



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

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## Committee on the Elimination of Discrimination against Women Twenty-first session

### Summary record of the 437th meeting

Held at Headquarters, New York, on Thursday, 17 June 1999, at 3 p.m.

*Chairperson:* Ms. González

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*The meeting was called to order at 3.10 p.m.*

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

*Third and fourth periodic reports of Spain (continued) (CEDAW/C/ESP/3, 4 and CEDAW/C/1999/II/CRP.1/Add. 3; CEDAW/PSWG/1999/II/CRP.1/Add. 2) (continued)*

1. *At the invitation of the Chairperson, Ms. Dancausa (Spain) resumed her place at the Committee table.*

2. **Ms. Gabr**, after commending the progress made by the State party with respect to secondary and higher education for girls, asked what governmental and other measures were being envisaged to tackle the high rate of female illiteracy and said that data on illiteracy rates among rural and immigrant women would be appreciated.

3. **Ms. Ferrer** noted the considerable progress made by Spain in implementing its Third Plan of Action for Equal Opportunities, particularly efforts carried out by the Institute for Women's Issues to enhance the participation of the autonomous communities. The reform of the Penal Code was to be welcomed, particularly with respect to the criminalization of trafficking in women. It remained to be established, however, whether relevant cases had been treated with sufficient gravity by the judiciary.

4. In employment, the persistence of discrimination in the public and private sectors was a cause for serious concern. Not only were women subject to more precarious working conditions, their average salary was only 38 per cent that of men. Although the female employment rate had improved, it was still only 37.2 per cent. Moreover, the report failed to explain why so many women abandoned the job market after age 30. Nor did it provide data on female poverty or on efforts to include women, including immigrant women, in development projects.

5. Progress had been made in a number of areas. Efforts to modify stereotypes in education and the mass media were highly welcome. In health, however, increased drug abuse, tobacco and alcohol consumption among women were of particular concern, as was the gradual increase in HIV/AIDS cases. The report made

no mention of any measures to address or study such phenomena. Nor was it clear whether the increased numbers of complaints of domestic abuse were due to victims' greater readiness to come forward or to a rise in violence against women. In the light of the reports of acts of hostility against the gypsy community, the Committee would also appreciate information on efforts to counter racism and xenophobia.

6. **The Chairperson**, speaking in her personal capacity, strongly endorsed the Third Plan of Action for Equal Opportunities, expressing the hope that its central themes would be further incorporated into cooperation activities with Latin American and other Spanish-speaking countries. The cross-cutting principle in government action to advance women's rights was particularly welcome, as was the incorporation of a social perspective into government policies. Further details of the latter action would be appreciated, as would information on any non-governmental involvement in the process.

7. Given that a change of attitudes could be achieved only if stereotypes were combated at the earliest stages of a child's education, the State party should ensure that the positive initiatives already undertaken in that regard were further strengthened at the elementary level and within the family. Finally, it was a matter for concern that age 13 was currently set as the age of consent of minors in the assessment of cases of child abuse. It was vital that relevant legislation should be brought into line with international norms, including the Convention on the Rights of the Child.

8. **Ms. Goonesekere** congratulated the State party on moving beyond rhetoric and achieving genuine progress in promoting gender equality. Given the close interface between a woman's public and private roles, the de facto realization of such equality required policy interventions over and beyond the provision of equal opportunities. For example, although parental leave was available to both parents, it was a matter of concern that 99.17 per cent of applicants were female. The "feminization of poverty" and the fact that so high a proportion of female divorcees lacked male support were also disquieting.

9. Having been successful in bringing women into the public sphere, the State party faced the further challenge of transforming the family into a supportive unit for women. Given that the recognition of child

care as an essentially female responsibility risked reinforcing gender stereotypes, the State party should explain what measures were being introduced to recognize male accountability and participation in the family. It would also be useful to know whether housework was recognized in property settlements in cases of divorce or inheritance. Women needed to be made aware of legal provisions relating to the family; in that connection, the delegation should also indicate any plans to simplify current legislation. The highly innovative provision for adoption leave was particularly welcome; further details would be appreciated.

10. **Ms. Hazelle** asked why women needed higher qualifications than men for managerial positions. The delegation should also explain why there were still so few female diplomats despite the claim that entry conditions for the diplomatic service were non-discriminatory. The delegation should also explain the difference between the terms "assault" and "abuse" in tables 10.1 and 10.2 of document CEDAW/PSWG/1999/II/CRP.1/Add.2.

11. **Ms. Khan** congratulated the State party on meeting its reporting obligations so conscientiously. Significant progress had been achieved during the reporting period with respect to legislative, institutional and social measures for combating gender-based discrimination and empowering women. It was cause for concern, however, that the economic activity rate for women was so low, even in comparison with developing countries. Given that rural women faced a double burden of discrimination with regard to employment opportunities and remuneration, the delegation should indicate whether labour legislation afforded protection to female workers in the agricultural sector and whether the large numbers of unpaid female family workers in agriculture were covered in national statistics on gross domestic product.

12. She wondered why women were such an insignificant presence in the private sector and what remedial action the Government was taking in that regard. In particular, she wished to know whether the provisions of the Penal Code with regard to discrimination in employment were applicable to the private sector. She regarded Spanish women's stereotypical role in the labour market as a major impediment and noted that, compared to women in other countries, they performed a far larger share of

household chores. Was the OPTIMA programme addressing that issue?

13. She requested information on the percentage of female migrant workers, the kinds of jobs they held and whether they were fully covered by all labour legislation. Were they entitled to participate in the OPTIMA programme? The delegation should explain why foreign women workers were granted 30 per cent less leave than foreign male workers. Lastly, she enquired whether immigrant workers were entitled to file complaints of discrimination in employment under the Penal Code of May 1996 and, if so, how many such cases were on record thus far.

14. **Ms. Kim** Yung-chung enquired about job opportunities for female university graduates, particularly those who majored in traditionally male fields. In that connection, she welcomed the initiatives taken by the Institute for Women's Issues to prepare women for careers in technology and business. She requested additional information on measures to increase women's participation in public life at the decision-making level. She would welcome a more precise definition of "public sector", given the surprising statement that it employed more women than men. Lastly, she enquired about changes in men's attitudes towards women's rights since the State party's earlier reports to the Committee.

15. **Ms. Ouedraogo** praised the State party's progress in promoting women's rights, particularly in the field of education and in development programmes, but wondered why the situation of rural women had been covered less fully than such issues as employment and illiteracy. A further breakdown of gender-disaggregated data into rural and urban categories would have brought out linkages between, for example, education, literacy and contraceptive use. It would have been enlightening to view the Plan of Action, which stressed women's role in the economy, in the broader context of, *inter alia*, health and poverty eradication. She hoped that the State party would provide additional statistics on rural women either during the current session or in its next periodic report. She also wished to know whether rural women were aware of their rights and of the provisions of the Convention. Lastly, referring to the Committee's earlier discussion of the high divorce rates in Spain, she asked whether the State party had reviewed its family benefits policies and whether there were programmes

to educate youth in preparation for marriage and family life.

16. **Ms. Regazzoli** hailed the State party's Third Plan of Action for Equal Opportunities, which her own country used as a model. She was pleased that the change of Government in Spain had not been accompanied by a change of policy with regard to the Plan of Action. She would appreciate information on the number of female government ministers and their responsibilities, and on measures to increase women's role in society and public life. She also wished to know the retirement ages for men and women and any provisions made for their retirement years. She enquired about the Government's reaction to demonstrations by Latin American and African female workers. Lastly, she commended the State party's pioneering discussion of women and the environment in its report.

17. **Ms. Schöpp-Schilling**, noting that women outnumbered men in universities but were under-represented in the private sector, enquired about unemployment statistics for female and male university graduates; the hiring practices of the private sector, including educational requirements; and the percentage of male and female university graduates in training programmes offered by private-sector companies. She also wondered whether internships in the business and financial sector were available to female university students. It was important to identify the root of the problem: were women having difficulty being recruited or retaining jobs, particularly once they had family responsibilities? Perhaps the Plan of Action did not focus sufficiently on the private sector and the opportunities it currently offered. If vocational counselling was mandatory at the secondary school level, it could help women to prepare for university and to establish a career-oriented life plan. It would also be of interest to know whether women's studies formed part of the mandatory university core curriculum and were worth as many credits as other major disciplines.

18. She would appreciate further details on migrant workers, including the kind and level of work they performed, with a breakdown of the types of jobs held by Latin American, African and Asian women, respectively. She wished to know how long work permits were valid, whether there were any obstacles to their renewal and how easy or difficult it was to obtain Spanish nationality. In addition, the delegation should indicate whether Spanish nationality was granted to

children of migrant workers. She asked whether Spanish medical personnel were trained to deal with cases of genital mutilation among African female migrant workers and asylum seekers. She also wondered whether gender discrimination was sufficient grounds for receiving asylum in Spain. Lastly, she would appreciate additional information on women with disabilities, including the percentage of such women, the types of handicaps, and existing programmes and legislation to protect them against discrimination.

19. **Ms. Dancausa** (Spain), replying to questions posed by Ms. Corti, said that all women's programmes, with the exception of those which had been unsuccessful, had been either maintained or expanded by the new Government, and that the budget of the Institute for Women's Issues had been increased by 32 per cent. In addition, there had been an increase in contributions from the European Union and from various government ministries to the programme to combat violence against women. Policies relating to the autonomous communities were decided mainly by the Sectoral Women's Conference and by the governing bodies of the Institute for Women's Affairs, with the participation of members of the autonomous communities, where relevant. In addition, since 1996 her Government had concluded agreements with the 17 autonomous communities and Ceuta and Melilla. The Government's relationship with the autonomous communities was fully satisfactory.

20. With regard to employment, she said that women held only 30 per cent of full-time positions. The Government was implementing policies to stabilize a labour market characterized by an overabundance of temporary and part-time jobs. Its aim was to convert part-time into full-time jobs and to improve social benefits for temporary and part-time work in order to assist youth and women with family responsibilities and, in general, to increase the time available for additional skills training. It was vital to increase women's presence in small and medium-sized enterprises, which accounted for 90 per cent of Spanish companies and afforded many opportunities for self-employment.

21. Turning to the questions posed by Ms. Abaka, she mentioned a special development cooperation programme designed to finance the activities of non-governmental organizations in their own countries and a cooperation and development training programme for

women offered by the University of Madrid. Her Government organized internships for foreign women and, in a new programme, had thus far provided training to women from Viet Nam, Palestine and a number of Latin American countries.

22. Spanish was the official language for all of Spain; however, the languages Catalan, Galician and Basque were also official in the areas where they were spoken. In the autonomous communities, the schools taught in the language of the region rather than in Spanish.

23. Studies showed that in 1993 women had spent 10 times more time than men on childcare and household chores but that by 1996, they had spent only five times more time on such tasks. The most time-consuming chores were those related to housework and care of older persons, since young children benefited from informal child-care arrangements and older ones attended school. The Government was endeavouring to ensure a more equal gender distribution of labour through awareness campaigns, new legislation and improved social services.

24. Domestic service, both full time and part time, was regulated by law and covered by a special social security regime. Most domestic workers were immigrant women whose work was highly valued by the Spanish women who employed them so that they, in turn, could take jobs outside the home.

25. The Government had established a committee for the commemoration of the International Year of Older Persons, 1999, and a recent study had provided gender-disaggregated data on such persons. As in other developed countries, older women tended to be less well educated and hence more vulnerable than older men. Payments under widows' pensions had recently been increased, and there were special non-contributory pensions for disabled women over age 56 who had no other form of coverage. The retirement age was 65 for both men and women; recent legislation permitted a voluntary extension to age 75. Measures had been taken to provide older persons with in-home assistance and to give their caregivers, 83 per cent of whom were women, support, training and free time for personal development. Under the Comprehensive Women's Health Care Plan, 80 per cent of all women aged between 50 and 59 would be examined for menopause-related problems over the next three years. At present, 80 per cent of Spanish women received no medical care during menopause. The Plan would also

ensure that 75 per cent of women aged between 50 and 65 were examined for signs of cervical and uterine cancer.

26. The Government was conducting a study on the use of tobacco and alcohol and would ensure that the Committee received a copy of the results.

27. Although women continued to account for the majority of illiterates, there had been a major reduction in both the total number of illiterate persons and the percentage of women among them between 1990 and 1998. The Government hoped to eliminate the problem entirely through training programmes for adult women and cooperation with non-governmental organizations (NGOs).

28. The Government had only recently become aware of the problem of trafficking in women and had established an inter-ministerial committee to consider the problem. The new Penal Code had criminalized such trafficking, and measures were also being taken within the framework of the European Union. The Government, NGOs and the general population must be made aware of the seriousness of the problem.

29. The increase in reports of domestic violence appeared to reflect not an actual increase in the problem, but rather the success of recent awareness-raising campaigns. Specialized units had been established in police stations in order to deal with women and children who were victims of domestic violence, and similar units would be established to provide assistance to older persons and the disabled. The law established a range of violations of women's sexual freedom, including, in order of gravity, abuse, assault and rape. The penalties varied according to the seriousness of the crime, with the use of force considered an aggravating circumstance. Because sexual harassment had only recently been characterized as a crime, there had been very few court decisions on the subject.

30. While the law mandated equal pay for work of equal value, indirect discrimination posed a problem since the concept of work of equal value was open to interpretation. The Government was participating in a European Union programme on good practices in an effort to determine what measures should be taken to eliminate wage discrimination. "Poverty" was a term whose meaning varied from country to country. The Government had established various programmes to deal with the problem as a whole and planned to take

measures to address the needs of vulnerable groups such as prostitutes, gypsies, immigrants and single parents.

31. A 1981 amendment of the marriage legislation allowed couples to opt for a community or separate property regime at the time of marriage. In cases of divorce, judges usually granted custody of small children to their mothers; older children could choose the parent with whom they wished to live, with the other granted visiting rights. The traditional gender-based division of responsibilities in marriage persisted, and awareness campaigns were needed in order to change men's attitudes. A proposed reform would allow the father to use up to 10 weeks of the 16-week maternity leave benefit and to take that leave at the same time as the mother. In addition, it would extend maternity leave by two weeks per child in the case of multiple births. Further reforms were also planned.

32. She did not know whether statistics supported the reports of increased racism in Spain. A recent study had shown that immigrant women were well accepted by society and, in any case, Spain's immigration levels were low compared with other European countries. Most immigrants were from Latin America and were thus easily integrated into Spanish society. The Government had not developed any programmes to deal specifically with immigrant women but planned to do so in view of their increasing numbers.

33. A development plan for gypsies was being carried out in coordination with the town councils of areas where they were most numerous. There were also excellent NGO-run programmes for gypsy women, who were gradually becoming educated. The Government planned to hold a seminar at which university-educated gypsy women would serve as role models in an effort to combat the resistance to education which such women encountered in their own families.

34. The major women's NGOs were represented on the Governing Council of the Institute for Women's Issues. Their participation was greatest in the areas of education, employment, violence, birth control and political participation. They were less involved in addressing the problems of trafficking in women and prostitution. There were few, if any, gypsy women's NGOs.

35. Cooperation between parents and teachers was of great importance in combating gender stereotypes. In 1998, the Government had organized an anti-violence

campaign. It also held an annual seminar for parents and students on topics ranging from violence to the difficulty of balancing family- and work-related responsibilities. The Advertising Monitoring Unit was useful in combating gender stereotypes; in particular, its annual report was consulted by, and had a positive influence on, the media.

36. While it was true that age 13 was the age of consent for minors in sexual matters, that did not constitute a violation of the Convention on the Rights of the Child since sexual abuse of children between the ages of 13 and 18 was a criminal offence.

37. Until 1968, women had been barred from the diplomatic service, which required extensive study and was difficult to reconcile with women's family responsibilities; in particular, it was more difficult for women than for men to leave their families and travel abroad. While Spain admittedly had the lowest women's employment rate in Europe, the Government was working with other European countries to address that problem. There had been continued improvement, largely owing to the key role played by education.

38. The OPTIMA programme had been launched in 1995 with financing from the European Union and cooperation from the trade unions. Participation was voluntary and had included 30 companies and over 30,000 workers. The programme, which had ended recently, had been extremely successful in helping businesses to identify problems, take appropriate affirmative action measures and increase awareness of women's issues.

39. Thirty-four per cent of all immigrants with residence permits were women. Their numbers varied greatly according to their place of origin, residency status and geographical area. Women accounted for 51 per cent of immigrants from the European Union and 43 per cent of other immigrants. Fifty-two per cent of all immigrant women lived in Madrid; most were employed in domestic service. Immigrants were protected under the law but could not participate on an individual basis in the OPTIMA programme, which required the voluntary involvement of employers. There was no major immigration problem in Spain.

40. An imbalance between men and women in career choices clearly remained a problem in Spain, and much more needed to be done to link formal education to job opportunities through internships. One of the aims of the work orientation seminars referred to on page 71 of

the fourth report was to redirect women towards fields in which there was greater demand. Another interesting experiment in job training was the C-TEST project initiated in 1998 to train women in the latest computer techniques for teleworking. The plan was to create a centre not only to provide training, but also to offer technical, legal and financial advice for women entering this new form of work relationship and to establish contacts with potential employers. The GEA Network project also included distance-training for rural women via computer, thereby enhancing their technological knowledge.

41. All the Government's equal opportunity plans were subject to quantitative and qualitative evaluation at the end of the plan period, including surveys to gather the subjective impressions of both men and women. A publication, "Mujeres en Cifras", appearing every two to three years and summarizing all available data on women, provided a means of evaluating impact.

42. It was true that few statistics were available specifically on rural women. Based on the outcome of a study begun in 1995 with the participation of NGOs and governments of autonomous communities, the Third Plan of Action for Equal Opportunities included for the first time an area for action covering rural women, which was currently being put into effect. While rural women had less access to services than urban women, the network of women's information centres, for example, was nevertheless sufficiently extensive to reach them. Many projects were under way in collaboration with NGOs under the NOW programme and the GEA Network project to provide professional training and support for entrepreneurial initiatives among rural women. Spain would be hosting a European congress on rural women in November 1999 and a world congress on rural women in 2000 or 2001. A statistical document on the situation of rural women in Spain was in preparation and would be furnished to the Committee when ready.

43. On taking office the present Administration had appointed four women to head the Ministries of Education, Justice, the Environment and Agriculture respectively. Two of those women had since gone on to fill elective office as the President of the Senate and a member of the European Parliament and unfortunately had not been replaced by other women.

44. With regard to the mainstreaming of women's studies, she was pleased to report that since 1996 research on women's issues had been incorporated in the Government's general development research programme, signifying a doubling of the budget for women's studies and a wider audience for the results.

45. Unlike some other countries, Spain considered children to be Spanish nationals only if their parents were Spanish, not merely because they were born in the country. In the case of immigrants, if the parents could not confer nationality because they were stateless, they could acquire Spanish nationality. Immigrants could also acquire nationality based on length of residence. Amendments were being considered that would set the qualifying period at 5, 8 or 10 years, according to the circumstances. Three types of work permits were granted to non-European Union immigrants: permit A for up to 9 months; permit B for up to 2 years and permit C for up to 5 years. Spain set a quota each year for the number of immigrants and accepted applications; processing was relatively rapid.

46. **Ms. Corti** said that she was sure she spoke for the Committee in congratulating the delegation of Spain on the great interest evoked by its report and presentation and the thoroughness of its answers to the Committee's questions. What the Government of Spain, and in particular the Institute for Women's Issues, had been able to achieve in the 20 years since the introduction of the new Constitution, especially in changing cultural attitudes and mainstreaming the gender perspective, was truly admirable.

47. Among remaining areas for concern she would like to point to the contradiction between the traditional stereotypes engrained in some men and women and the recent emancipation and developing economic power of women. The most crucial problem was employment, a problem Spain shared with the other European Union countries and indeed much of the world. Spain was also faced by other global phenomena, such as migration, population ageing, and traffic in women.

48. She was delighted to learn that a change of Administration had not meant a change of policy, and that in fact the budget for equal opportunity efforts had been increased. She was particularly pleased by efforts to move women into new job fields and by the introduction in the third plan of an area of action relating to women and the environment.

49. **The Chairperson** said that she wished to thank the delegation for responding in detail to the very specific concerns of each Committee member. The Committee was gratified to have had the opportunity for dialogue with such a high-level delegation. The Institute for Women's Issues and the plans and policies it helped design could serve as a model and inspiration for other countries, especially those in Latin America. The Committee's comments would be reflected in the final report of the session for submission to the General Assembly at its next session.

*The meeting rose at 5.40 p.m.*