



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Eighty-fifth session

Summary record of the 1982nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 16 May 2023, at 3 p.m.

Chair: Ms. Bethel (Vice-Chair)

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In the absence of Ms. Peláez Narváez, Ms. Bethel, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

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

*Ninth periodic report of Spain (continued) (CEDAW/C/ESP/9;
CEDAW/C/ESP/QPR/9)*

1. *At the invitation of the Chair, the delegation of Spain joined the meeting.*

Articles 7–9

2. **A representative of Spain** said that the tragic events that had taken place on the Spanish-Moroccan border near Melilla in mid-2022 had been the subject of a joint communication from special procedures mandate holders of the Human Rights Council to her Government, and that the Government had responded to that communication, describing the events and the activities of Spanish law enforcement agencies in their refusal of entry into Spanish territory.

3. **Ms. Rodríguez** (Spain) said that, after the events on the border at Melilla, the Ministry of Equality had issued a report that called for the adoption of a new law to combat racial discrimination, for example by increasing the training given to law enforcement agencies and civil servants. Such measures would hopefully help avoid a recurrence of situations such as the one in Melilla in 2022, which could only be described as a massacre.

4. A bill on parity had been drafted and had been submitted to the Government. The bill would increase women's participation in economic life, for example by raising the quota for women's participation on boards of directors in the private sector, with a minimum representation of 40 per cent. In political life, the bill would require balanced gender representation on electoral lists. While the creation of quotas was significant, the creation of the right conditions, such as the establishment of joint parenting responsibilities and reconciliation of personal, family and work life, was just as important for achieving the empowerment of women.

5. **Ms. Ameline** said that she agreed that the use of quotas was a means to an end and not an end in itself. The efforts made by the State party to ensure parity were praiseworthy.

6. **Mr. Safarov** said that his main concern centred around representation in appointed posts and in business structures, media companies and high-tech enterprises in the private sector. How many women occupied posts at the highest levels related to science and technology or in the academic world or the military?

Articles 10–14

7. **Ms. Akia** said that the Committee had received reports indicating that few Gitana women and girls completed compulsory education and that they and migrant women and girls generally faced challenges in gaining access to education, which undermined their ability to enjoy their rights and to thrive in society and the workplace. She would like to know whether the Government had carried out research into the problem of access to education for such women and girls. Had it adopted proactive measures to increase their engagement and participation in education at all levels, and specifically in science, technology, engineering and mathematics (STEM) disciplines, and had it instituted age-appropriate sexual and reproductive health education? In the wake of the coronavirus disease (COVID-19) pandemic and the lockdowns imposed to control it, the Committee would like to know what steps the Government had taken to assess the impact of lost schooling among women and girls and to ensure access to safe online education and digital literacy in order to protect women and girls from the adverse effects of technology.

8. **A representative of Spain** said that one of the measures adopted to address the gender gap in STEM subjects was aimed at encouraging partnerships with associations, businesses and administrations so that they would take part in campaigns encouraging female participation in those areas. There had been over 150 applications for projects aimed at

encouraging female participation in STEM subjects. The European Union planned to hold a conference in Madrid in the near future to address that topic.

9. **A representative of Spain** said that the Government had adopted three organic laws in the field of education that had a direct bearing on the situation of vulnerable women and Gitana women. The Organic Act on Education emphasized the importance of inclusive education and the prevention of segregated environments for students with disabilities, students from poor families and Gitano students, and the Organic Act on Vocational Training included the aim of ensuring equal opportunities for the same groups. Ensuring diversity and eliminating pay gaps at universities were among the objectives of the Organic Act on Universities. A significant budget was allocated to the awarding of study grants to support inclusion.

10. **Ms. Rodríguez** (Spain) said that age-appropriate sex education was now compulsory at all stages of education. It was designed to promote shared responsibility and gender equality from the earliest age. Raising students' awareness about consent was an important means for the prevention of sexual violence. Children were educated about the existence of diverse forms of family and sexuality and they learned about sexually transmitted diseases and menstrual health.

11. **Ms. Reddock** said that, despite the fact that women on average had higher educational achievements than men, a significant pay gap persisted in the State party and a higher percentage of women than men who were unemployed did not receive unemployment benefits. The Committee would like to know what mechanisms existed to ensure that all companies with 50 or more employees actually developed gender equality plans and how compliance was monitored. It would like to find out to what extent such plans included measures to prevent sexual harassment and gender-based discrimination at the workplace and whether such incidents were documented and prosecuted. The Committee had received reports that women faced obstacles to gaining employment in police and fire departments in some regions. Noting that family care remained mainly the responsibility of women and often was an obstacle to their employment, she said that she would like to know how the concept of shared responsibility of parents was fostered in workplace policies. What was being done to overcome that corporate stereotype that success depended on sacrificing one's personal life? Did the State party encourage businesses to make available flexible scheduling, support for caregivers and time off for childcare? The Committee would like to know the extent to which proposals for new laws on family life were in line with the provisions of the relevant European Union directive on work-life balance.

12. **A representative of Spain** said that companies with over 50 employees were obliged to draw up and register equality plans. The plans had to be negotiated with workers' representatives and must contain provisions relating to wages, work-family balance and the number of women in decision-making posts, as well as protocols for combating sexual harassment. Nearly 13,000 equality plans had been registered, and the overwhelming majority had been negotiated with workers' representatives. It was estimated that about 40 per cent of companies with over 50 employees had already complied with the requirement. The plans were public and could be consulted by anyone.

13. A strategy had been drawn up to transform the care sector. Some €800 million had been allocated to the professionalization of the sector, which would result in an improvement in service and the alleviation of many of the care responsibilities that currently fell predominantly on women. The Employment Act that had recently been published included provisions to ensure equality in employment policies and specific measures to increase the employability of women. As part of the provisions devoted to the labour market and employment policies in the Economic Recovery Plan, some €200 billion would be invested in the coming years to close the gender wage gap and reduce the use of employment on an involuntary part-time basis.

14. **A representative of Spain** said that entrance examinations for police and fire departments were standardized nationally but were administered locally. There were plans to introduce a quota for women in the Civil Guard's human resources rules, with the aim of increasing the proportion of women from under 10 per cent to 30 per cent by 2033, and a ministerial order had been amended to remove height restrictions and to extend qualifications

for applicants to the national police force so as to encourage applications from women. Affirmative action was under consideration as a measure to increase the number of women in posts of high responsibility.

15. **A representative of Spain** said that the draft law on the family, which was currently before the parliament, included provisions such as the introduction of five days' paid leave for family care, paid leave of four days for unexpected family events and eight weeks of untransferable paid leave to allow for the care of children under the age of 8. Educational measures had also been adopted to bring about social change. A school project with a budget of €600 million was aimed at increasing the number of places in State schools for young children, with the aim of keeping women from being obliged to take on part-time work when they wished to work full-time.

16. **Ms. Rodríguez** (Spain) said that, within 10 years, Spain was expected to have a comprehensive State system for childcare. The authorities at the local and autonomous community levels were already instituting a system to provide public care for children under 8 years of age, thus providing parents more freedom to take part in economic and other activity. Preferential access was reserved for single parents, victims of gender-based violence and women refugees. Families that took part in the plan to share parental responsibilities (Plan Corresponsables) received the necessary training. The draft law on the family included measures to protect single-parent and large families by giving them advantageous access to housing and other services.

17. **Ms. Reddock** said that she wished to know who was responsible for monitoring the implementation of the commendable initiatives the delegation had just described. Although she supported the professionalization of care and the establishment of a structured care system, it was equally important to challenge the distribution of care work on the basis of gender.

18. **A representative of Spain** said that equality plans were developed in consultation with stakeholders such as trade unions and employers. The implementation of the plans was scrutinized and evaluated by a monitoring committee composed of the same stakeholders, and their views were taken into account when drafting future plans.

19. **Ms. Rodríguez** (Spain) said that the plan to share parental responsibilities envisaged direct engagement with men concerning their involvement in care work as well as outreach to trade unions regarding such matters as breastfeeding facilities in the workplace. The plan also addressed the gender implications of care-related flexible working arrangements.

20. **Ms. Ameline** said that she wished to commend the State party for improving women's sexual and reproductive health rights, notably in the domain of medically assisted reproduction. She was concerned, however, by de facto regional inequalities which meant, for example, that abortion services were not equally accessible in all parts of the country. What practical measures did the Government intend to take to address that problem, which was particularly deleterious for the most marginalized groups in society? She would appreciate more detailed information about action being taken to prevent obstetric violence.

21. She wished to know if any evaluation had been conducted following the revocation in 2018 of a provision whereby migrants were denied access to universal health care. Could the delegation assure the Committee that migrant women were now able to exercise their health-care rights effectively? The Committee would be interested to hear about any research into workplace mental health following the coronavirus disease (COVID-19) pandemic. She hoped that the delegation could provide information about measures being taken in schools to combat addiction, including Internet addiction, notably among girls.

22. **A representative of Spain** said that anyone who deliberately obstructed an abortion was liable to a term of imprisonment of between 3 months and 1 year. Recent amendments to Organic Act No. 2/2010 on Sexual and Reproductive Health and the Voluntary Interruption of Pregnancy included guarantees whereby women seeking an abortion could select a nearby health centre and choose whether to undergo a medical or surgical procedure. The amendments also addressed clinical protocols relating to pregnancy and childbirth, and the Ministry of Health had recently been reviewing those protocols with a view to preventing obstetric violence. Spain attached great importance to monitoring its health-care strategies

and was currently updating indicators for the evaluation of best practices between 2019 and 2022. The question of addiction was addressed through population surveys and prevention campaigns run in collaboration with civil society.

23. **Ms. Rodríguez** (Spain) said that precarious employment was incompatible with sound mental health. In fact, according to a recent study, 33 per cent of cases of workplace depression and anxiety were linked to low job security. That had been one of the reasons for recent labour reforms under which the number of permanent employment contracts had been increased. In view of the fact that women were particularly affected by time constraints, the Government was contemplating legislation that would rationalize the use of time and facilitate access to flexible working hours.

24. **Ms. Ameline** said she was pleased that the State party was taking action to address the issue of mental health and the organization of work, which was of particular importance in the wake of the COVID-19 pandemic.

25. **Ms. Eghobamien-Mshelia** said that, although the right to social security was enshrined in the Constitution, social services in Spain reportedly faced myriad challenges, including growing demand, regional disparities and fragmented services that failed to target unemployed and non-professional categories, which were largely made up of women. She wished to know what the State party intended to do to reform access to social services, using intersectional and multicultural approaches tailored to meet the needs of the most vulnerable. The Committee would be interested to hear whether Gitana, migrants and other vulnerable categories were covered by the legal guarantees whereby pregnant foreign women living in Spain had the right to health care during pregnancy, childbirth and the postnatal period.

26. She wondered whether any thought had been given to reinforcing cooperation with migrants' countries of origin, as a way of combating illegal migration. In the light of the fact that hundreds of women risked their lives to escape violence, forced marriages or poverty, the Committee would be interested to hear about steps taken to prevent migrant deaths at sea and about plans to accelerate and facilitate asylum and regularization procedures for persons with a well-founded fear of persecution. She had been pleased to learn that migrant and refugee women were awarded annual grants from the Asylum, Migration and Integration Fund and hoped that the delegation could provide further details, including the size of the Fund and the number of disbursements, particularly those intended to enhance the resilience and self-determination of asylum-seekers and survivors of gender-based violence.

27. She wondered what steps were being taken to provide housing for Gitana and migrant women, also through the "More women, better companies" initiative of the Institute of Women. It would be interesting to know if women were engaged in the country's response to its unprecedented drought. What particular strategic measures in the fight against poverty targeted the economic empowerment of women?

28. She wished to know if the two working groups created in 2017 to monitor the implementation of Act No. 35/2011 on shared ownership of farms had led to an increased involvement of autonomous communities and rural women in policymaking. Was the register of shared ownership of agricultural holdings published and was it used to monitor compliance with the Act? What avenues did women have to seek redress for violations of the Act? The Committee wished to know what resources were available to ensure the effective implementation of plans being developed by the Ministry of Agriculture, Fisheries and Food to support women in the rural environment. In that context, it would be interesting to know how much the Ministry disbursed each year in grants to rural women and what impact those grants had on the productivity of women farmers.

29. **A representative of Spain** said that Gitano people were an inherent part of the culture of Spain and their needs were duly reflected in policymaking. The Government also made every effort to ensure that Gitana women were able to make their voices heard in decision-making processes. A bill on social services, which had already undergone its first reading before the Council of Ministers, was intended to address regional disparities and to ensure that everyone, irrespective of where they lived in Spain, had access to social services on a basis of equality and non-discrimination. The bill included definitions of social exclusion and vulnerability, and made specific provision for Gitana women, women with disabilities and women in situations of economic vulnerability.

30. **A representative of Spain** said that the national health-care system, including access to prescription medicine, was open to all persons in Spain. Female refugees were immediately integrated into the international protection reception system where they received social support and assistance with the language and with bureaucratic procedures. The facilities located in Ceuta and Melilla were not detention centres but temporary immigrant shelters. Such shelters had specific structures in place to support female migrants, who could stay in those facilities for as long as they wished. With respect to regular migration, the State ran circular migration programmes under which migrants – often women from Morocco – could work legally in Spain for a period of up to nine months, learning a skill that they could then use to generate wealth when they returned to their countries of origin.

31. **A representative of Spain** said that the minimum living income had been conceived as a threshold amount to promote the social inclusion of economically vulnerable persons. Act No. 19/2021 on Minimum Subsistence Income included provisions intended to address the particular situations faced by single parents, female migrants and female victims of trafficking, sexual exploitation and gender-based violence. The Ministry of Equality worked with women's organizations to help women in situations of vulnerability apply for the minimum living income.

32. **A representative of Spain** said that there was still considerable room for improvement in the implementation of Act No. 35/2011 on Shared Ownership of Farms. In fact, shared ownership was still very limited and few women held positions of responsibility in the rural environment. An annual budget of €1.5 billion had been set aside with a view to rectifying that state of affairs and, in 2022, grants had been allocated to 789 farms. Annual grants were also made available to associations of rural women in order to promote female employment and integration into decision-making roles; €400,000 had been allocated to seven such associations in 2022.

33. **Ms. Rodríguez** (Spain) said that abortion legislation envisaged an independent authority to ensure that the law was applied equally to all women in all parts of the country and to avoid intersectoral discrimination. If the Beijing Declaration and Platform for Action had recognized that all women should enjoy rights, it was necessary now to acknowledge the fact that not all women were able to enjoy those rights on an equal footing. Notably, migrant women and racialized women faced very great difficulties in that regard. It was in that context that anti-discrimination legislation had been extended and that intersectionality had been the guiding principle behind all laws enacted over the previous four years.

34. **Ms. Eghobamien-Mshelia** said that she wished to know whether the percentage of corporate board members who were women had reached 30 per cent, in line with the target established in the Good Governance Code of Listed Companies, and whether other regulations relating to, for example, the renewal of company licences, were used to encourage companies to meet the target. She wondered whether there was any evidence indicating that the establishment of the target had improved gender-sensitive service delivery, particularly in the financial sector. It would be interesting to learn what percentage of the subsidies awarded to the fisheries sector were allocated to organizations of women seafarers and whether the working group set up to promote women's leadership in the sector was successfully fulfilling its mandate.

35. **Ms. de Silva de Alwis** said that she wished to know whether legislation on women's rights was keeping pace with the progressive recognition of new types of discrimination and new rights to be defended. In particular, she wondered whether the understanding of the right to equality, as enshrined in article 14 of the Constitution, was evolving in accordance with newly emerging categories of discrimination and gender equality.

36. **A representative of Spain** said that women accounted for 33 per cent of the board members of the companies listed on the IBEX 35 stock market index, which meant that the target established in the Good Governance Code of Listed Companies had been surpassed. The Code would shortly be amended to establish a new target of 40 per cent, which would bring it into line with the newly adopted Parity Act.

37. The Government was working with the National Association of Women in Fisheries to promote the empowerment of women in the sector and their access to its representative bodies. The working group responsible for promoting women's leadership in fisheries was

functioning reasonably well. The newly adopted Act on Sustainable Fisheries and Fisheries Research provided for an increase in the reduction coefficients applicable to the pensions of women shellfish gatherers and net makers who opted to take early retirement. Annual subsidies were allocated to promote women's participation in decision-making bodies in the fisheries sector.

38. **Ms. Rodríguez** (Spain) said that the scope of article 14 of the Constitution, which established the framework for anti-discrimination law, was continually being expanded by the adoption of new laws. In particular, the Comprehensive Act on Equal Treatment and Non-Discrimination of 2022 had established new grounds of discrimination, which included HIV/AIDS status, language and socioeconomic status.

39. Article 14 of the Constitution should be read in conjunction with article 9 (2), which set out the State's obligation to promote the conditions in which equality could be enjoyed. In that connection, it was necessary to acknowledge that not all women faced the same forms or levels of discrimination, and that life was generally more difficult for women of ethnic minority backgrounds, women on low incomes and women victims of violence, among others. Equality policies should not only recognize the existence of inequality but also provide for the redistribution of wealth. Efforts to achieve that goal had been stepped up considerably in recent years, particularly since the submission of her country's previous periodic report.

Articles 15 and 16

40. **Ms. González Ferrer** said that she wished to know whether the State party would consider eliminating all exceptions to the minimum age for marriage to ensure that persons classified as children under the Convention on the Rights of the Child were not permitted to marry. She wondered what was being done to prevent forced marriages, which were not always recognized as such because they were considered to be part of the cultural practices of certain communities.

41. The State party might consider taking steps to amend the discriminatory legal provisions on inheritance under which the surviving spouse of a marriage was entitled only to usufruct of a share of the deceased property, which meant that that property could not be passed on to the survivor's heirs but went to the heirs of the first deceased, which had a disproportionately adverse effect on women. It might also consider amending the provisions of the Civil Code that potentially deprived pregnant widows of their right to privacy by requiring them to undergo a procedure to establish the paternity of their child. The State party might also take legislative measures to ensure the inheritance rights of persons living in de facto unions.

42. The Committee wished to know what policies would be implemented to protect women against domestic violence and to ensure that such protection, and access to justice, were afforded to all women on an equal basis, including migrant women, Gitana women and other women who faced intersecting forms of discrimination. The State party might explain what was being done to comply with the recommendations made by the Committee in its decision on communication No. 47/2012, which concerned the State party's failure to protect the author and her daughter against the author's abusive partner. In particular, she wondered how the State party saw to it that women and girls were protected against abuse by proxy (*violencia vicaria*) – violence aimed at harming women through their loved ones, especially their children – and paternal child sex abuse.

43. It would be interesting to hear about any measures being taken to prevent women from losing custody of their children, or being deprived of their liberty, when an abusive partner brought a complaint against them by citing the disputed condition of "parental alienation syndrome". She wondered whether a protocol had been established to ensure that the views of the child were heard in custody cases and that any acts of domestic violence committed by the father were always taken into account in custody decisions. The Committee would be grateful to learn whether training in such matters was routinely provided to justice officials and whether assessments of their performance in child custody cases took into account the gender perspective and the rights of the child. Were sanctions applied to judges whose rulings in child custody cases were found to have been motivated by gender-related prejudices?

44. **A representative of Spain** said that minors between the ages of 16 and 18 were permitted to marry only if they were legally emancipated. In 2015, the Civil Code had been amended to prevent judges from being able to waive the prohibition on marriage applicable to minors aged between 14 and 16 years. Various forms of conduct relating to unlawful marriage were penalized under the Criminal Code and forced marriage was defined as a separate offence in the Code. A marriage could be annulled if it was found that one of the parties had not consented to it. The Organic Act on Comprehensive Guarantee of Sexual Freedom provided that victims of forced marriage were entitled to reparation and that court rulings issued in connection with forced marriage must address the annulment of the marriage, the filiation of any children born of the marriage and the payment of alimony. Forced marriage was one of the purposes of trafficking in persons included in the definition of trafficking in the Criminal Code.

45. **A representative of Spain** said that, thanks to the efforts made by the Institute of Women, a gender perspective had been integrated into the curricula used in preschool, primary and secondary education. The provision of sex education in schools was addressed in the Strategic Plan for the Effective Equality of Men and Women 2022–2025. The Government had collaborated with education professionals to develop an online course on promoting equality through education.

46. Grants were allocated to organizations, such as MenEngage Iberia, that worked to raise men's and boys' awareness of issues surrounding masculinity and gender equality. The Government had launched a digital tool to monitor the measures taken in the autonomous communities to implement the plan to share parental responsibilities. It had also developed a website containing information on the resources available under the plan and an application that family members could use to record the distribution of domestic tasks in the home. It had allocated a significant amount of funding to awareness-raising campaigns on gender stereotyping and gender equality in the home.

47. **A representative of Spain** said that the Organic Act on the Comprehensive Guarantee of Sexual Freedom applied to all victims of sexual or gender-based violence in Spain, irrespective of their migration status. Persons convicted of gender-based violence lost a certain number of their rights and their children were entitled to change their surnames. Following the Committee's issuance of its decision on communication No. 47/2012, the author of the communication, Angela González Carreño, had spent four years engaged in legal proceedings before finally being issued with a ruling in her favour by the Supreme Court. Prior to that, the Public Prosecution Service and the State Legal Service had refused to comply with the Committee's decision on the grounds that it was not legally binding. In 2018, however, the Supreme Court had ruled that the decision was in fact binding and that Ms. Carreño was entitled to financial compensation in the amount of €600,000 for the violation of her rights by the State. Ms. González Carreño had declared herself to be satisfied with the Supreme Court's ruling. Prior to the issuance of that ruling, her struggle to defend her daughter had received official recognition in the form of an award given to her by the Ministry of Equality on the International Day for the Elimination of Violence against Women.

48. An award had also been given to Ms. Itziar Prats, whose requests for protection for her daughters had been ignored by the authorities of the region where she lived, following which they had been murdered by their father. Unlike in the case of Ms. González Carreño, Ms. Itziar Prats had been able to obtain compensation from the State without having to appeal to the Supreme Court. In deciding that Ms. Itziar Prats was entitled to compensation, the Ministry of Justice had cited the decision taken by the Supreme Court in the case of Ms. González Carreño. Ms. Itziar Prats had received compensation in the amount of €1 million.

49. Since the Supreme Court's ruling in Ms. González Carreño's favour, a number of legislative and policy measures had been taken to increase the protection afforded to women and children against violent fathers. It was now the general rule that an abusive father's right to parental custody and visits was suspended, whereas that right had previously been suspended in only 3 per cent of cases. Visiting arrangements established prior to a custody case could be retroactively suspended and the granting of equal custody to a child's mother and father was no longer automatically considered to be in the child's best interests. Children were entitled to see a psychologist without having to obtain the consent of an abusive parent. Organic Act No. 8/2021 on the Comprehensive Protection of Children and Adolescents

against Violence provided for children's right to be heard in custody cases and prohibited the judicial and administrative authorities from using unscientific theories that presumed adult interference or manipulation such as so-called parental alienation syndrome.

50. The Organic Act on Comprehensive Guarantee of Sexual Freedom prohibited persons convicted of sexual abuse from undertaking activities with minors, including on a voluntary basis. The needs of victims of vicarious and institutional violence were addressed in the State Strategy against Gender-based Violence 2022–2025. The Ministry of Equality had met with such victims, some of whom had been convicted of an offence, including the abduction of a minor, because they had been trying to protect their children. Following the discussions, the Ministry had drafted a report on institutional violence against women and children that addressed the use of parental alienation syndrome in custody cases. The first part of the report had been published on the Ministry's website while the second part would serve as a set of guidelines for justice officials and other professionals responsible for dealing with reports of domestic violence and supporting the victims.

51. **Ms. González Ferrer** said that it was still not clear whether the State party intended to eliminate all exceptions to the minimum age for marriage.

52. **Ms. Rodríguez** (Spain) said that, during the previous administration, there had been a parliamentary proposal to eliminate such exceptions but it had not obtained majority support. The parliamentarians who had rejected the proposal had argued that the exceptions should be maintained because 16 years of age was the age of consent and the age at which minors acquired various other rights, such as the right to start paid employment and have access to abortion services.

The meeting rose at 4.50 p.m.