



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
19 August 2019

Original: English
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the ninth periodic report of Spain*

1. Information and statistics, disaggregated by sex, age, disability, ethnicity, religion and location, on the current situation of women in the State party are required to monitor the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (CEDAW/C/ESP/CO/7-8),¹ please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

Visibility of the Convention

2. Please provide information on the measures taken by the State party to ensure the visibility of the Convention, the Optional Protocol and the Committee's general recommendations and to guarantee that the provisions of the Convention are applied by all branches of the Government and the judiciary as a framework for laws, court decisions and policies on gender equality and women's rights. Please also describe what steps have been taken to enhance awareness among women of their rights under the Convention and of the remedies available to them to claim violations of such rights, and to ensure that information on the Convention, the Optional Protocol and the Committee's general recommendations is provided to all women, including women in rural areas and migrant women. Please report on the measures taken to implement the Committee's views in communication No. 47/2012, *González Carreño v. Spain* (CEDAW/C/58/D/47/2012).

3. Please provide information on the current status of legal education and regular training for government officials, judges, lawyers, magistrates, prosecutors, police

* Adopted by the pre-sessional working group on 26 July 2019.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



officers and other law enforcement officials on the Convention and its application and on the Optional Protocol.

Reservations and declarations

4. Please provide information on steps taken by the State party to withdraw its declaration to the Convention relating to the succession to the Spanish Crown, in order to allow women to succeed to the throne.

National machinery for the advancement of women

5. Please provide information on the proportion of the national budget allocated to the national machinery for the advancement of women and on efforts to ensure that gender mainstreaming is consistently applied in the development and implementation of all laws, regulations and programmes in all ministries and in decentralized government and legislative structures, including through effective monitoring and accountability mechanisms. Please also indicate whether the resources allocated to the Institute for Women and Equal Opportunities have been increased to ensure that a sharp focus on women's rights is maintained and gender mainstreaming is applied in all its activities. Please also indicate whether the Ministry of Equality has been re-established and provided with the human, technical and financial resources necessary to discharge its mandate. Please provide information on any steps taken to clearly define the mandates and responsibilities of the autonomous communities and the central administration in relation to women's rights. Please also supply information about the measures taken to strengthen their coordination, and indicate whether regular monitoring and evaluation of such coordination are being conducted.

Temporary special measures

6. Please provide information on efforts to acquaint all relevant officials and policymakers with the concept of temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and indicate whether any measures have been adopted and implemented with time-bound goals and targets. Please describe how the State party addresses the root causes of the unsatisfactory implementation of the existing temporary special measures and whether it has introduced provisions into its legislation to encourage the use of such measures in both the public and private sectors. Please also supply information about temporary special measures adopted to ensure equality between women and men in all areas in which women, including Roma women, women with disabilities, migrant and asylum-seeking women and lesbian, bisexual and transgender women, as well as intersex persons, continue to be disadvantaged or underrepresented, such as in political and public life, education and employment.

Stereotypes

7. Please provide information on whether a comprehensive strategy with proactive and sustained measures to eliminate discriminatory gender stereotypes has been established, and indicate what steps the State party has taken to review its legislation relating to education. Please indicate whether the State party has adopted targeted programmes in the education system, has revised textbooks and curricula and has conducted awareness-raising campaigns on eliminating discriminatory stereotypes directed at women and men generally. In that regard, please describe what innovative measures targeting the media and the education system have been taken to strengthen understanding of the substantive equality of women and men and to promote positive and non-stereotypical portrayals of women. Please also provide detailed information on the steps taken to publicize and monitor and review the impact of such policies.

Please provide information on measures taken to eliminate stereotypes concerning lesbian, bisexual and transgender women and intersex persons.

8. Please indicate what measures the State party has taken to achieve substantive equality between men and women and to combat traditional stereotypes concerning the roles and responsibilities of women and men in the family and in society. Please provide information on the status of the adoption and effective cross-cutting implementation of the strategic plan on gender equality for the period 2018–2021. Please also describe whether the plan has effective monitoring mechanisms and the human, technical and financial resources required for its successful implementation, in order to for women to be guaranteed full access to and enjoyment of their rights.

Gender-based violence against women

9. In accordance with the provisions of the Convention and the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide updated information on whether the State party's legislation on violence against women has been revised to include all forms of gender-based violence, including violence by caregivers, police violence and violence in public spaces, workplaces and schools. Please also elaborate on the measures taken to prevent and address violence against women and ensure that women who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished. In that context, please provide information on the implementation of the State Pact on Gender-based Violence, adopted in 2017, for the period from 2018 to 2022, and indicate whether sufficient resources are allocated for its implementation and whether monitoring mechanisms are in place to evaluate its impact. Please supply information on programmes implemented by the State party to prevent or eliminate the practice of female genital mutilation.

10. Please indicate whether the State party is providing mandatory training for judges, prosecutors, police officers and other law enforcement officials on the Convention and the Optional Protocol, on the strict application of criminal law provisions on violence against women and on gender-sensitive procedures for interviewing and dealing with women who are victims of violence. Please provide information on the measures taken to encourage women to report incidents of domestic and sexual violence to law enforcement bodies. Please describe the steps taken to assist and protect women who are victims of violence, including by providing sufficient shelters, especially in rural areas, and by enhancing State cooperation with non-governmental organizations that provide shelter and rehabilitation to victims. In that context, please state whether sufficient human, technical and financial resources are allocated to comprehensive care services for women who are victims of gender-based violence to guarantee the efficiency of such services, and indicate whether they are accessible and inclusive. Please provide data on cases of gender-based violence, including domestic violence, disaggregated by type of offence, age, sex, disability, nationality and relationship between the victim and the perpetrator, including the number of victims who died as a result of such violence. Please state how many complaints have been filed, how many have been investigated, how many have resulted in prosecution and conviction and what penalties have been imposed on the perpetrators. Please indicate the measures used to take into account age, gender and disability in designing, developing, implementing and monitoring public programmes and policies on the prevention of gender-based violence. Please also supply information on the measures taken to ensure that Organic Act No. 1/2004 of 28 December 2004 provides for comprehensive protective measures against gender-based violence. Please provide data on violence against women with disabilities,

including on their deaths, and on women and their children who are left with disabilities as a result of such violence.

Trafficking and exploitation of prostitution

11. Please provide updated information on the outcomes of the comprehensive plan to counter trafficking in women and girls for the purposes of sexual exploitation for 2015–2018, and indicate whether the State party will develop a new comprehensive strategy. Please explain the measures taken to ensure that all cases of trafficking in women and girls are investigated, and report on the protection and support provided to victims of trafficking. Please also describe the measures taken to expand victim services centres to all regions and autonomous cities. According to information before the Committee, the State party lacks comprehensive anti-trafficking legislation that addresses all forms of trafficking. In the light of the Committee’s previous concluding observations (para. 23 (a)), please indicate whether the State party has adopted comprehensive anti-trafficking legislation with a gender perspective and an explicit definition of trafficking in persons in accordance with international standards. Please also elaborate on the efforts made by the State party to intensify bilateral, regional and international cooperation to prevent trafficking and prosecute traffickers.

12. Please indicate whether the State party has adopted a comprehensive approach to address the exploitation of prostitution. Please provide information on measures taken and updated statistics on the number of shelters, crisis centres and exit and reintegration programmes, as well as alternative income-generating opportunities available for women who wish to leave prostitution. Please indicate the steps taken to reduce the demand for prostitution. In that regard, please indicate whether a comprehensive definition of pimping has been adopted to ensure the adequate prosecution of those who exploit prostitution. Please indicate what measures have been taken to ensure sufficient and sustainable funding for civil society organizations that provide fundamental services for rehabilitating and reintegrating victims of trafficking throughout the State party.

Participation in political and public life

13. Please describe the steps taken to increase the participation of women in political and public life at all levels. Please also provide information on the measures taken by the State party to build the capacity of women candidates and increase their access to campaign financing so as to enable them to compete effectively with their male counterparts. Please indicate whether the State party has conducted awareness-raising activities for politicians, community leaders, journalists and the general public on the importance of the participation of women in decision-making, as a requirement for the full implementation of the Convention.

Nationality

14. Please provide information on steps taken to guarantee that Spanish women can confer their nationality on their husbands and children. Please also inform the Committee whether women in the State party can change their nationality upon marriage or by voluntary choice and whether the possibility of dual residency exists.

Education

15. Please provide information on steps taken to provide specific training and diversified academic and vocational choices for women and men. Please also describe measures to encourage women and men to choose non-traditional fields of education and career paths. Please elaborate on the steps taken to ensure mandatory, comprehensive and age-appropriate education on sexual and reproductive health and

rights to girls and boys as part of the regular school curriculum, including on responsible sexual behaviour and the prevention of early pregnancy and sexually transmitted infections, taught by appropriately trained personnel. Please also supply information on steps taken to ensure that all students with disabilities, regardless of their personal characteristics, have access to inclusive learning opportunities in the mainstream education system, including access to support services, as required. According to information before the Committee, the level of school attendance among Roma girls is low and the dropout rate disproportionately high. Please provide information on the measures taken by the State party to retain Roma girls in school and increase their enrolment through measures such as scholarships and the free provision of textbooks.

Employment and economic empowerment

16. Please provide information on the measures taken to revise the State party's legislation and policies in order to promote equal opportunities and the equal treatment of women in employment, including career opportunities, and to limit the concentration of women in segregated and precarious work. Please further indicate the progress achieved in restoring the funds for the implementation of Act No. 39/2006 on the promotion of personal autonomy and care for dependants. Please elaborate on the specific and proactive measures taken to eliminate the gender pay gap and create more opportunities for women to gain access to full-time employment, as well as to combat horizontal and vertical occupational segregation. Please also provide information on the measures taken to ensure the effective application of the principle of equal pay for work of equal value, including for women workers with disabilities in special employment centres.

17. Please provide information on steps taken to achieve the equal and full participation of women in decision-making in the economic sphere, in particular on the boards of directors of large companies. In that regard, please indicate whether the State party has adopted temporary special measures to accelerate the equal participation of women from disadvantaged groups in the labour market, including migrant women, Roma women, single mothers, older women and women with disabilities. Please provide information on legislative and other measures taken to promote employment among women with disabilities, including employment opportunities for such women in the regular labour market and in businesses in the production sector.

Health

18. In accordance with article 12 of the Convention and the Committee's general recommendation No. 24 (1999) on women and health, please describe measures taken to implement Royal Legislative Decree No. 7/2018, which restored universal access to health care and the financial resources allocated for its implementation, and describe the impact of access to health care for women. Please also provide updated data on access to health care among groups of women who were excluded from health care under Royal Legislative Decree No. 16/2012, such as migrant women. Please describe the measures taken to repeal article 156 of Organic Act No. 10/1995 to fully abolish the administration of sterilization, medical treatment and research on all women with disabilities, without the full and informed consent of those concerned. Please provide information on the status of the bill on the right to abortion for girls between 16 and 18 years of age. Please further indicate how the State party ensures the provision of adequate health care and treatment to all women living with HIV/AIDS.

19. Please describe the measures in place in the State party to ensure that women have access to sexual and reproductive health services and safe abortion services, and

provide information on the steps taken to eliminate disparities and ensure the accessibility, availability and affordability of emergency contraception for all women and adolescents in the State party. Please comment on reports concerning the ill-treatment of women who seek sexual and reproductive health services, and indicate what measures have been adopted to safeguard access to such services, in particular with respect to safe abortion, in the State party. Please explain the measures adopted to ensure that women and adolescents with disabilities have access to health care, as well as information and communications relating to the provision of health services. Please also provide information on the measures that have been taken to train health personnel, including on sexual and reproductive health and rights, as well as on the health rights and requirements of women with disabilities.

Disadvantaged groups of women

20. Please provide information on the implementation of Act No. 35/2011 on shared ownership of agricultural enterprises. Please describe what measures the State party has taken to ensure equal rights and opportunities for women who face intersecting forms of discrimination, in particular migrant women, Roma women, older women and women with disabilities. Please also indicate whether legislative measures and targeted policies have been adopted to address intersecting forms of discrimination and promote the integration into society of disadvantaged and marginalized groups of women facing such discrimination. Please elaborate on the inclusion of women with disabilities and other disadvantaged groups of women in the adoption and implementation of laws and policies relating to gender equality, employment, health and social security, and on the incorporation of a gender perspective into legislation and policies on disability. Please provide information about the efforts made to abolish laws, policies and practices that prevent women with disabilities from enjoying their rights, and on the measures taken to ensure the full development, advancement and empowerment of women with disabilities through their own representative organizations.

Refugee and asylum-seeking women

21. In the light of the Convention and the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, please provide information on the steps taken by the State party to improve the protection of asylum-seeking women and girls in the autonomous cities of Ceuta and Melilla. In that regard, please provide information on the measures taken to ensure that no violence is used at border controls, ensure effective access to asylum procedures for all claimants, regardless of their country of origin or mode of entry, and establish a fair and efficient asylum procedure, as well as to improve reception conditions to ensure that gender is taken into account in asylum proceedings. Please describe the steps taken to provide adequate treatment for asylum-seeking women and girls with specific needs and integrate a gender perspective into support programmes. Please provide information on whether the State party has established gender-sensitive contingency and preparedness plans for arrivals at land and sea borders that will address mixed migration flows. Please also indicate how the State party ensures protection-sensitive entry systems that also integrate a gender and age perspective. Please provide information on efforts made by the State party to improve the conditions for women and their families in migrant holding centres, especially with respect to reports of overcrowding. Please also provide the Committee with information on steps taken to strengthen psychological and legal support services and to identify the specific needs of women held in such centres, especially for single women, single mothers and women with disabilities.

Marriage and family relations

22. Please provide information on measures taken to ensure that domestic violence, including sexual violence against girls and boys, is adequately taken into account by courts when determining child custody in such cases.

Additional information

23. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the combined seventh and eighth periodic reports of the State party, in 2015. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.
