



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding observations of the Committee on the Elimination of Discrimination against Women

Spain

1. The Committee considered the sixth periodic report of Spain (CEDAW/C/ESP/6) in Chamber A at its 888th and 889th meetings, on 22 July 2009 (see CEDAW/C/SR.888 and CEDAW/C/SR.889). The Committee's list of issues and questions is contained in CEDAW/C/ESP/Q/6 and the responses of Spain are contained in CEDAW/C/ESP/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which followed the Committee's former guidelines for the preparation of periodic reports and took into account the Committee's previous concluding observations. The Committee regrets, however, that the report was submitted with some delay. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group.

3. The Committee commends the State party for its large and high-level delegation, headed by the Minister of Equality, which included representatives of various Government ministries. The Committee appreciates the frank, open and constructive dialogue that took place between the delegation and members of the Committee.

Positive aspects

4. The Committee commends the significant progress achieved since the consideration of the State party's last periodic report and welcomes the adoption of a number of laws, as well as policies, plans and programmes, to promote gender equality and eliminate discrimination against women. Specific reference is made to Organic Law 3/2007 on effective equality for men and women, which includes a



definition of discrimination against women in line with the Convention, Organic Law 1/2004 on integral protection measures against gender violence, and Law 33/2006 on the equality of men and women in the order of succession to titles of nobility, which is based on the Convention. Specific reference is also made to the Strategic Plan for Equality of Opportunities (2008-2011) and the Integral Plan to Combat Human Trafficking for Purposes of Sexual Exploitation (2008-2011).

5. The Committee notes that the Ministry of Equality is preparing a draft law on equality of treatment and non-discrimination, which will cover various forms of discrimination and multiple discrimination.

6. The Committee welcomes the creation of the Ministry of Equality, which initiates and implements Government policies aimed at ensuring equality and eliminating all forms of discrimination and gender-based violence, as well as the new institutional mechanisms established by Organic Law 3/2007, such as the Inter-Ministerial Committee on Equality between Women and Men and the Equality Units within each ministry.

7. The Committee is pleased to note that parity has been achieved in the current Government — with more women ministers than men, two women serving as vice-presidents, and a woman President of the Constitutional Court.

8. The Committee commends the State party for including the principles of gender equality and non-discrimination as priorities in its international assistance policies and development cooperation programmes.

Principal areas of concern and recommendations

9. While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, the Committee calls on the State party to focus on these areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls on the State party to submit the present concluding observations to all relevant ministries and other Government structures at all levels, including in the Autonomous Communities, the Cortes Generales and the judiciary, in order to ensure their effective implementation.

Parliaments

10. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its national, provincial, municipal and autonomous parliaments, in line with their procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the next reporting process of the Government under the Convention.

Declaration to the Convention

11. The Committee notes that Spain maintains a declaration to the Convention regarding the constitutional provisions on succession to the Spanish Crown. While

there appears to be public consensus on removing the preference for males in the rules governing succession to the Crown, the constitutional reform necessary to guarantee equality before the law for women and men in the succession to the Crown has not yet taken place owing to other pending constitutional reform proposals that are more controversial.

12. The Committee encourages the State party to complete the constitutional reform and to consider in that framework the timely withdrawal of its declaration to the Convention.

National machinery for the advancement of women

13. Although noting the existence of various institutional mechanisms and structures, as well as laws, plans, policies and programmes on equality and the advancement of women at the national level, the Committee is concerned that it was provided with limited information on the mechanisms and structures in place at the provincial and municipal levels, and in the Autonomous Communities, as well as with respect to the coordination of the gender equality machinery in order to ensure a coherent approach. The Committee was provided with limited information on the scope and content of the various equality laws and plans adopted by a number of Autonomous Communities. The Committee notes that the Council on Women's Participation, which was created by Organic Law 3/2007 as an advisory body on equality between men and women composed of all public administrations and official women's associations and organizations, is not yet functioning.

14. The Committee recommends that the State party ensure, through the effective coordination of the relevant mechanisms and structures at all levels and in all areas, that uniformity of results in the implementation of the Convention is achieved throughout the State party's territory. The Committee also recommends that the State party provide in its next report a comprehensive picture of all equality laws and plans adopted at all levels, including in the Autonomous Communities, and their coherence or consistency with Organic Law 3/2007. The Committee encourages the State party to finalize the regulations governing the functions, jurisdiction and composition of the Council on Women's Participation in view of the important role played by non-governmental and other civil society organizations in the promotion of women's human rights and gender equality.

Temporary special measures

15. While recognizing that Organic Law 3/2007 includes a definition of affirmative action and a general framework for its application, the Committee is of the view that the limited use of these measures may indicate that the State party's understanding of this concept may not be fully in line with the concept of temporary special measures as outlined in article 4, paragraph 1, of the Convention and in the Committee's general recommendation No. 25.

16. The Committee encourages the State party to familiarize all relevant officials with the concept of temporary special measures described in article 4, paragraph 1, of the Convention and in its general recommendation No. 25. The Committee recommends that the State party give consideration to the further implementation of temporary special measures, including legislative and administrative measures, outreach and support programmes, the allocation of

resources and the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas, in areas where women are underrepresented or disadvantaged and in both the public and private sectors.

Stereotypes

17. The Committee welcomes the steps taken by the State party to eliminate stereotyped media portrayals of women and of women's roles in the family and in society, including the creation of the Advisory Commission on the Image of Women in Advertising and the Media, the activities of the Women's Image Observatory in monitoring and analysing sexist advertisements, and the activities of the Women's Institute, in partnership with the private sector, in developing a code of conduct on the representation of women in advertising. The Committee, however, remains concerned about the persistence of entrenched, traditional stereotypes regarding the roles and responsibilities of women and men, which contribute to women's disadvantaged position in a number of areas, including in the labour market and in decision-making positions. The Committee notes the lack of information provided by the State party on measures to eliminate such stereotypes that are specifically targeted towards the education system, particularly in curricula and textbooks. The Committee also notes the lack of positive media portrayals and images of ethnic and minority women, Roma women, migrant women and women with disabilities.

18. The Committee calls upon the State party to strengthen its efforts to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. This should include, in a coordinated fashion, more awareness-raising campaigns directed at women and men generally, and at media and advertising agencies specifically, as well as targeted programmes in the education system, including human rights education and the dissemination of the Convention, the revision of school textbooks and curricula, and the training of teachers. The Committee also recommends targeted measures for the media and the education system to promote positive images of ethnic and minority women, Roma women, migrant women and women with disabilities. The Committee supports the mechanism of receiving complaints concerning the portrayal of stereotypes and gender-discriminatory practices in the media and encourages the media's self-regulation and code of conduct on advertising. It calls on the State party to periodically review the measures taken in order to assess their impact and effectiveness, to take any necessary follow-up or remedial action, and to report thereon to the Committee in its next report.

Violence against women

19. The Committee welcomes the range of measures taken by the State party to combat and eliminate violence against women and notes, in particular, the adoption of Organic Law 1/2004 on integral protection measures against gender violence, which established the Special Government Office on Violence against Women,¹ the National Observatory on Violence against Women and specialized courts for violence against women. The Committee remains concerned, however, about the prevalence of violence against women; it notes with concern that the number of

¹ The Office was replaced in 2008 by the Government Office on Gender Violence, within the same ministry.

reported murders of women by current and former spouses or partners has not declined significantly and that the severity of violence committed against women has actually increased.

20. The Committee reiterates its concluding observations of 2004 and calls upon the State party to continue to intensify its efforts to address the issue of violence against women. The Committee recommends that the State party analyse all cases of violence against women, particularly those that result in murders of women, to identify any trends and underlying causes behind the increased severity of violence committed against women, and to ensure the adoption of appropriate and effective measures to prevent such violence. The Committee also recommends the expansion of training activities and programmes for parliamentarians, the judiciary, public officials and law enforcement personnel, and health-service providers, so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the expansion of public awareness-raising campaigns on all forms of violence against women and girls.

Trafficking and prostitution

21. The Committee welcomes the State party's ratification of the Council of Europe Convention on Action against Trafficking in Human Beings and notes that it is planning to reform its legislation in accordance with its obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It also acknowledges other measures taken by the State party to combat trafficking in women and children, including the adoption of the Integral Plan to Combat Human Trafficking for Purposes of Sexual Exploitation (2008-2011), which provides for a 30-day period of reflection during which victims have the right to free legal assistance in their own language, accommodation and social assistance. However, the Committee is concerned by the continuing prevalence of trafficking in women and girls, as well as exploitative prostitution, and the lack of comprehensive data and research on all aspects of this phenomenon.

22. The Committee urges the State party to continue to take all appropriate measures to combat all forms of trafficking in women and children and exploitative prostitution in line with article 6 of the Convention. The Committee urges the State party to incorporate a human rights perspective, as well as the principles and recommended practices contained in the related international instruments, in any reform of its national legislation so as to address not only criminal justice measures and the prosecution of traffickers, but also the protection and rehabilitation of victims and the provision of adequate support services. In line with its previous concluding observations of 2004, the Committee calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking and to bring perpetrators to justice. The Committee also calls upon the State party to afford full protection under the Convention relating to the Status of Refugees to trafficked women who seek asylum on grounds of gender-based persecution. The Committee further calls upon the State party to continue to collect and analyse data, disaggregated by age and country of origin, in order to identify trends

and root causes, as well as priority areas for action, and to formulate relevant policies.

Employment and economic empowerment

23. The Committee notes the various measures taken by the State party, in both the public and private sectors, to support the participation of women in the labour market, including through the provision of training and the establishment of incentives, and to facilitate the reconciliation of family and work life. It notes with appreciation that Organic Law 3/2007 provides for the possibility of collective bargaining to establish affirmative action measures with regard to employment and working conditions. It also notes that Organic Law 3/2007 requires companies with more than 250 employees to adopt equality plans. The Committee remains concerned, however, about the persistence of horizontal and vertical segregation in the labour market, the persistence of the gender pay gap, and the continued predominance of women in temporary and part-time work, due to their traditional role as caregivers for children and the elderly. The Committee is also concerned about the low representation of women in managerial and decision-making positions and on boards of directors. The Committee is further concerned about the impact of the world financial and economic crisis, which has already resulted in an increase in unemployment rates more generally, on women's participation in the labour market and on women's economic empowerment.

24. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention and its general recommendation No. 25. The Committee recommends that the State party continue to take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education, training and retraining and effective enforcement mechanisms, and to narrow and close the pay gap. Additionally, the Committee requests the State party to ensure the incorporation of a gender perspective in the development and implementation of any programme or stimulus package implemented as a response to the world financial and economic crisis, and to monitor trends, including through the collection and analysis of data disaggregated by sex, occupational sector, and full or part-time work, on the impact of the measures taken, and the results achieved. The Committee also recommends that the requirements for the adoption of equality plans should be extended to all small and medium-sized companies (with fewer than 250 employees).

Health

25. The Committee is concerned at the high rates of unwanted pregnancies and voluntary interruptions of pregnancy, as well as increasing rates of HIV/AIDS among women.

26. The Committee urges the State party to continue its efforts to lower the rate of unwanted pregnancies, including through improvements in the availability and affordability of sexual and reproductive health services, as well as family planning information and services. It recommends the adoption of measures to increase knowledge of, and access to, affordable contraceptive

methods, and recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy, sexually transmitted diseases and HIV/AIDS. It calls upon the State party to ensure the effective implementation of its strategies against HIV/AIDS and sexually transmitted diseases, and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report. The Committee also encourages the State party to carefully monitor the delivery of health services so that it can respond in a gender-sensitive manner to all health concerns of women and in this regard invites the State party to utilize the Committee's general recommendation No. 24 as a framework for action to ensure that all health policies and programmes integrate a gender perspective.

Rural women

27. The Committee regrets the lack of comprehensive information and statistical data on the situation of rural women in the State party's report. While noting the various legislative and other measures taken, such as the adoption of Law 45/2007 on sustainable rural development, which enables affirmative action measures in favour of women in rural areas, the Committee notes that women continue to be relegated to secondary roles and have little social and economic recognition. The Committee is therefore concerned that women living in rural areas may not benefit fully and equally from the State party's legislative and policy framework for the promotion of gender equality. The Committee further notes the sharp increase of migrant female workers in the agricultural-food industry who are employed as temporary farmhands, but regrets that little information on their situation was made available by the State party.

28. **The Committee calls upon the State party to enhance its collection and analysis of data on women in rural areas in order to more accurately assess their actual situation, including that of migrant women workers, to track trends over time, and to design and implement better-targeted policies and programmes. The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality, including those with regard to health, education, employment and elimination of violence against women, reach the rural areas and are fully implemented at all levels. It also urges the State party to implement gender-sensitive rural development strategies and programmes, ensuring the full participation of rural women in their formulation and implementation. The Committee requests the State party to include in its next report a comprehensive assessment, with data, of the situation of rural women, including migrant female workers employed in rural areas.**

Vulnerable groups of women

29. The Committee regrets the lack of comprehensive official data and statistics on the Roma population. It notes that Roma women continue to be in a vulnerable and marginalized situation and continue to suffer from multiple discrimination, particularly with regard to access to education, employment and health care. The Committee notes with concern that unofficial data indicate the high illiteracy and school dropout rates of Roma girls, as well as low attendance rates in university.

The Committee also notes with concern that unregistered and unrecognized Roma marriages may leave women with limited or no economic rights.

30. In line with its concluding observations of 2004, and notwithstanding historical experiences of persecution within the Roma community and constitutional protections relating to identification, the Committee urges the State party to intensify its efforts to conduct research, and to collect and analyse information, in order to more accurately assess the situation of Roma women. This research will be necessary to develop more targeted and culturally appropriate strategies and programmes aimed at preventing and eliminating discrimination faced by Roma women in all areas within specific timetables. The Committee requests the State party to include in its next report comprehensive information on the situation of Roma women and girls, including data on their education opportunities and achievements, access to employment and health-care services, and participation in public life and decision-making. It also requests information in the next periodic report on implementation of the Plan of Action for the Development of the Roma Population (2009-2012), which includes a gender perspective as one of its main pillars, as well as an evaluation of its impact on Roma women in the eight areas of action. The Committee calls upon the State party to adopt the measures that are necessary so as to guarantee and safeguard the economic rights of all Roma women regardless of whether or not their marriages are registered. The Committee also recommends that the State party increase Roma women's awareness of and access to services and programmes in all sectors.

31. The Committee is concerned about the situation of other vulnerable groups of women, including women of ethnic and minority communities, migrant women and women with disabilities, who may be more vulnerable to poverty and violence and are at risk of multiple forms of discrimination with respect to education, health, employment and social and political participation. The Committee notes the lack of comprehensive data and information on the situation of such women and notes, in particular the lack of information and data provided by the State party on women with disabilities, disaggregated by age and type of disability, in both rural and urban areas.

32. The Committee calls upon the State party to take effective measures to eliminate discrimination against women of ethnic and minority communities, migrant women and women with disabilities, both in society at large and within their communities. It also calls upon the State party to be proactive in its measures, including through the development of targeted programmes and strategies, to increase women's awareness of and access to education, health and social services, training and employment, as well as to familiarize them with their rights to gender equality and non-discrimination. The Committee further calls upon the State party to collect data and conduct regular and comprehensive studies on the situation of such women, and to provide such information in its next report.

Acceptance of amendment to article 20, paragraph 1

33. The Committee notes the State party's decision to accept the amendment to article 20, paragraph 1, of the Convention and urges that this decision be formalized without delay.

Beijing Declaration and Platform for Action

34. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

Millennium Development Goals

35. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

Ratification of treaties

36. **The Committee notes that States' adherence to the nine major international human rights instruments² enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Spain to ratify the treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, which it signed on 27 September 2007.**

Dissemination of concluding observations

37. **The Committee requests the wide dissemination in Spain of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as of the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

² The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Follow-up to concluding observations

38. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 22 and 26.

Date of next report

39. The Committee requests that the State party respond to the concerns expressed in the present concluding observations in its next periodic report in accordance with article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in February 2009, and its eighth periodic report, which is due in February 2013, in a combined report in 2013.
