



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

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**Committee on the Elimination of Discrimination
against Women
Sixty-first session**

Summary record (partial)* of the 1310th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 8 July 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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

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

Combined seventh and eighth reports of Spain (continued) (CEDAW/C/ESP/7-8; CEDAW/C/ESP/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Spain took places at the Committee table.*

Articles 1 to 6

2. **Ms. Montero** (Spain) said that the second phase of the Police Plan to Combat Human Trafficking, adopted in February 2015, emphasized the investigation and prosecution of cases of human trafficking and also provided for increasing public awareness of that phenomenon in order to ensure that the victims could be identified and assisted and did not remain invisible. The telephone number and email address for assistance to victims would be widely publicized in newspapers and all media where prostitution services were advertized. Full use would also be made of the Internet and social media, including WhatsApp; for example, on prostitution-related websites a pop-up would warn potential clients that the prostitute they meet could be a victim of human trafficking. Agreements had been entered into with universities to organize conferences on trafficking. Posters and information relating to human trafficking would be distributed to police stations, hospitals, clinics and any other areas where victims might be able to see them. A working group would develop innovative solutions for combatting trafficking on the Internet and social media. Efforts to combat trafficking were governed by the Framework Protocol for the Protection of Victims of Trafficking of Human Beings, which provided for the identification of and assistance to victims. Assistance was provided to all victims without restrictions and regardless of their gender, personal situation, nationality or place of residence.

3. **Mr. Coria Rico** (Spain) said that all persons denied entry or detained at border crossings were entitled by law to legal assistance and to interpretation and translation services. Asylum seekers at ports of entry likewise were put in contact with legal counsel and also had the right to interpretation services. Those language rights were likewise guaranteed in the context of any judicial proceeding.

4. **Mr. Sánchez-Covisa Villa** (Spain), with regard to follow-up monitoring of victims of trafficking, including victims not involved in prostitution, said that monitoring must be adapted to the situation, and nationality, of each victim. Spain implemented the provisions of the Protocol to Prevent, Punish and Suppress Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime. Trafficking and prostitution were separate crimes. In cases involving sexual exploitation there was no statute of limitations and exploitation of a minor or use of coercion were aggravating factors. Pimping, per se, was not a crime but was criminalized in circumstances involving exploitation of a vulnerable person or coercion.

Articles 7 to 9

5. **Ms. Leinarte** said that Spain was exemplary in that 41 per cent of the members of its parliament were women; that strong presence was significant given elected officials' role in monitoring the Government's implementation of the Convention. Women parliamentarians should also be a force for change in the area of women's rights. In that context, she wondered whether women parliamentarians maintained close contacts with women's groups in civil society.

6. She said that in general, however, the results of Organic Law 3/2007 on effective equality of men and women in the political sphere had been disappointing. Women were underrepresented in positions of leadership in political parties and in the cabinet and, at the local level, the number of women mayors, while increasing, was only 17 per cent. The number of women regional councillors seemed to have dropped from nearly 40 per cent to 34 per cent; she asked whether that could be attributed to reduced spending for equality at the regional level.

7. With regard to the judiciary, she asked why women were so underrepresented at the Supreme Court, higher courts and appeals courts: only 13, 6 and 18 per cent of judges, respectively. The report suggested that that situation could be explained by women judges' relative youth and lack of experience but she wondered what could be done to address that imbalance. With regard to international participation, she said that Spain was active in women's issues but wished to have more specific information on the number of women in the foreign service and diplomatic corps.

8. **Ms. Izquierdo** (Spain), with regard to women's participation in political life, said that the Deputy Prime Minister and Government spokesperson was a woman and 4 of 13 ministers were women; 44.6 per cent of the members of regional parliaments were women and 41 per cent of European members of parliament were women. In the judiciary while 49 per cent of judges were women, only 13 per cent of Supreme Court judges and 16 per cent of Constitutional Court judges were women. Both the Attorney General and Ombudsman were currently women. Much work still needed to be done to improve the participation of women in the political sphere and the judiciary but the performance of Spain was above average in relation to the other countries of the European Union.

9. **Ms. Salomón** (Spain) said that 219 of the more than 900 members of the diplomatic service were women, approximately 23 per cent; only 12 of 199 ambassadors were women. Women were better represented in the 15 special missions of the foreign service, 6 of which were headed by women.

10. **Ms. Menendez** (Spain) said that the delegation would provide written replies to the questions about training provided to judges about the Convention and links between women parliamentarians and civil society women's groups.

Articles 10 to 14

11. **Ms. Nadaraia**, with regard to article 10, said that girls and women were still overrepresented in educational and occupational sectors traditionally seen as more appropriate for women and asked what was being done to implement Organic Law 8/2013 and instil in students the principles of gender equality. While enrolment levels for Roma children had improved, especially at the primary level, where girls achieved better results than boys, she asked what additional measures were envisaged to remove remaining obstacles to Roma children's access to compulsory education. She was also concerned about the effects of budget cuts on university courses on gender issues, especially if universities had a free hand to allocate funds and modify their programmes.

12. **Ms. Acosta Vargas**, with regard to article 11, said that while Spanish legislation guaranteed women's right to work, unqualified, temporary and part-time workers, many of whom were women, tended to be the first affected by budget cuts. Women also had to juggle work and family responsibilities with little help from their spouse. Women's unemployment rate was double that of men and women retirees received substantially lower pensions than men. She wished to know what measures were envisaged in the context of the 2014–2016 Spanish Strategy to Stimulate Employment to protect women workers, address the pay gap, provide training to women, improve the situation of temporary and part-time workers and ensure the availability of day-care services.

13. **Mr. Bruun** asked whether there were any measures aimed at improving the situation of vulnerable groups of women, for example women with disabilities and older, minority and migrant women. With regard to foreign domestic workers, he said he wondered whether Spain intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Given the effects of the current economic crisis on labour markets, he would appreciate having disaggregated statistics for the public and private spheres.

14. **Ms. Pimentel** said that she was concerned about the possible effects of the economic crisis on health care, including psychosocial services, for vulnerable women and women with disabilities and wished to have information on services available to: migrant women whose situation was irregular; victims of sexual violence; and women in rural and isolated areas, in particular with regard to HIV/AIDS care and mental health care. She asked whether the provision in Organic Law 2/2010 requiring girls 16–18 to get a parent's permission for an abortion would be repealed, whether abortion clinics were monitored and what abortion services were available to adolescent girls.

15. **Ms. López Soto**, with regard to education for girls, said that girls generally had 17.9 years of education, as opposed to 17.4 for boys. Teachers at all levels were provided with training to offer psychological, pedagogical and occupational services to students and were also trained on issues relating to gender violence. Students were provided with counselling on possible areas of study after the end of compulsory schooling. While she acknowledged that women were still underrepresented in fields traditionally dominated by men, she pointed out that 26.3 per cent of girls went on to higher education and 22.6 per cent had a middle level occupational qualification, as compared to 22.7 per cent and 22.2 per cent, respectively, for boys.

16. **Ms. Urbón Izquierdo** (Spain) said that the Institute of Women had an annual grant programme, open to all Spanish universities, to support postgraduate courses in gender studies and equal opportunities seminars, congresses and symposiums on related subjects. The National Stock Exchange Commission had made a recommendation that all listed companies should increase women's representation on their boards of directors to 30 per cent by 2020. The European Union directive proposing a 40 per cent quota for female membership of boards of directors was still at the draft stage, but Spain would, of course, take the necessary steps if it was adopted. The Government was involved in public–private partnerships to encourage companies to employ women in positions of responsibility.

17. **Ms. Menéndez** (Spain) said that one of the objectives of National Strategy for the Social Inclusion of Roma (2012–2020) was to improve the collection of data on that group of the population. Accordingly, the Government had funded a comprehensive sociological study on the secondary education of the Roma population for the period 2011–2012. Although almost 100 per cent of Roma children were now enrolled in primary education, there was a high dropout rate among Roma students at the age of 13 or 14, particularly among girls. However, if girls remained in school beyond that age, they tended to have better academic results than boys and were more likely to continue their studies beyond compulsory education. Although the overall proportion of Roma students in tertiary education remained small, more Roma women than men graduated from university. Approximately 7.6 million euros in funding was provided to projects for the Roma population every year, with more than 20 per cent earmarked for education.

18. **Ms. Ortega Sanz** (Spain) said that, under the National Strategy for Persons with Disabilities, specific measures were taken to remove inequalities between men and women with disabilities. The activity and employment rates for women with disabilities, particularly those with severe disabilities, were low and considerably lower than for men with disabilities. Boosting the employment of women with disabilities was a priority

objective, as work was considered the best form of social inclusion. To that end, a series of measures was being taken, such as mainstreaming disability in employment policies, promoting teleworking, and training career guidance professionals on the needs of persons with disabilities. The financial incentives offered to employers for hiring persons with disabilities were higher for women with disabilities than men, as was the financial support provided to persons with disabilities wishing to set up a company.

19. **Mr. Ucelay Rodríguez-Salmones** (Spain) said that the temporary employment rate was the same for men as for women, at 23 per cent. The proportion of involuntary part-time workers was higher among men than women, with 68 per cent for men compared to 60 per cent for women. One of the objectives of the 2012 labour reform had been to reduce dual labour markets and overcome employers' reticence to hire employees on permanent contracts through a variety of steps. Measures taken in relation to part-time work had primarily been aimed at increasing the flexibility of part-time contracts. Part-time workers could not be obliged to do overtime, but they could, voluntarily or by agreement, do additional hours subject to strict criteria. There was a tendency towards closing the gender pay gap, despite the fact that it had been more pronounced during the crisis because of a rise in unemployment among low-paid, unqualified men. The Labour and Social Security Inspection Service carried out campaigns to identify cases of gender-based pay discrimination; the year before, it had visited workplaces employing a total of 160,000 workers and found only 400 such cases.

20. With regard to retraining, there had recently been an innovative reform of the vocational training system, which was expected to have a very positive impact. The allocation of funds to the regional public employment services was based on results, measured by a series of indicators which included equal opportunities and improving women's access to the labour market. With regard to the ILO Convention No. 189, he recalled that, prior to the elaboration of the Convention, Spain had already developed a plan on domestic work that had been described as an example of best practices by ILO. As the plan provided for transitional periods, it would not be wise to change the legislative framework by ratifying the Convention before those periods had elapsed.

21. **Ms. de la Concha Renero** (Spain) said that the gap of 38 per cent between men's and women's retirement pensions was the average; the figure was higher for women in older age groups but was down to 26 per cent for more recent pensions and was expected to decrease further. Although the social security rules were the same for men and women, there were many mechanisms in place, such as top-ups for minimum pension amounts, to help those who needed it most, which tended to be women. Pension contributions were protected during periods in which women had interrupted their careers to take maternity leave, for 112 days, and that figure was due to increase to 270 in 2019. Women who took career breaks to care for children could have a maximum of three contributive years counted towards their pensions. The rules for calculating the pensions of part-time workers had also recently been changed to make them more proportional, which would greatly benefit women.

22. **Mr. Rubio Agenjo** (Spain), referring to the provision of health care to migrant women in an irregular situation, said that currently, in accordance with Royal Legislative Decree No. 16/2012, girls under 18 from migrant families had the same access to antenatal, delivery and postpartum services and coverage in emergency situations caused by accident or illness as insured persons. The Ministry of Health was now negotiating with the autonomous communities to provide irregular migrants with a level of health care comparable to insured persons. Victims of violence and trafficking were entitled to the same level of care as insured citizens. With regard to assistance for rural women, the Government attached great importance to ensuring the accessibility of the health system, and it was guaranteed by law that municipalities with at least 50 health card holders must

have a local surgery that was open for a minimum number of hours per week. There were some 10,000 such surgeries nationwide and a further 3,000 health centres. With regard to treatment for persons with HIV, it was true that the economic crisis had had an impact on the funds allocated to that area, but the budget had been increased in 2015. There had been approximately 3,200 diagnosed cases in 2013, of which only 15 per cent had been women. Of those women, more than half were immigrants. Gender equality was one of the guiding principles of the strategic plan to control and prevent HIV infection.

23. The proposed amendment to the Organic Law on sexual and reproductive health and voluntary termination of pregnancy had been abandoned. A bill had been presented to the parliament that would require women under 18 to obtain parental consent to have an abortion, but the bill was still in the preliminary stages. The abortion rate could be consulted online and had decreased in the past two years, in line with the Committee's recommendation in its previous concluding observations. There was a public register of all abortion clinics, which must be approved by the health authorities and comply with strict criteria, subject to inspection.

24. **Ms. Acosta Vargas** said that she would welcome confirmation that approximately 24 per cent of women worked part time and that 70 per cent of part-time workers were women. She would also appreciate details of the law on the promotion of personal autonomy and care for dependent persons and the situation in relation to the freezing of the minimum wage in 2012.

25. **Ms. Arocha Domínguez** asked how the State party could ensure that university curricula were appropriate and non-discriminatory if it did not have the authority to intervene and how the autonomy of universities was reconciled with the State's obligations under the Convention, particularly articles 2 and 10. With regard to part-time work, the State party should take account of article 1 of the Convention, which referred to discrimination which had the effect or purpose of preventing women from enjoying human rights and fundamental freedoms, as part-time work undoubtedly affected women and men differently.

26. **Ms. Pimentel** asked the delegation to clarify whether heterosexual couples were given priority over homosexual couples in the provision of assisted reproduction services.

27. **Mr. López Soto** (Spain) said that the level of autonomy of Spanish universities did not run counter to the Convention, but quite the contrary.

28. **Mr. Ucelay Rodríguez-Salmones** (Spain) said that while 70 per cent of part-time workers in Spain were women, it was important to take into account the percentage of women who were voluntarily working part-time.

29. **Ms. de la Concha Renero** (Spain) said that information on the law on the promotion of personal autonomy and care for dependent persons would be provided in writing.

30. **Mr. Rubio Ajenjo** (Spain) said that the regulations governing the provision of assisted reproductive technology set out the range of services available under the national health system and stipulated that they were to be provided for therapeutic reasons in cases of sterility or reproductive disorders or to prevent the transmission of serious diseases.

31. **Ms. Nadaraia**, noting that the economic crisis had affected women most profoundly and that there was an emerging feminization of poverty, said that she would appreciate it if the delegation would comment on women's access to credit and property ownership, which was reportedly limited.

32. **Ms. Gabr** said that she welcomed the efforts being made for the empowerment of rural women. She would be interested to hear specific examples of women who had

benefited from subsidies or State support. She wished to know more about the use of the registers of shared ownership that had been established at the Autonomous Community level. She asked about the indicators being used to measure the results of the gender equality plan in the area of agriculture. She wondered what percentage of the overall population was Roma and why support for Roma women was being provided in the form of measures to combat child poverty. Lastly, she wished to know what action had been taken in response to the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance concerning vulnerable migrant women.

33. **Ms. Ortega Sanz** (Spain) said that there were no data on loans made to women. There was a programme to support women entrepreneurs, jointly run with the Chamber of Commerce, and the Government had entered into a cooperation agreement with the Spanish microlender MicroBank to provide women entrepreneurs with loans on favourable conditions. With respect to rural women and the implementation of Act No. 35-2011, a register of the joint ownership of farms indicated that on 29 June 2015 there had been 136 such farms. The results of the implementation of the Act were being evaluated. Under the Strategic Plan for Gender Equality in Sustainable Development in Rural Areas for the period 2011–2014, there were programmes to support rural women, and those programmes promoted technical innovation, training and other projects.

34. A plan for the promotion of rural women was being examined and it was expected that the Council of Ministries would approve it shortly. It had been provided for under the Strategic Plan on Equality of Opportunity. Its overall objective was to improve the social inclusion and labour force participation of rural women. Its primary goals were to acquire updated information on the situation of rural women, publicize their role in society, close the gap between rural and urban women, serve as a reference point for public authorities, establish a model of intervention and support for rural women and further gender equality in rural areas.

35. **Mr. Ucelay Rodríguez-Salmones** (Spain), referring to women in agriculture, said that a survey of the situation of rural women had revealed that there were numerous cases of discrimination in the area of working conditions. There were guarantees regarding recruitment, regulated by a ministerial order, and the provision of decent housing for immigrant women, and inspections of such housing had been carried out. Campaigns were being conducted together with civil society organizations in order to raise awareness of the importance of gender equality in labour relations, particularly among immigrants.

36. **Ms. Ruiz Bautista** (Spain) said that her Government cited the figure of 1.6 per cent when referring to the proportion of the population that was Roma. An objective of the Plan for Social Inclusion was the reduction of child poverty, for which 17 million euros had been allocated. Of that amount, 1 million had been reserved for the Roma population. Regarding funding given to social organizations to combat inequalities in the area of education, almost 100 per cent of Roma children were enrolled at the primary level, although the situation was less encouraging at higher levels of education, and programmes were in place to encourage Roma children, particularly girls, to remain in school; there were programmes to prevent absenteeism, failure and dropout among Roma girls.

37. **Ms. Salomon** (Spain) said that immigrant women who were victims of human trafficking would be informed about the resources available to them, which included decent and safe housing, financial support, psychological and medical assistance, interpretation services and legal aid.

Articles 15 and 16

38. **Ms. Halperin-Kaddari**, referring to the question of whether domestic violence must be taken into account when deciding upon the custody of children, said that according to information in the media, 97 per cent of men who were prohibited from contacting their partners nevertheless had unsupervised and unlimited visits with their children, which indicated that domestic violence was not being taken into consideration. Paragraph 54 of the State party's replies indicated that, under pending amendments to the Criminal Code, there would be greater protections for the children of a parent who had been convicted of domestic or gender-based violence. However, reform of the Criminal Code was not enough, because such considerations should also be incorporated into the legislation dealing specifically with parents and children and the exercise of parental authority and other family law. Moreover, the future legislation referred to depended on final judgements in domestic violence cases, which was not satisfactory because domestic violence proceedings tended to be very lengthy and it was sometimes very difficult to convict offenders. There were examples of good practice from other countries that had revised their legislation on parenting, which recognized that in such cases, as one Human Rights Commissioner had put it, the safety of children had been sacrificed on the altar of fathers' parental rights. She urged the State party to revisit the issue.

39. With respect to existing legislation, the State party had said that the exercise of parental authority, child custody and visiting arrangements could be suspended as a precautionary measure against those accused of gender-based violence. She agreed with that measure, but was concerned that data from the General Council of the Judiciary indicated that visiting rights were suspended in only 3.4 per cent of applications for a court order for suspension, which was alarming, and showed that those precautions were not being exercised and that children's safety was at risk. She would appreciate an explanation from the delegation.

40. Concerning paragraph 303 of the State party report regarding deaths of minors as a result of gender-based violence, the existence of a new dataset on that issue was encouraging, and she asked whether there was information on such deaths occurring during or following the separation or divorce of the parents. Media reports indicated that between 2008 and 2014, 31 minors had been murdered by their fathers, 20 of them during authorized visits granted by a legal authority. The State party was not doing enough to prevent such occurrences. She asked whether supervised visits might be possible, so that the child might maintain contact with the father yet be protected, and whether data were available on that issue.

41. The Spanish legislature appeared to perceive the issue of false allegations of domestic violence by women as the more urgent issue, given article 35 of the Victim of Crimes Act (No. 4/2014 of 27 April 2015), which provided for reimbursement to the accused in cases of false claims. The rate of such false claims was negligible, according to data from the Attorney General. She asked, therefore, why that new article had been enacted.

42. Another alarming development was the growing number of allegations of "parental alienation syndrome", raised by fathers against mothers. In other words, there was a trend in which men accused of abuse and violence claimed that the mothers were in fact lying and alienating their children from them. Increasing numbers of courts refrained from using the term "parental alienation syndrome", yet Spanish courts still relied on it and used it. It was necessary to train not only the judiciary about the issues she had raised, including parental alienation syndrome and its dubious nature, but also welfare officers and mental health experts who provided assessments to the courts. Did the State party offer such training? Lastly, regarding property distribution and the matrimonial property regime, was it possible to take into consideration the increase in a spouse's earning potential on account

of the other spouse's work at home and care work? Was that part of the Government's matrimonial property regime?

43. **Ms. Martín Nájera** (Spain) said that since the *González* case of April 2013, there had been many amendments to the law and other measures regarding gender-based violence. With regard to minors involved in a violent situation in which the mother was the victim, there was relevant legislation at a number of levels. At the penal level there were precautionary measures and protective measures aiming to end the violence; those governed visiting rights, for example. The Public Prosecution Service not only reaffirmed and reminded public prosecutors to apply rigorously the prohibition on joint custody in that type of event, but also went further than that, urging prosecutors to prevent the violent parent from having individual custody of the children.

44. The regime for visiting rights took into consideration the rights of children as well as the rights of parents in each case. On many occasions mothers wanted their children to be in contact with their fathers. Whenever there was a protection order, the children's visits with fathers were subject to third party control, ranging from the appointment of an intermediary, so that the victim and perpetrator did not come into contact with each other, to the limiting of visits to certain hours and days and having them take place in particular meeting places.

45. The percentage of false accusations by women was negligible. Neither the civil nor the prosecution authorities considered parental alienation syndrome to be a scientifically proven pathology, and it was not accepted. On the subject of the division of assets upon dissolution of a marriage or partnership, it was customary for the work that either partner did for the family to be taken into account when the relationship ended, in accordance with article 97 of the Civil Code. Regarding false complaints, under the Victims of Crime Act, article 35, compensation paid out to persons in their capacity as victims of a crime on the basis of a false report was subject to reimbursement. The article of the law would apply only to sentences handed down as a result of a false complaint. Reimbursement would take place following a criminal conviction for having made false allegations.

46. Training on working with victims was given to the relevant personnel in the crime victims assistance offices in the provincial capitals and large cities, who provided victims with information during proceedings, and in comprehensive intervention units, where a doctor, psychologist and social worker evaluated, among other things, the effects of violence in the home on children.

47. **Mr. García Jiménez** (Spain), said that statistics on minors who had been murdered by the parent's partner so as to hurt the mother had been published and disseminated since January 2013. Compulsory training on gender-based violence for the psychosocial support teams and social workers of forensic units would also be provided under a bill currently pending adoption.

48. **Ms. Halperin-Kaddari**, referring to a bill on cooperation and other measures in cases of annulment, separation and divorce aiming to establish default joint physical custody of children, asked what the position of the Government was with respect to that bill. Some jurisdictions that had adopted such a strategy realized that default joint physical custody posed a risk to the welfare of children in cases involving severe conflict between the parents.

49. **Ms. Martín Nájera** (Spain) said it was her understanding that that bill had been suspended, but she would check that point and inform the Committee.

50. **Ms. Menéndez** (Spain) said that the number of members and high level of her delegation was an indication of the importance attached by her Government to such

exercises, from which everyone could learn and which enabled them to continue to fight against discrimination against women.

51. **The Chairperson** said that she was grateful to the delegation for the constructive dialogue with the Committee. The Committee commended the State party for its efforts and encouraged it to take all necessary measures to address the Committee's recommendations, which would be communicated to it in writing. She looked forward to receiving the State party's next periodic report.

The discussion covered in the summary record ended at 5.15 p.m.