSCE and UNDP (see annex VIII.5).

133. The 2010-2014 Second National Plan for the Alliance of Civilizations introduces gender mainstreaming in its four areas of priority action: youth, education, migration and mass media.

134. The former Ministry of Equality, while it existed (2008-2010), managed the "Women and Development" calls for proposals for grants to finance development projects in Latin America, which promoted the exercise of economic, social and political rights on the part of women and contributed to the development of its civil society in cooperation with Spanish associations.

135. The Institute of Women continued the "Women and Development" Master's degree programme in gender and development, adjusting the programme towards an academic offering with greater international reach through the round of grant allocations carried out in July 2013 by the Complutense Institute for International Studies (ICEI) for the tenth Master's degree programme in gender and development.

136. The Network of African and Spanish Women for a Better World is an initiative of the Spanish Government to support women's organizations and civil society in Spain and Africa. Its secretariat is managed by UN-Women. The network organizes its activities around five working groups in the areas of education, health, violence, economic development and women's rights, combining south-south and north-south cooperation through the exchange of experience and knowledge in training workshops, seminars of experts, fairs or conferences, among other activities. From 2009 to date, the network has organized three meetings: Monrovia (2009), Valencia (2010) and Windhoek (2011). In 2010, the Strategic Plan Women for a Better World was presented in Valencia. The

Network of African and Spanish Women for a Better World in 2007 created the NEPAD Spanish Fund for the empowerment of African Women, thereby following up on the commitments of the 2006 Declaration of Maputo (first Meeting of Women for a Better World). Spain has made two contributions totalling €20 million; the first (€10) was paid in 2007 and the second (€10) in 2010.

## **Article 9. Nationality**

137. There have been no changes with respect to this matter in the period covered by this report.

## **Article 10. Education**

### **I. Current situation**

138. According to the INE most recent Active Population Survey (EPA), the data on population aged 16 and older, by level of studies completed, is the following (see data on population and level of studies, annexes X.1 and X.2; enrolment in occupational training levels by professional family and sex, annex X.3; distribution of the teaching body of general, non-university elementary studies (EE) by sex, annex X.4; distribution of enrolment by sex in the entire education system, annex X.5; net rates of schooling, ages 16-18, by sex, annex X.6; distribution of students of first and second cycles and levels, by branch of study and sex, annex X.7; distribution of students of Master's degrees by branch of study and sex, annex X.8; and evolution of teaching staff and university researchers, annex X.9).

139. The rates of schooling for women aged 16-18 have also been higher than those for men aged 16-18, although the difference does not exceed 6 per cent.

140. According to the EPA data of the fourth quarter of 2012, 51.16 per cent of persons with a higher education degree are women, but a difference persists between the sexes when it comes to choosing field of study.

141. Women are a majority in university enrolment in all branches of study, except technical degrees. In the 2012-2013 academic year, women made up 70.5 per cent in health sciences, 61.1 per cent in social and legal sciences, 61.7 per cent in arts and humanities, and 53.6 per cent in sciences. However, in the branches of engineering and architecture, only 26.4 per cent are women. In the 2010-2011 academic year, the number was 23.68 per cent.

142. Differences between specializations exist. Women tend towards teaching special curricula (61.8 per cent of women compared with 38.2 per cent of men). However, women do not exceed 9.8 per cent of the students of sport studies.

143. Women are also a majority in non-formal learning, that is, studies that do not lead to valid academic or professional degrees (91.6 per cent compared with 8.4 per cent of men). Although lower, the proportion of women in official language schools is also greater (66.3 per cent, compared with 33.7 per cent of men).

144. This tendency is repeated in distance learning occupational training levels (67 per cent of women compared with 33 per cent of men) and in formal adult education. It is greater in non-formal adult education (76.8 per cent versus 23.2 per cent).

145. Women have a slightly greater presence in the first and second years of baccalaureate studies: 80 per cent versus 75 per cent of men.

146. With regard to the Roma population, and taking into account the specific reality of Roma families, according to the concluding observations of the Committee concerning the fourth report presented by Spain (para. 30), it is noted that a growing interest in education can be observed among women.

147. Studies of the education situation of the Roma population show that considerable improvement has taken place in the enrolment in preschool and primary education, given that more than half of Roma children are in school by age 3, and in 90 per cent of cases, Roma pupils join a school in the grade that corresponds to their age. The number of Roma families that take the initiative in enrolling their children is also increasing.

148. With regard to the achievement of education objectives, at present, the rate of enrolment in primary education of Roma pupils comprises 96.7 per cent, versus 99.9 per cent of the general population. The aim is to increase this rate to 99 per cent by 2020.

149. Truancy in primary education comprises 22.5 per cent. One of the objectives of the National Strategy for the Social Inclusion of Roma (2012-2020), approved on 2 March 2011, is to reduce truancy to 10 per cent.

150. Enrolment in secondary education for the Roma population aged 13-15 is 78.1 per cent for boys and 71.7 per cent for girls. The aim of the aforementioned strategy is to achieve 90 per cent for both sexes.

151. According to studies by the Ministry of Education, in collaboration with the Institute of Women, and carried out by the Roma Secretariat Foundation, Roma girls achieve significantly better results than boys upon completing primary education; they are less disruptive, are better motivated by their studies and take responsibility for assignments and for following the rules.

152. Compared with the above, a lower proportion of pre-adolescent Roma girls enrol in the first year of compulsory secondary education than boys (39.3 per cent versus 60.7 per cent). Nevertheless, even though fewer girls than boys begin this stage of education, boys drop out to a higher degree, while those girls that have enrolled tend to stay. Thus, by the fourth year of compulsory secondary education, the numbers invert and the percentage of Roma girls (63.4 per cent) is almost double that of boys (36.6 per cent).

## II. Policies and programmes

153. In its concluding observations concerning the Spain's sixth periodic report, the Committee recommended that specific measures be put in place concerning education to eliminate the entrenched traditional stereotypes about the roles of men and women. In response to that observation, the following measures need to be mentioned.

154. The Institute of Women has during the period of this report been preparing teaching materials aimed at teachers, parents and students for use in teacher training courses and classrooms at different levels. Guides on current topics and different formats of games or virtual programmes have also been developed.

155. Furthermore, in order to involve parents, the following need to be mentioned: the eleventh edition of the special prize for the education experience organized by a parents' association, aimed at achieving equality in the education of girls and boys; the re-publishing of "*Parents co-educate in school*";<sup>15</sup> and the

<sup>15</sup> "*Madres y padres coeducamos en la escuela*".

education centres' "*Handbook for the person responsible for co-education in schools*".<sup>16</sup>

156. The Exchange Project,<sup>17</sup> mentioned in previous reports (including the Exchange Portal),<sup>18</sup> is continuing. It aims at sharing experience, projects, educational materials and salient and innovative actions concerning equal opportunities, co-education and prevention of gender violence for teaching staff and women education administrators. The equality bodies and regional education ministries of the Autonomous Communities collaborate in this project.

157. Between 2009 and 2012, the online course "Co-education: two sexes in a single world" has been run four times. The course aims to promote equality in education for teaching professionals at various educational levels. A total of 2,776 teachers from preschool, primary and secondary education has received the training.

158. The project "Sindicadas" has been developed in collaboration with teachers' unions, to disseminate the LOIE in the area of education.

159. The campaign "Equality in Educating"<sup>19</sup> has been developed during the financial years 2010, 2011 and 2012 (see annex X.12).

160. Awareness actions have been carried out in almost all Autonomous Communities, aimed at pupils in primary and secondary education, at parents' associations and at the rest of the education community, with the aim of learning respect, equality, social skills in reconciliation and zero tolerance with regard to violent attitudes (see annex X.13).

161. With regard to specific measures concerning the Roma population, the Ministry of Education, Culture and Sport is working to improve the quality of education for all pupils, leading to improvement in the results of all students without distinction. Consistent with this, no data classified by race, ethnicity or culture is collected.

162. The project "Roma families get involved: transnational methodology for working with Roma families to achieve success for their children in the education system"<sup>20</sup> has been carried out. Public and private organizations from Bulgaria, Spain, Hungary and Romania have taken part in the project, supported economically by the European Union Life-Long Learning Programme, through the Executive Agency Education, Audiovisual and Culture (EACEA), and with the participation of the Ministry of Education, Culture and Sport and the Roma Secretariat Foundation.

163. The Ministry of Health, Social Services and Equality and the Ministry of Education, Culture and Sport are developing a comparative study on the education situation of the Roma community in collaboration with the Roma Secretariat Foundation, concerning the education situation of Roma pupils in secondary education.

164. With regard to affirmative action measures for persons with disabilities, and responding to the Committee's concluding observation of paragraph 32 concerning the sixth report by Spain, and beyond other mentions during the course of this report, both the Organic Law on education of 3 May 2006 and the

<sup>16</sup> "*Manual para el responsable de coeducación en los centros educativos*".

<sup>17</sup> Proyecto Intercambia.

<sup>18</sup> <https://www.educacion.gob.es/intercambia/portada.do>.

<sup>19</sup> Educando en Igualdad.

<sup>20</sup> Las familias gitanas se implican: metodología transnacional para trabajar con las familias gitanas para conseguir el éxito de sus hijos en el sistema educativo.

regulations for the implementation of that law foresee actions for persons with disabilities without any discrimination between men and women. With regard to progress concerning policies relating to women and disabilities, information sent to the Committee on the Rights of Persons with Disabilities can be consulted, both the initial report (paras. 17-20) and responses to the list of questions (paras. 1.20.1; 1.20.2 and 1.20.3).

165. With regard to sex education, a number of specific actions have been carried out, such as the dissemination of educational resources and materials through the above-mentioned Exchange Portal or the Jornadas Intercambia 2012, meetings that take place on an annual basis, in which knowledge, projects and materials that promote co-education are shared. The 2012 meetings discussed sex education topics (see annex X.14).

166. The subject “Citizenship Education” continues to be taught in primary education and in compulsory secondary education.

167. The draft Organic Law for the improvement of the quality of education (LOMCE) includes among principles of the education system, development of the equality of rights and opportunities and the promotion of effective equality between men and women, as well as the prevention of gender violence.

168. On the other hand, the LOMCE creates two new subjects: “social and cultural values” and “ethical values”, to be chosen by pupils who are not studying religion in primary or compulsory secondary education, and which will include citizenship values such as the effective promotion of equality between women and men.

169. Within the armed forces, the Ministry of Defence periodically holds educational conferences about reconciliation measures and about the advice service of the Military Observatory for equality. Knowledge of the basic concepts of a gender perspective is included in military training at all levels. Military personnel to be deployed on international missions complete a course taught jointly by the Army training and doctrine command in Granada and by the University of Granada. This course is financed by the Institute of Women.

170. The Spanish Cooperation promotes education as a priority. The specific sector strategy on education includes gender focus mainstreaming, as well as measures for gender equality of girls, young women and women in education and occupational training. It includes actions in bilateral and multilateral programmes, supporting initiatives of the World Bank, UNICEF and UN-Women.

## **Article 11. Employment**

171. In its concluding observations (para. 24), the Committee encouraged Spain to take measures to guarantee equal opportunities between men and women in the labour market. With the aim of responding to that concern, the following paragraphs detail progress made since the last report from Spain in this matter.

### **I. Current situation**

172. As the sixth report showed, employment is one of the areas to which the authorities are devoting special attention, with regard to equality policies, because of its key importance to the status of women in Spain.

173. In 2012, women comprised 45.65 per cent of the labour force, representing, respectively, 45.42 per cent of those in work, 46.29 per cent of those unemployed and 59.73 per cent of those not working. Within the current



context of the worsening economic crisis, women are experiencing its negative impact. In 2012, the trend towards greater symmetry by sex within the labour market has continued (see annexes XI.1. and XI.2).

174. Between 2008 and 2012, the number of working women has increased by 17 per cent. A significant process of older women entering the labour market has taken place, in response to the fall in family incomes, which continues in 2012, albeit at a slower pace than in previous years. Nevertheless, in 2012, the number of younger working women decreased.

175. The evolution of the gender pay gap shows that with regard to the average earnings per hour worked, a fall of one point from 2006 to 2010 (from 16.3 per cent to 15.3 per cent) has been registered, while the gender pay gap with regard to average annual earnings has fallen by 3.8 points during the same period (from 26.3 per cent to 22.5 per cent) (see annex XI.3).

176. Of women in work, 24.5 per cent do so part-time, compared with 6.6 per cent of men. Employed women are also more likely than men to be working on temporary contracts (see annexes XI.4 and XI.5).

177. Women are employees in 87 per cent of cases, compared with 78.6 per cent for men. This gap is due, in particular, to the important presence of employed women in the public sector (health, education and social services).

178. Spanish women (9.7 per cent) are less likely to be entrepreneurs when compared with European women (11.1 per cent). On the other hand, the gap between women and men in Spain (8.6 percentage points) is somewhat greater than that registered at the European level (8.0 percentage points).

179. With regard to entrepreneurial activity, in 2011, an increase among women (38.6 per cent) can be observed, although men continue to constitute a majority in terms of entrepreneurial activity (61.4 per cent) (see annexes XI.6, XI.7 and XI.8).

180. With regard to horizontal segregation, the high proportion of women in the services sector, specifically in commerce, health and social services, hotel and catering trades, and education, is to be noted (see annexes XI.9 and XI.10).

181. With regard to vertical segregation, the high presence of women in “elementary occupations” attracts attention: women comprise 62.9 per cent of persons in such occupations. As a result, women tend to find work in jobs that require lower qualification levels and fewer women than men reach senior positions of responsibility, despite women’s current educational levels, in general, actually being higher (see annex XI.11).

182. According to the OECD report “*Closing the Gender Gap: Act Now*”, presented in December 2012, Spain has been one of the countries of the Organization to experience the largest decline in the gender gap in employment and is situated above the OSCE average with regard to the number of women in leadership positions. In 2010, women comprised 34 per cent of senior managers. Among young women, the participation is equal to that of men. The difference has moved from 18 percentage points at the end of 2007 to 4.5 points at the end of 2012 for women aged 30 to 34. For those aged 25 to 29, the difference is only one percentage point.

183. Also according to OECD, “the number of women-owned enterprises is growing faster than among men and one third of the self-employed with employees are women”, while “the share of self-employed women with employees is the third largest in the OECD”.

184. With regard to Roma women, the study “Roma Population: Employment and Social Inclusion”,<sup>21</sup> based on a survey carried out in 2011 by the Sociological Research Team (EDIS) and the Roma Secretariat Foundation, provides the following data: Roma women predominate in the inactive population (68.5 per cent). However, if the cause of inactivity is analysed, differences between the majority population and the Roma population become apparent from the gender perspective, because although 52.3 per cent of the Roma population claims to be inactive due to work around the home, in Spain as a whole it is 26.9 per cent. Applying these percentages by sex, the proportion is 41.4 per cent for all Spanish women and 73 per cent among inactive Roma women in Spain. Alongside this, unemployment is lower among Roma women (39.1 per cent) than among all Spanish women (46 per cent).

## **II. Judicial instruments**

185. With regard to Organic Law 3/2007 of 22 March on effective equality for men and women, various judicial instruments have been approved that implement the law or are linked to it, and which provide a response to the first part of the Committee’s concluding observation of paragraph 14. These include Law 17/2012 of 27 December on the extension of paternity leave in cases of birth, adoption or family placement (see annex XI.12).

186. Furthermore, in implementation of Law 20/2007 of 11 July on the independent work statute, various instruments have been approved that directly affect the labour status of women. These include Royal Decree 197/2009 of 23 February, which develops the independent work statute, with explicit references to gender violence, or Law 32/2010 of 5 August, which establishes a specific system of protection for self-employed persons who cease their activity and which also takes this matter into account (see annex XI.13).

187. Numerous judicial instruments have been approved during the period covered by the report for the purpose of completing regulation of the labour status of women. Among them can be highlighted the recent adoption of Royal Legislative Decree 11/2013 of 2 August on the protection of part-time workers, and other urgent measures in the economic and social order, which aim to guarantee at all times the principle of equality of part-time and permanent workers (see annex XI.14).

188. The Autonomous Communities of Castile-La Mancha, Galicia and the Valencian Community have approved laws for the improvement of the labour status of women (see annex XI.15).

## **III. Policies and programmes**

189. The 2012-2014 Spanish Employment Strategy has the principal aim of promoting employment among the labour force and increasing the participation of men and women in the labour market, improving productivity and the quality of employment in a sustainable work market based on equal opportunities and social and territorial cohesion.

190. The special plan for equal opportunities between women and men in the sphere of labour and against wage discrimination is in the development phase. The plan is linked to the growth and employment objectives of the Europe 2020 strategy, and is inspired and complemented by the “2010-2015 Strategy for Equality between Women and Men”, the Women’s Charter and the 2011-2012 European Pact for Gender Equality.

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<sup>21</sup> Sub-heading: A comparative study: Spanish Roma population and the east of Europe.

191. During the period of this report, a variety of gender mainstreaming initiatives have been started in the employment and economic reactivation policies and in training programmes, such as the project “Reinforcing the employment and economic reactivation policies with a gender focus”, developed between January 2011 and June 2012 within the framework of the European Commission PROGRESS Programme (see annex XI.16A).

192. With the aim of strengthening self-employment and entrepreneurship among women, programmes have been developed which include training, assessment and funding aids, including the Entrepreneurial Support for Women (PAEM) programme which works in collaboration with the High Council of Chambers of Commerce, Industry and Navigation of Spain, or the “Innovating Women Entrepreneurs” programme, which will run until December 2014 in collaboration with the School of Industrial Organization (EOI) and local councils and entities (see annex XI.16B).

193. Corporate equality programmes have been launched which include aid and assessment for the implementation of the equality plans and the organization and yearly awarding of the corporate equality emblem.

194. To support women in gaining access to positions of responsibility, including steering committees and boards, training initiatives are being developed for women prior to entering senior management and for promoting the leadership of women in the corporate environment. Since 2010, the “corporate equality” distinction has been awarded to recognize excellence achieved by a company in the subject of equality (see annex XI.17A).

195. Actions have been carried out to raise awareness among companies and the population to increase the participation of women in the labour market at all levels. The most relevant action has been to mark 22 February as International Equal Pay Day (see annex XI.17B).

196. With regard to integration of migrants, the Directorate General for Migration supports the development of programmes and initiatives aimed at women. Every year an invitation for proposals is organized with the aim of facilitating the integration of immigrants. Programmes are developed within these proposals which promote the reconciliation of work and family life.

197. The Directorate General for Migration in July 2012 organized a funding round to finance programmes that promote social and labour integration of immigrant persons. Priority was given to programmes co-financed by the European Social Fund, aimed at immigrant women in diverse areas: improving employment prospects, social inclusion, reconciliation of work and family life, and non-discrimination at work.

198. The Autonomous Communities are also developing initiatives related to the employment of women, both by offering training to improve their employment prospects and through support measures for women entrepreneurs and businesswomen (see annex XI.18).

199. With regard to the actions of the Labour and Social Security Inspection Service, following the publication of the LOIE, the Directorate General for Labour and Social Security Inspection considered it necessary to carry out an action plan with the aim of monitoring whether businesses are fulfilling the obligations derived from the LOIE, as well as those derived from other laws relating to the rights of workers and the obligations of businesses with regard to the principles of non-discrimination on the grounds of gender and the effective equality between women and men. This plan was entitled “Action Plan of the

Labour and Social Security Inspection Service 2008-2010, for the monitoring of effective equality between women and men in businesses”. The plan includes countering wage discrimination. The Annual Integrated Plan of Action of the Labour and Social Security Inspection Service has continued to include actions on these topics in 2011, 2012 and 2013 (see results in annex XI.19).

200. In 2013, the Ministry of Health, Social Services and Equality and the Ministry of Labour and Social Security signed a collaboration agreement with the aim of setting up permanent monitoring of the effective equality between women and men in businesses.

201. The Spanish Cooperation prioritizes fulfilment of economic rights and the promotion of dignified work as a fundamental element in the fight against the spread of poverty among women. It promotes measures for the economic empowerment of women in projects in Africa and Latin America, both to analyse the situation in this area together with CEPAL in Latin America (which has its own Equality Observatory) or the NEPAD Spanish Fund for the empowerment of African women, and to promote specific initiatives such as the Gender Equality Fund of UN-Women, or the World Bank Gender Action Plan. As an element of innovation, the policies of time use and measures concerning the care of persons are recognized as a priority in development policy, financing initiatives of INSTRAW on global care chains, migration of working women away from the home and gender-sensitive budgets in Latin America of UNIFEM and UN-Women, as well as campaigns by non-governmental development organizations such as “Move for Equality”.

## Article 12. Health

202. In addition to specific advances made since the Spain’s previous report, the following paragraphs complement the reply provided to the Committee in November 2011 with regard to the Committee’s concluding observations on health (para. 26).

### I. Current situation

203. In 2011, life expectancy at birth was 84.97 for women and 79.16 for men; therefore, women live, on average, 5.81 years longer than men. According to the 2011-2012 National Health Survey, of the population with limitations on their daily activity, 60.4 per cent are women (7 percentage points more than men).

204. According to the 2011 EDADES<sup>22</sup> survey on alcohol and drugs in the general population in Spain, the consumption of legal and illegal drugs is more widespread among men than women, with the exception of hypno-sedatives. The percentage of women who in the past year have not used any kind of drug is almost double that of men. (11.1/19.7).

205. With regard to smoking, according to the 2011-2012 National Health Survey, 31.4 per cent of men and 22.8 per cent of women smoked on a daily basis or occasionally. However, the gender difference is decreasing, particularly among people between the ages of 15 and 24. In this age group, however, men smoke more than women (22.5 per cent versus 21 per cent).

206. With regard to the consumption of alcohol, according to the EDADES 2011 survey, 83.2 per cent of men had consumed alcohol in the last year

<sup>22</sup> See section related to the National Plan on Drugs on the website of the Ministry of Health, Social Services and Equality ([www.pnsd.msc.es/en/Categoria2/observa/estudios/home.htm](http://www.pnsd.msc.es/en/Categoria2/observa/estudios/home.htm)).

compared with 69.9 per cent of women. Of the men surveyed, 73.2 per cent had consumed alcohol in the last month compared with 51.2 per cent of women. The prevalence of daily alcohol consumption in the previous 30 days was 15.3 per cent for men and 5 per cent for women.

207. The consumption of hypno-sedatives is higher among women than men (15.3 per cent versus 7.6 per cent in the past year) and increases with age.

208. Cannabis continues to be the illegal drug consumed the most among the population aged 15-64 (13.6 per cent of men, compared with 5.5 per cent of women). Men consume it in greater proportion than women in all age groups.

209. The falling trend in the consumption of cocaine, which began in 2007, has been confirmed, as has that of amphetamines, ecstasy and hallucinogens, which began in 2001. In the case of cocaine, the proportion of users is four times higher among men than among women.

210. Among those seeking treatment for drug addiction, women comprise less than 20 per cent of the total. With these treatments, not only is guaranteeing access under equal conditions for men and women being sought, but also that the design of the personalized therapeutic paths should take into account, upon proceeding, matters related to gender. This is because it has been clearly demonstrated that women addicts suffer a double penalty compared with men, being rejected far more intensely and systematically in their attempts to achieve reinsertion into the family, society and the workplace.

211. With regard to methods for prevention of unplanned pregnancies, it is noted that their use decreases during the life's stages, without a significant difference by gender. Women prefer to use such methods somewhat more than men between the ages of 16 and 44 (74 per cent of women versus 69.8 per cent of men). This ratio then inverts in the 45-54 age group onwards, when usage falls by 46.8 per cent among women and 51.6 per cent among men (see annex XII.1 for more data).

212. The 2009 National Sexual Health Survey (ENSS) was the first population-wide survey of sexual health, and is notable for mainstreaming gender focus in its design and processing of data.

213. With regard to voluntary termination of pregnancy, an increase of 4.71 per cent took place in 2011: in 2010, 113,031 women underwent abortions, compared with 118,359 in 2011. The termination was carried out at a public health centre in 2.68 per cent of the cases, while 97.28 per cent were carried out in private centres. In 89.58 per cent of cases, the termination was carried out at the woman's request. The total number of terminations among women below the age of 20 was 14,586, which is 12.32 per cent of the terminations reported in 2011 and an increase of 3.28 per cent compared with the previous year.

214. The HIV epidemic has stabilized in Spain. New HIV diagnoses among women in 2011 amount to 17 per cent of cases. The average age of diagnosis was 36, without a difference between men and women. Those infected through heterosexual transmission comprise 31 per cent of cases. The delay in diagnosis among women is above average, at 59 per cent of cases. Cases of AIDS among women in 2011 comprised 21 per cent of the total.

## **II. Judicial instruments**

215. In March 2012, the Special Rapporteur for following up the Committee's observations requested that Spain provide more information in its next report concerning improvements in access to sexual and reproductive health services, as well as concerning specific measures for the implementation of the national

strategy on sexual and reproductive health. In response to that observation, as well as to that of the Committee mentioned above, the following measures need to be mentioned.

216. Organic Law 2/2010 of 3 March 2010 on sexual and reproductive health and voluntary termination of pregnancy, which has been implemented through Royal Decree 825/2010 of 25 June partially implementing Organic Law 2/2010, and through Royal Decree 831/2010 of 25 July 2010 guaranteeing quality of care in voluntary termination of pregnancy. This law has been the subject of an appeal before the Constitutional Court, its compatibility with the Constitution having been questioned. No verdict had been passed as of the writing of this report.

217. General Law 33/2011 of 4 October on public health establishes in article 6 the right to the actions of the public health system being carried out under conditions of equality, without discrimination of the grounds of gender.

218. With regard to entitlement to health care by the foreign population, Royal Legislative Decree 16/2012 of 20 April on urgent measures to guarantee sustainability of the national health service and to improve the quality and safety of its services modifies Organic Law 4/2000 of 11 January on the rights, freedoms and social integration of foreigners in Spain, and Law 16/2003 of 28 May on the cohesion and quality of the national health service. It adds a new article 3 ter (health care in special circumstances), which recognizes foreigners who are neither registered nor authorized as Spanish residents, and health care in urgent cases due to serious illness or accident, up until recovery, as well as in the case of assistance during pregnancy, birth and after birth.

219. In all cases, foreigners under the age of 18 shall receive health care under the same conditions as Spaniards. To this should be added public health actions implemented by the Autonomous Communities, which carry them out independently from the health assistance mechanism and direct them at the entire population, without distinction with regard to access to the health-care system, nationality or administrative status in Spain, according to the provisions of General Law 33/2011 of 4 October on public health. These services are based on epidemiological, exposure and risk criteria.

220. Likewise, following the entry into force of Royal Decree 1192/2012 of 3 August, which regulates the condition of an insured person and beneficiary with regard to health care in Spain paid for with public funds, through the national health system, the provision of health care has been extended to victims of human trafficking whose temporary stay in Spain has been authorized during the period of recovery and reflection, including emergency care and the basic treatment of illnesses, as well as coverage of necessary care, be it medical or otherwise, of victims of human trafficking with special needs.

### **III. Policies and programmes**

221. The Women's Health Observatory (OSM), a unit of the General Directorate of Public Health, Quality and Innovation of the Ministry of Health, Social Services and Equality, has carried out a variety of actions in this area (see annex XII.2), the most notable being the approval in 2010 of the national strategy on sexual and reproductive health, as well as the inclusion of a gender perspective in strategies established by the national health system for treatment of the most common illnesses.

222. Training actions with a gender focus for professionals have also been carried out, as well as others concerning research, dissemination and awareness-

raising, which include drafting reports, holding technical sessions and collaboration between the Institute of Women and health-care entities (see annexes XII.3, XII.4 and XII.5).

223. With regard to drug addiction, of note is the approval on 31 January 2013 of the 2013-2016 action plan, which develops and complements the 2009-2016 national drug strategy. This plan includes a gender focus mainstreaming vision and incorporates the specific needs of women into all planned actions.

224. In 2009, the third meeting on “Women and drug addiction”<sup>23</sup> was held, in collaboration with the Government Delegate for the National Drugs Plan.

225. The Autonomous Communities have developed numerous programmes related to women’s health (see annex XII.6).

226. Within the framework of subsidies provided by the Directorate General for Migration, actions favouring immigrant women have been carried out, several co-financed with the European Fund for the Integration of Third-Country Nationals (EFI) (see annex XII.7).

227. Lastly, the Spanish Cooperation recognizes sexual and reproductive rights as a more complete focus than mother and child health and promotes projects for fulfilment of these rights, supporting the United Nations Population Fund with a strategic association framework of funding for 2010-2012. The Spanish Cooperation also supports bilateral funds and programmes which support this focus. In the first quarter of 2013, it completed its evaluation, with positive results.

## **Article 13. Social and economic benefits**

### **Article 13 (a) Economic and family benefits**

#### **I. Current situation**

228. As at 1 February 2013, the percentage of contributory pensions received by women from the social security system was 51.2 per cent. Women received the majority of widow’s pensions (92.9 per cent) and allowances for family members (76.52 per cent), but only 34.71 per cent of pensions for permanent disability and 36.21 per cent of retirement pensions (see annexes XIII.1, XIII.2 and XIII.3).

229. As at 1 February 2013, contributory pensions received by women averaged €53.31 a month, while the average of men amounted to €1,059.

230. In 2011, at the non-contributory level of social security, women received:

(a) 69.74 per cent of non-contributory social security pensions, representing 54.99 per cent of persons receiving non-contributory disability pensions and 81.04 per cent of non-contributory retirement pensions;

(b) 86.20 per cent of welfare pensions, representing 91.22 per cent of beneficiaries of old-age welfare pensions and 85.66 per cent of those receiving welfare pensions on grounds of illness;

(c) 78.45 per cent of the benefits of the law on the social integration of people with disabilities (LISMI);

(d) With regard to those receiving unemployment benefits at their contributory level, in 2012, women represented 44.99 per cent of the total. The average daily amount of their benefits represented 84.81 per cent of the average

<sup>23</sup> “Mujeres y Drogodependencias”.

daily amount of the benefits for men. With regard to unemployment welfare benefits, in 2012, women comprised 45.49 per cent of the total recipients.

231. In 2012, 298,732 persons were granted maternity leave and received maternity benefits; 98.32 per cent were received by mothers, although 245,867 men were granted paternity leave and received paternity benefits in 2012.

## **II. Judicial instruments**

232. The main judicial instruments that regulate social and economic benefits are:

(a) Law 2/2008 of 23 December on the State budget for 2009 introduced changes with regard to maternity benefits that represent an improvement of protection;

(b) Royal Decree 295/2009 of 6 March, regulating economic benefits of the social security system for maternity, paternity, risk during pregnancy and risk during breastfeeding. The regulatory implementation of the legal rules applicable to subsidies for maternity and risk during pregnancy has been carried out through this rule, with modifications introduced into their configuration by the LOIE;

(c) By virtue of Law 9/2009 of 6 October on extension of the duration of paternity leave in cases of birth, adoption or family placement, article 48 bis of the Statute of Workers has been modified and the period of contract suspension due to paternity leave has been extended. Law 17/2012 of 27 December on the State budget for 2013 indicated that the aforementioned extension shall enter into force on 1 January 2014;

(d) Law 26/2009 of 23 December on the State budget for 2010 introduced modifications to the widow's pension in cases of legal separation and divorce, of which the majority of recipients are women;

(e) In relation to the widow's pension for State civil servants, article 38.2 of the Law on State civil servants has been modified (Royal Legislative Decree 670/1987 of 30 April);

(f) Law 39/2010 of 22 December on the State budget for 2011 (see annex XIII.4).

233. On 1 August 2013, Royal Decree 1148/2011 of 29 July entered into force, concerning the application and implementation, in all elements of the social security system, of the economic benefit for the care of minors suffering from cancer or other serious illness.

234. Law 27/2011 of 1 August on updating, adapting and modernizing the social security system introduced a number of modifications in the General Law on social security which affect the social and economic benefits of women (see annex XIII.5).

### **Article 13 (b) Society of information, science, sport, art and culture**

#### **I. Current situation**

235. Surveys on the use of time show that patterns of behaviour of men and women are drawing closer, but the difference in the proportions of women and men who dedicate time to looking after home and family, as well as time spent doing so, continue to be different. In this sense, many women have less time than men to spend on other activities, such as sport and hobbies (see annex XIII.6).



236. According to surveys the majority of the population (49 per cent) believes that sporting activities are equally widespread among women and men. However and despite the fact that an ever greater proportion of the population practises sport, men do so more than women, and the difference between women and men has decreased only slightly in the last 30 years (see annex XIII.7).

237. In 2012, the governing bodies of sporting federations comprised 9,483 persons, of whom 13.7 per cent were women. A total of 4,257 persons, of whom 33.5 per cent were women, was considered to be at the level of competitive sports. A total of 3,498,848 persons, of whom 20.6 per cent were women, possessed a sporting licence.

238. There is a notable difference in extracurricular activities considered to be most suitable for children in terms of gender (see annex XIII.8).

239. According to the data of the 2010-2011 survey on cultural habits and practices in Spain, participation in cultural activities among the population remains stable despite the economic crisis. However, significant differences exist in cultural habits and practices according to gender (see annex XIII.9).

240. With regard to the audiences for mass media according to gender, women and men are drawing progressively closer regarding trends, such as the reading of newspapers, but otherwise, the use of mass media continues to be different (see annex XIII.10).

241. Despite the fact that the percentage of women owners of first registrations of intellectual property rights as author has increased from year to year, in 2011, that percentage was still below 31 per cent, falling to 12.2 per cent in the case of technical works and to 16.2 per cent for musical works (see annex XIII.11).

242. The use of computers and the Internet has increased but the percentage of women who habitually use new technologies continues to be lower than that of men (see annex XIII.12).

## **II. Judicial instruments**

243. Law 14/2011 of 1 June on science, technology and innovation includes among its general objectives promoting the inclusion of a gender perspective as a mainstreaming category, as well as a balanced presence of women and men in all areas of Spanish science, technology and innovation (see annex XIII.13).

## **III. Policies and programmes**

244. The Spanish strategy of science and technology, and the State plan for scientific and technical research, promote a gender perspective in the sphere of scientific and technical research, as well as gender and women's studies.

245. It foresees the development of specific Government programmes for full integration of women into the information society, in particular those belonging to excluded groups.

246. In this respect, in December 2009, the first Action Plan for Equality of Women and Men in the Information Society (2009-2011) was approved. A new plan on this subject is being prepared; it will have national scope and will include measures for development cooperation (see annex XIII.14).

247. Since 2005, International Women's Day has been celebrated with a cultural festival, "Women Create",<sup>24</sup> in which new works of music, literature, cinema,

<sup>24</sup> "Ellas crean".

painting and photography are presented. The most recent festival was held in April 2013.

248. The Institute of Women collaborates annually with the High Council of Sports in organizing and awarding Institute of Women prizes to the best sportswomen of school and university age, as well as to the three Autonomous Communities and universities that have done the best in promoting women's sports in the school-age group.

249. In 2011, participation in the "Fifth Latin American Seminar Women and Sport" and in the "Third General Assembly of the Latin American Network Women and Sport" took place.

250. Furthermore, in collaboration with the Spanish Olympic Committee, annual forums were organized within the Women and Sports Commission in 2010, 2011 and 2012. The exhibition on women's achievements in sport ("Siempre Adelante. Mujeres Deportistas") has also been carried out. Its content has been updated to include the successes of Spanish sportswomen in the 2012 London Olympic Games, as well as in the Paralympics.

251. In the Autonomous Communities, actions have been carried out to promote equality in sport, jointly with federations, associations and other sporting entities of those communities. One example was holding the Race of Women<sup>25</sup> in Madrid.

#### **Article 14. Rural women**

252. In paragraph 28 of its concluding observations, the Committee requested that Spain carry out a comprehensive assessment of the situation of women in rural areas. Some of the greatest progress since the previous report has been made in this area. The following paragraphs aim to provide detailed responses to the Committee's concerns.

253. The extensive regulation drawn up with regard to this matter by the Autonomous Communities needs to be highlighted (see annex XIV.1).

#### **I. Judicial instruments**

254. One of the main judicial novelties during the period covered by the report concerns ownership of agricultural enterprises. In article 30, the LOIE foresees the judicial arrangement of shared ownership as a measure aimed at achieving effective equality between women and men in the agricultural sector, and at achieving full recognition of the work of women in rural areas. To this end, the Royal Decree 297/2009 of 6 March on shared ownership of agricultural enterprises has been approved.

255. Law 35/2011 of 4 October on shared ownership of agricultural enterprises states that "in the sphere of family enterprise in rural areas, many women share agricultural tasks with men, carrying out a large part of such tasks and contributing both property and labour. However, in the majority of cases, only the man appears as owner of the agricultural enterprise. This hinders the proper valuation of women's participation in the rights and obligations derived from the management of such an enterprise, under conditions of equality. In Spain, more than 70 per cent of the owners of agricultural exploitation are men."

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<sup>25</sup> Carrera de la Mujer.

256. Law 2/2011 of 4 March on a sustainable economy establishes that State corporations and public companies assigned to national administration shall adapt their management to the principles listed in the law, including, among others, to promote the adoption of corporate social responsibility principles and practices by their suppliers, in particular with regard to the promotion and integration of women and the effective equality between women and men.

257. A number of Autonomous Communities have also legislated in favour of rural women. Thus, for the purpose of implementing Law 35/2011 of 4 October on shared ownership of agricultural enterprises, registers of shared ownership have been established at the Autonomous Community level.

## **II. Policies and programmes**

258. The Ministry of Agriculture, Food and Environment has carried out a series of activities to implement Law 35/2011 of 4 October on shared ownership of agricultural enterprises.

259. These activities include establishing the Register of Shared Ownership of agricultural enterprises (RETICOM) (Order AAA/1408/2012); drawing up a dissemination plan to raise awareness of shared ownership; and collaboration and coordination actions carried out with the competent bodies of the Autonomous Communities and other ministries involved, with rural women's organizations that are most representative at the national level, as well as with rural development networks.

260. Development of RETICOM has been completed and it is ready for the Autonomous Communities to start populating it with data, as foreseen under Law 35/2011. The number of enterprises entered into RETICOM by the Autonomous Communities as at 22 March 2013 can be found in annex XIV.2.

261. Within this framework, on 22 September 2011, the travelling exhibition "Women and Rural Society: Between Inertia and Break-Up" was extended and updated, with the inclusion of information and photographic material.

262. Likewise, with the aim of encouraging businesses, organizations and public or private institutions, in particular small- and medium-sized enterprises and sole proprietorships, to include or develop social responsibility policies, the Government will continue implementing a policy for the promotion of social responsibility at all levels, in accordance with the recommendations of the State Council on Corporate Social Responsibility.

263. The 2011-2014 strategic plan for gender equality in rural sustainable development and the 2010-2014 programme on sustainable rural development have also been approved.

264. Since 2011, the Institute of Women has concluded biannual collaboration agreements with town halls for implementation of the European Space Agency's Aurora programme, the aim of which is to improve the quality of life of women in rural areas, given that the lack of infrastructure and services hinders their social and labour participation. During 2011-2012, 24 agreements were concluded and the number of participating women increased to 798.

265. The training programme in digital literacy and empowerment of rural women, with a gender perspective, has been approved. Priority is given to women aged 45 to 65.

266. Within the framework of the policy of the European Agricultural Fund for Rural Development (EAFRD) and of the European Social Fund, the Ministry of

Agriculture, Food and Environment gives priority to those activities carried out by women or where women are the beneficiaries (see annex XIV.3).

267. Experience gained in the current period of programmes has been captured in a report entitled “*Incorporation of a gender perspective in rural development programmes (2007-2011)*” (see annex XIV.4 for the conclusions of this report).

268. Beyond the sphere of European funds, in 2012, the budget allocated through competitive bids to projects carried out by rural women’s associations amounted to €644,850 for projects aimed at technological innovation in rural areas and at promoting rural women. Applications for the next round are being accepted (see annex XIV.5).

269. Lastly, the Gender Strategy of Spain’s Development Cooperation is working in this field with projects on the economic rights of women as a specific situation of greater discrimination in rural areas among many partner countries (see annex XIV.6).

### Articles 15 and 16. Equality in civil law

270. In general, it can be said that currently Spanish civil legislation with regard to the judicial situation of women – rights and obligations in the area of property relations – in civil society and particularly within the family, is constituted essentially by the Civil Code, a body of legislation that has frequently been reformed through special laws on partial amendments (such as adoption; preliminary rules on international private law; nationality; causes of separation; nullity and divorce; wills; incapacity; and domestic violence) and by the law regulating public disclosure of the marital status of individuals. In the area of Spanish development cooperation, the civil and political rights of women are promoted through numerous initiatives and projects.<sup>26</sup>

271. At the same time, important projects in favour of affirmative discrimination have been promoted around the world.<sup>27</sup>

272. Specifically, the regulation on public disclosure of marital status today has been integrated into Law 20/2011 of 21 July concerning the Civil Register. It represents an advance in two aspects that affect the equality of the sexes in this area, which concern the protection and public disclosure of the marital status of individuals, these being the entry of parentage and establishing the order of surnames in the person’s registration of birth.

273. Furthermore, with regard to the Committee’s observations of 7 August 2009 (CEDAW/C/ESP/CO/6), in paragraph 30, in which it requested that, among other actions, the necessary measures be adopted to guarantee and safeguard the economic rights of all Roma women regardless of whether or not their marriages are registered, reference needs to be made to the verdict of the European Court of Human Rights, of 8 December 2009, in the case of *Muñoz Díaz v. Spain* (ECHR\2009\140)<sup>28</sup> (see annexes XV and XVI.1).

<sup>26</sup> *Translator’s note:* In the original Spanish text, this sentence is incomplete and contains fragments of two or more sentences. Para. 273 consists of another incomplete sentence which appears to be related to one of the fragments in para. 272. The above therefore constitutes an assumption, based on the available wording, as to the intended meaning of the two sentences in question.

<sup>27</sup> See footnote 26.

<sup>28</sup> To be found in the ECHR’s Hudoc database under application No. 49151/07.

## Additional section on exclusion

### I. Current situation

274. The poverty or exclusion risk rate has progressively been drawing even between the sexes. This evolution has been significant because in 2008 the difference between the sexes was 2.6 points, while in 2011 it can effectively be considered even, with a difference of less than one percentage point. This drawing even has not been the result of an improvement in the status of women, but due to a worsening of that of men, who have been most affected by the destruction of jobs during the period (see specific annex on exclusion 1).

275. In all age groups, the relative poverty rate is higher for women than for men, especially among older women, although the difference has been decreasing in recent years, with the exception of 2012, according to provisional data published by the INE (18 per cent for women, and 15.4 per cent for men).

276. With regard to the distribution by gender of minimum income schemes, it should be noted that while in previous years women amounted to 70 per cent of those in such schemes, this situation has been changing in recent years, with a trend towards both genders drawing level as recipients of these benefits (see specific annex on exclusion 2).

277. With regard to homeless people, men continue to comprise four-fifths of this group (see specific annex on exclusion 3).

278. Women with disabilities comprise 59.8 per cent of all persons with disabilities. Disability rates, by age, are slightly higher for men up to the age of 44. The situation reverses after the age of 45, with the difference growing with increasing age. The largest group is that of women above the age of 80: 723,900 persons.

279. The percentage of women with disabilities in an occupation in 2011 was almost 10 percentage points lower than that of men. The unemployment rate among women with disabilities in 2011 was 27.6 per cent, more than one percentage point higher than that for men, and almost 3 percentage points higher than the unemployment rate for women of 2010.

280. With regard to measures to promote employment, the total number of women with disabilities in occupation who have benefited from reductions or bonuses derived from measures to promote employment was 17,700, or 29.7 per cent of the total number of recipients.

281. Of women with disabilities, 78.24 per cent have no education or only primary schooling. The percentage of illiteracy is 13.06 per cent for women with disabilities, compared with 7.25 per cent for men.

282. With regard to dependent women, as at 1 December 2012, in the distribution by gender of persons receiving benefits, 66 per cent were women and 34 per cent, men (see specific annex on exclusion 4).

283. Of the 5,363,688 foreigners with a registration certificate or valid residency permit as at 30 September 2012, 47.65 per cent were women. The workforce participation rate is higher among the foreign population (75.1 per cent) than among the Spanish population (57.62 per cent), both for women (68.72 per cent) and for men (82.06 per cent), according to data of the INE 2012 labour force survey.

## II. Legal and regulatory developments

284. Law 39/2006 of 14 December on promotion of personal autonomy and care for dependent persons, which created a right of citizenship for persons who cannot care for themselves, has been modified by Royal Legislative Decree 8/2010 of 20 May, which adopts extraordinary measures for reduction of the public deficit, and by Royal Legislative Decree 20/2012 of 13 July on measures to guarantee budget stability and for the promotion of competitiveness.

285. With regard to legislation concerning persons with disabilities, the signing and ratification by Spain of the Convention on the Rights of Persons with Disabilities, which entered into force in May 2008, and article 6, which is dedicated to women with disabilities, should be noted. Within the area of Spanish international development cooperation, the situation of women and girls with disabilities is addressed as one of the worst forms of discrimination with regard to which specific measures need to be taken for their empowerment and raising their profile in partner countries. Spain has been co-facilitator, together with the Philippines, of the final document of the High-Level Meeting on Disability and Development, which will take place in New York on 23 September 2013.

286. With regard to the right to asylum and subsidiary protection, Law 12/2009 of 30 October, regulating the right to asylum and subsidiary protection, has replaced Law 5/1984 of 26 March. The new law incorporates special references to the gender dimension with regard to the motives that, in the event of persecution, could lead to the status of refugee being granted and provides considerable detail concerning reasons that determine the end or exclusion of the entitlement to the right to asylum, with a view to avoiding discrimination on the grounds of gender.

## III. Policies and programmes

287. The actions of Spain with regard to social inclusion form part of the successive approval of the national plans of action for social inclusion (2006-2008, 2010-2013 and 2013-2016). Likewise, actions and programmes have been carried out aimed at: women who experience situations of multiple discrimination for belonging to specific groups of greater vulnerability, such as older persons (drawing up of the “*White Book of Active Ageing*”);<sup>29</sup> the population with disabilities (Third Plan for Persons with Disability, 2009-2012); immigrant women (the programme for physical, psychological and social care for immigrant women); Roma (the 2012-2020 National Strategy for the Social Inclusion of Roma); and women prison inmates (programme of action for equality between women and men in prisons) (see specific annex on exclusion 5).

288. Modules on gender and disability have been introduced in all training for personnel of the national administration and of State security services, such that the action plan, as well as measures that derive from it, take into account the different situations, needs and expectations of women and men.

289. With regard to older women, diverse actions have been carried out, which include programmes on intergenerational relations, preventive health and attention programmes, as well as an increase in social resources to avoid problems derived from situations in which people live alone (see specific annexes on exclusion 6 and 7).

290. In this area, an increase in the participation of older women in leisure programmes can be observed. An average of 67 per cent of older women

<sup>29</sup> “Libro Blanco del Envejecimiento Activo”.

participated in the IMSERSO holiday programme between 2008 and 2012, and 60 per cent in its social hydrotherapy programme.

291. The agreement of 10 July of 2012 of the Territorial Council of Social Services and of the System of Autonomy and Dependency Care, concerning improvement of the system, has approved revisions of the economic benefits for care in the family and support for non-professional carers, with the aim of restoring the exceptional nature of their recognition (as foreseen under Law 39/2002 of 14 December) and supporting the training of family carers.

292. With regard to actions concerning women with disabilities, programmes on awareness-raising and on gender training have been carried out for staff of the General Directorate of Disability Support Policies. As a general framework, the “Spanish Strategy on Disability 2012-2020” and its action plan should be noted; both are currently in the process of being developed (see specific annex on exclusion 8).

293. With regard to immigrant women, the Social and Labour Insertion Programme (SARA) should be noted, the aim of which is to improve the quality of life of immigrant women through better preparation for social and labour integration, as well as the programme for physical, psychological and social care for immigrant women. Within the framework of the latter programme, 16 courses have been held to date with the aim of highlighting factors that affect the health of immigrant women (see specific annex on exclusion 9).

294. In the same area, the funding round for financing programmes that promote the social and labour integration of immigrant persons needs to be taken into account. These programmes, co-financed by EFI, include introductory integral reception programmes, the aim of which is to provide immigrant persons with basic knowledge of the language, history, and manner of living together of the receiving society. Regarding the latter point, particular emphasis is placed on equal treatment of women and men.

295. Numerous actions have been carried out to improve the situation of Roma women, addressing their needs for housing, health care, education and employment. To this end, integrated social intervention projects for their integration have been financed, as well as awareness-raising actions, studies and other actions aimed at their greater social participation.

296. The national strategy for the inclusion of Roma population in Spain expressly includes gender focus mainstreaming in the design, development and evaluation of policies and programmes in the areas of education and training, employment, health care, and efforts to counter social exclusion. In this area, the vital role of the Institute of Women needs to be highlighted, as well as that of the organizations of the Roma associative movement, such as the Roma Secretariat Foundation.

297. Beyond the National Roma Integration Strategy in Spain, a variety of programmes and actions have been carried out (see specific annex on exclusion 10), among which the following should be noted: the Spanish operative programme “Fighting Discrimination” of the European Social Fund, which includes among beneficiaries the Roma Secretariat Foundation, the Institute of Women and the Red Cross; and the holding of the World Congress of Roma Women in Granada (October 2011) under the auspices of the Council of Europe and organized by the Institute of Roma Culture.

298. The Institute of Women has also carried out a variety of actions concerning women inmates, particularly with regard to health, knowledge of their rights and

obligations, and prevention of violence. Among others, the collaboration since 2009 with the General Secretariat of Penitentiary Institutions on the implementation of the “Programme of action for equality between women and men in prisons” should be highlighted (see specific annex on exclusion 11).

299. The Autonomous Communities have also addressed the situation of women who face significant difficulties and are at risk of exclusion (see specific annex on exclusion 11).

### **Additional section on violence against women**

300. The Committee, in paragraph 20 of its concluding observation, encouraged Spain to continue to intensify its efforts to address the issue of violence against women. Paragraph 22 of the concluding observations made reference to measures related to trafficking of human beings. It is noted that Spain submitted a series of responses in 2011, which were analysed by the Committee during its fifty-first period of sessions. However, to respond to both concerns, this additional section details progress made since Spain’s last report.

#### **I. Current situation**

301. In the past 20 years, Spain has been firmly committed to the cause of eliminating violence suffered by women in all its forms: violence within a relationship; trafficking; exploitation; abuse; sexual assault; female genital mutilation; honour crimes and forced marriages, among others.

302. The Government Delegate on Violence against Women develops and distributes data on the scale and on assessment aspects of the measures implemented through its statistical portal.<sup>30</sup>

303. Data on “orphan minors resulting from gender violence” has been incorporated into the statistical sheet on women victims who have died as a result of gender violence, and a new statistical sheet has been created on minors who have died as a result of gender violence. This information is updated each time a death occurs.

304. As stated in the 2013-2016 National Strategy for the Elimination of Violence Committed against Women, the year 2012 has had the fewest deaths (52). Between 2007 and 2011, the highest number of deaths occurred in 2008 (76) and the lowest in 2009 (56). In the remaining years, the number varied between 61 cases in 2011 and 73 in 2010. In 2007, there were 71 cases.

305. According to macrosurveys on gender violence (1999, 2002, 2006 and 2011), there has been an increase in the number of women who overcame gender violence. According to the 2011 macrosurvey, 72.2 per cent of the total of women surveyed had managed to leave a situation of abuse.

306. With regard to gender violence reports to authorities, a total of 800,542 cases were filed between January 2007 and 31 December 2012. The percentage of women victims who have died as a result of gender violence who do not report their situation is very high and is almost constant at 81 per cent.

307. Since its inception in September 2007, and until 31 May 2013, the 016 telephone hotline for information and legal advice on gender violence has dealt with 374,909 calls (an average of 205 every day). Furthermore, until 31 December

<sup>30</sup> <http://www.msc.es/ssi/violenciaGenero/portalEstadistico/boletinmensual/home.htm>.



2012, the Telephone Service for Support and Protection (ATENPRO) for victims of gender violence had been used by 44,776 women.

308. With regard to economic assistance, 1,563 women victims of gender violence received assistance as foreseen under article 27 of Organic Law 1/2004 until 31 December 2012.

309. With regard to subsidized contracts and replacement contracts<sup>31</sup> for women victims of gender violence, as at 31 December 2012, a total of 3,687 women had benefited from subsidized contracts. The number of replacement contracts concluded was 1,015.

310. Lastly, it is noted that as at 31 December 2012, 30,716 women victims of gender violence were benefiting from the Minimum Income<sup>32</sup> programme which assists victims of gender violence with changing place of residence. Between January 2005 and 31 December 2012, 12,628 women received financial assistance for the purpose of changing place of residence.

311. The website for support and prevention resources in cases of gender violence (WRAP) includes information on all kinds of resources on prevention, protection and assistance for victims throughout the national territory, and independently of the entity governing it (national administration, Autonomous Communities, local entities, private institutions and NGOs). At present it contains information on more than 5,100 resources.

## II. Judicial instruments

312. Organic Law 1/2004 of 28 December on integral protection measures against gender violence (LOVG) creates a judicial framework to bring together in a global form measures and procedures to eliminate this phenomenon.

313. Legislative modifications of considerable import and in various areas have taken place during the period under review: the ratification of international instruments, instruments concerning foreigners, and criminal, procedural and labour instruments. In the international sphere, the Instrument of Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed in Lanzarote, on 25 October 2007, should be noted. Nationally, the introduction of improvements in procedural safeguards for employment rights of women workers who are victims of gender-based violence (Law 36/2011 of 10 October) should also be noted, as well as the inclusion of victims of gender violence as a group of particular vulnerability (Royal Legislative Decree 27/2012 of 15 November on urgent measures to provide increased protection for mortgage debtors) (see specific annex on violence against women 1).

314. At the level of the Autonomous Communities, specific laws have continued to be drawn up on prevention and integrated protection of women from gender violence (see specific annex on violence against women 2).

## III. Policies and programmes

315. The State Observatory on Violence against Women is one of the bodies tasked with inter-institutional coordination regarding gender violence. It was created by the Integral Law. One of its principal functions is to submit to the Government and to the Autonomous Communities, on an annual basis, a report on the evolution of violence against women, highlighting needs for the legal

<sup>31</sup> “Contratos bonificados” and “contratos de sustitución”, respectively.

<sup>32</sup> Renta Activa de Inserción (RAI).

reform, if any, and evaluating the effectiveness of measures agreed concerning this subject. To date, four reports have been submitted during 2007-2011. The fifth report has been approved at the Observatory's plenary session on 5 July 2013, and will be published in coming months.

316. The National Strategy for the Eradication of Violence against Women (2014-2016) was approved in July 2013. It is a central instrument for actions of the authorities in ending this form of violence. It brings together in a single document, in a coherent, coordinated and systematic manner, 284 actions involving all levels of government and all the authorities, at an estimated cost of €1,555,611.63. Its objectives include: ending silence; improving institutional response; care of minors and of women particularly at risk of gender violence; and highlighting and addressing other forms of violence against women.

317. Autonomous Communities have their own Gender Violence Observatory, such as Andalusia, Aragon, La Rioja and the Basque Country.

318. Since the approval of the law on comprehensive protection measures against gender-based violence until June 2013, development measures have been adopted at more than 165 meetings of the Council of Ministers. From 2009 to 2013, the national administration has spent €1,349,603,204.93 on the fight against gender violence, with some variations, but always more than €325 million a year.

319. Sharp budget cuts that have been necessary owing to the serious economic crisis experienced by Spain have not affected services for the protection, care and rehabilitation of victims.

320. During the period covered by this report, numerous plans and programmes concerning training, prevention and care in the area of violence against women have been approved. They include the Protocol on Specialized Assistance for Minors exposed to Gender Violence and the Plan for Assistance and Prevention of Gender-Based Violence in the Foreign Immigrant Population (2009-2012) (see specific annex on violence against women 3).

321. With regard to immigrant women, it should also be noted that within the framework of the funding rounds of the Directorate General of Migration, in 2012, a total of €1,600,867.94 was destined to financing programmes aimed specifically at assistance with and prevention of gender violence.

322. Training professionals is vital. Such training is continually provided, in cooperation with the bodies with competencies in each of relevant areas and which deal with gender violence, such as education, health-care professionals, judicial personnel, social services and the police.

323. Of note is the training of personnel who staff the 016 telephone hotline on information and legal advice with regard to gender violence, as well as of the Telephone Hotline for Children and Adolescents at Risk, of the ANAR Foundation (with which an agreement has been signed for specialized assistance in handling calls made by minors). The staff of the control centre of the telematic tracking system to monitor restraining orders in the field of gender-based violence has also received training.

324. In 2009, the Action Protocol for the Monitoring through Telematic Means of Restraining Orders in the Field of Gender-Based Violence was approved. It foresees an agreement by judicial bodies on the appropriate use of technological solutions to control compliance with precautionary restraining orders.

325. In 2011, 13,966 professionals in the national health system received training, participating in 573 training activities. The increase in training in the emergency services is of note. This training is based on common quality criteria approved for the entire national health system in 2008.

326. With regard to the justice system and in relation to the activity of specialized courts for violence against women and of the court prosecutor assigned to cases involving violence against women, the training on equality and gender violence should be noted. This training has been carried out for judges, magistrates, prosecutors, clerks of the court, the security forces and forensic medical personnel. Also of note is the development of judicial measures for the protection and security of victims to be adopted in civil and criminal proceedings.

327. The security services have a structure of specialized services concerning violence against women. The National Police has a Family and Children's Service<sup>33</sup> which includes Care for Women<sup>34</sup> and Groups for Minors,<sup>35</sup> as well as Units for Prevention, Assistance and Protection (UPAP) against abuse of women. All have received specialized training concerning violence against women (see specific annex on violence against women 4).

328. A protocol exists concerning the action of security services and coordination with judicial bodies for protection of victims of domestic and gender violence. According to this protocol, UPAPs are the operative units tasked with follow-up and control of the agreed judicial measures.

329. The Ministry of Education has developed a social action plan that includes measures to eliminate gender violence, a protocol on how to act in the face of sexual harassment and harassment on the grounds of sex, and has designed various measures to avoid use of sexist language in public administration.

330. The teacher training plan foresees specific activities on equality between men and women and specifically on early prevention of gender violence. Furthermore, a brochure has been published on the Third Master Plan for Coexistence and Improvement of Safety in Schools (academic year 2012-2013).

331. The Autonomous Communities have implemented training and awareness-raising measures aimed at the education community, as well as measures concerning the revision of education material. Important progress has been made in the formation of School Councils and in approving Plans for Coexistence in schools. The majority of Autonomous Communities have a Regional Observatory for School Coexistence.

332. Online training modules are carried out in collaboration with the Spanish Federation of Municipalities and Provinces, aimed at professionals at the local level.

333. Since 2009, the Institute of Women has been developing collaboration agreements with different local entities to carry out the Programme for Information, Training and Prevention of Sexual Violence against Young People and Adolescents, in which 4,507 young people and 1,242 professionals have participated.

334. Access to information is facilitated through publication of leaflets and specific guides at the State level, including "*Guide on the rights of women victims of gender-based violence*", "*Labour and social security rights and*

<sup>33</sup> Servicio de Atención a la Familia (SAF).

<sup>34</sup> Servicios de Atención a la Mujer (SAM).

<sup>35</sup> Grupos de Menores (GRUME).

*assistance policy to promote the employment of victims of gender-based violence” and “The rights of foreign women victims of gender violence”.*

335. Victims are provided assistance through such services as the Telephone Service for Support and Protection (ATENPRO) for victims of gender violence. Furthermore, the Integral Law also guarantees the right to comprehensive social assistance for victims of gender violence. It foresees economic assistance for victims who, on grounds of age, lack of skills or special social circumstances, have difficulty finding work and integrating socially. The priority actions of a general nature have been assistance with and prevention of gender violence among foreign women and assistance for minors who are direct or indirect victims of this violence, in implementation of the Protocol on Specialized Assistance for Minors Exposed to Gender Violence.

336. Actions and measures carried out by Autonomous Communities aimed at providing access to housing and to public residential homes for older persons, consider victims of gender violence as a priority group for access to protected housing,

337. The Government Delegate on Gender Violence and the State Observatory on Violence against Women have carried out studies and research with the aim of discovering the extent and characteristics of gender violence.

338. In 2008, the Inter-Territorial Council of the National Health System (CISNS) approved common epidemiological indicators and the definition of a “case of gender violence” as a category that facilitates the incorporation of gender violence into epidemiological monitoring. That year, the CISNS also approved the Common Quality Criteria of the national health system for the training of professionals.

339. Since 2009, the results and analysis of the above epidemiological and training indicators have been published periodically in the Committee’s annual reports on gender violence.

340. During the period covered by this report, the majority of Autonomous Communities has approved specific plans and programmes in the field of gender violence against women (see specific annex on violence against women 5). Likewise, inter-institutional agreements have been concluded, with the aim of improving institutional coordination. Furthermore, sector coordination protocols have been drawn up for health care, education and social services, security forces and local businesses. The competencies in the Autonomous Communities on the subject of gender violence belong to the equality bodies. However, in Andalusia and the Basque Country, an administrative unit has been set up with competencies similar to those of the Government Delegate on Gender Violence.

341. Collaboration plans have also been drawn up to guarantee orderly planning of actions on prevention, assistance and prosecution of acts of violence against women, which involve governing bodies in health care, justice, security forces and social service assistance.

342. In December 2012, the Inter-Territorial Council approved a new edition of the common protocol for health-care assistance in cases of gender violence as a basic tool for health-care personnel. The aim of the protocol is to provide standard guidelines for action, in support and follow-up, as well as prevention and early detection, in cases of violence directed specifically against women.

343. The Ministry of Foreign Affairs and Cooperation has actively supported efforts that are being developed by United Nations institutions and civil society to combat impunity of homicides committed against women solely on the

grounds of gender (femicide). These efforts have led to the development of the “*Recommended guidelines for an effective investigation of femicide*”, aimed at supporting forensic investigation of such crimes, which were drawn up by civil society and experts from Spain and Latin American countries, and of the “*Model protocol on the investigation of femicide*”, aimed at inspiring public policies against these crimes. The authors of this protocol are UN-Women and the Office of the United Nations High Commissioner for Human Rights. It is due to be published soon.

344. With regard to the Spanish Cooperation, actions to fight violence against women have been numerous and highly relevant. They constitute one of its comparative advantages and of the features of its identity. Of note are: the project “Safe Cities” of UNIFEM; the campaign launched by the United Nations Secretariat; support for the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women (Spain being one of its principal donors); and the conclusion of agreements with organizations to finance programmes in this area (see specific annex on violence against women 6).

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