



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

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

**Summary record of the 650th meeting**

Held at Headquarters, New York, on Wednesday, 7 July 2004, at 3 p.m.

*Chairperson:* Ms. Açar

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*The meeting was called to order at 3.05 p.m.*

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

*Fifth periodic report of Spain (continued)*  
(CEDAW/C/ESP/5; CEDAW/PSWG/2004/II/CRP.1/Add.4 and CEDAW/PSWG/2004/II/CRP.2/Add.3)

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

*Articles 10-14 (continued)*

2. **The Chairperson** invited the members of the Committee to continue to pose questions to the delegation of Spain.

3. **Ms. Gaspard** said that, in 1999, the Committee had recommended in its concluding comments on the third and fourth periodic reports of Spain that the country's following report should include more information on the number and type of women's studies courses at institutions of higher learning. She had been disappointed to find only a few lines devoted to that subject in the fifth periodic report.

4. If men and women were to participate equally in society, the sources of hidden gender discrimination must be found through research and addressed through education. She had been encouraged by the gender balance at the initial levels of higher education, but men dominated in the later stages of higher education, and therefore took up a larger share of university lecturer and professor posts. She urged the Government to look into the reasons for that imbalance.

5. **Ms. Morvai** said she would like to hear how Spain proposed to give effect to the United Nations Convention against Transnational Organized Crime and, more specifically, article 9 of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and how it proposed to address the demand for prostitution.

6. She had been concerned to note that the report indicated a 10 per cent rise in intentional pregnancy terminations in the single year between 1999 and 2000. As abortion was not a matter of free choice, but of compulsion, in the years in question some 60,000 women had become pregnant against their will. She

asked why they had not had control over their own bodies, and what steps would be taken to reduce the very high abortion rate.

7. **Ms. Šimonović** requested further information on the situation of Roma (gypsy) girls in education. She wondered whether Roma schoolchildren were integrated or segregated in the education system, and whether they had access to pre-school facilities. She asked how many Roma girls married young, whether early marriages affected school dropout rates and whether Roma girls had been able to challenge informal marriages successfully in the courts.

8. **Ms. Patten** asked what action the Government was taking to ensure that Roma children had access to the mainstream education system. She wondered whether teachers were trained to be aware of discrimination and of the rights conferred by the Convention.

9. Noting that the responses to the list of issues and questions relating to the fifth periodic report had gone some way to explaining the wage gap between men and women, she asked for more details on the wage difference data and on Act 33/2002 on equal pay for equal work. She wondered whether the Government proposed to monitor wage discrimination and alter the methods used for the wage structure survey.

10. **Mr. Chozas** (Spain) said that Spain's figures for women's access to the labour market and women's wages were below the European Union average. However, that must be balanced against the fact that, together with Ireland, Spain had the fastest-expanding labour market and the highest rate of job creation in the European Union. The Organization for Economic Cooperation and Development (OECD) had predicted sustained high job creation and decreasing unemployment in the short term. Indeed, it considered that Spain would be one of only three OECD States to have labour market growth exceeding 2 per cent in the forthcoming year.

11. Referring to questions by Ms. Ferrer Gómez and other members of the Committee, he said that most of the new jobs created since 1995 had been occupied by women. Since 1997, the number of women in employment had increased by over 40 per cent and the number of unemployed women had halved. The number of women in employment had been growing by 5 per cent per year, compared to 1 per cent for men. The steady rate of women's unemployment in Spain

had not been caused by job losses, but by the increasing number of women entering the labour market. Ms. Ferrer Gómez had also commented on the number of women in part-time jobs. It was in fact 20 per cent, meaning that 80 per cent of women in the labour market worked full time.

12. Addressing the matter of the wage gap between men and women, he pointed out that the Government played no part in setting wage levels for the vast majority of jobs, because they were in the private sector. In the public sector, where the Government did play such a role, there were no signs of significant gender discrimination in wage levels. In the private sector, where employers and trade unions freely negotiated salaries, there was indeed a gap: women's earnings were 71 to 73 per cent of men's earnings. That was a matter of concern to the Government, employers and trade unions alike.

13. Recent surveys had revealed that the issue was very complex and could not simply be explained by discrimination, whether direct or indirect. Other considerations included working hours, the industry involved, the type of employment contract entered into, the age and seniority of the employee, the size of the company and the proportion of immigrants in the workforce.

14. In Spain, women had entered the job market later than in many other European Union States, hence the job market had had less time to adapt. Many women worked in service industries or in small companies which were not covered by collective bargaining arrangements, and many had been with their companies for a comparatively short time and had accumulated fewer years of seniority. They were more likely to be employed under flexible contracts, often out of choice and out of a desire to balance work and family life. They were also more likely to be immigrants.

15. If the figures of the National Statistical Institute were examined by looking at equivalent jobs in equivalent situations, the wage gap was either narrow or non-existent. However, the Institute proposed to carry out a more comprehensive study, and the Government remained concerned that the problem had continued. In 2002, the Act on the Workers' Statute had introduced stronger pay-equality provisions and broadened the scope of non-discrimination to encompass all aspects of employment rather than pay alone.

16. Efforts were being made to improve education to encourage young women to enter the labour market voluntarily, to help vulnerable women job-seekers and workers such as the long-term unemployed, people with disabilities, immigrants and victims of domestic violence. As a complement to legislative action, the 2003 trade union confederation agreement on collective bargaining had also established that employers and unions should strive for pay equality and observe a series of good practices to eradicate gender discrimination and deal with violations of the principle of non-discrimination. In that connection, a fundamental component of the action plan of the Labour and Social Security Inspectorate was monitoring wage discrimination in individual cases and when collective bargaining arrangements were reviewed.

17. Referring to a question by Ms. Khan, he pointed out that since 1997, Spain had joined the other States of the European Union in implementing the European Employment Strategy, and therefore to mainstream gender considerations into its policies. As a result, discrimination had been addressed in a wide variety of legislative areas, including employment, taxation and social matters.

18. The Government had also focused attention on irregular employment of women in agriculture, which was, by its very nature, difficult to gauge and address. As many of the workers concerned were undocumented and unregistered, obtaining data, let alone sex-disaggregated data, was a problem. However, such workers were increasingly moving from informal to formal employment and being covered by social security and employment contracts. That affected job-creation figures, since some of the apparently new jobs were in fact existing "informal" jobs which had been made "formal".

19. Referring to a comment by Ms. Schöpp-Schilling, he said that the Government was taking action to update the minimum wage. That would have a more visible effect in sectors such as agriculture than in sectors which had traditionally been covered by collective bargaining arrangements, such as manufacturing and services.

20. **Mr. García Bartolomé** (Spain) said that the situation of rural women had been highlighted in the very first plan of action for equal opportunities (1988-1990) and had also been noted by the Ministry

of Agriculture. Steps had since been taken, in the context of the restoration of democracy, to integrate rural women into the labour market and into civil society and public life. Although 25 per cent of the population still lived in the countryside, rural depopulation had brought about a generational imbalance, the most productive age groups tending to leave. According to the most recent data available 3,827,000 women were living in villages with fewer than 1,000 inhabitants. In some rural areas the population decline had been arrested and communities were reviving.

21. Most rural women worked in the services sector of the economy. A significant number of women, about 1 million, had some share in the agricultural sector of the economy. About half of those were owners or co-owners, being spouses or relatives of the landowner. According to figures produced by Eurostat, the statistical service of the European Communities, women working in agriculture in Spain worked an average of 228 days a year. About 300,000 women, or 30 per cent of the total population, were engaged in agriculture. The 120,000 women working in the informal agricultural sector mainly worked part-time or as family members on small farms. The continued existence of small family farms was essential from the point of view of social and territorial policy in Spain. Most of them were to be found in autonomous communities in Andalusia and Extramadura. The statistical system used by the Government allowed for a breakdown of the labour force by sex and region, but did not adequately reflect the contribution of immigrant labour to the workforce, in which women also constituted a significant proportion, both in agriculture and in certain industries such as textiles and shoe manufacturing. The presence of immigrants in the workforce, and especially in casual employment and in farming, tended to have an adverse impact on the situation of women workers.

22. On the question of the advancement of rural women, both the Ministry of Agriculture and the Institute for Women's Issues were anxious to incorporate gender equality into their rural development policies. A serious problem persisted with the 60 per cent of farms which were too small to be economically viable in the longer term. Positive action was now being taken to encourage younger, highly skilled women to take up agriculture as a career and remain in it. That policy had proved successful in

bringing an average of 5,000 women under 35 to enter the agricultural sector, in that the percentage of that age group of women in the sector had risen from 11.2 per cent in 1988 to a current figure of 28 per cent. Under the European Union's "Leader" programme, which encouraged the participation of women in the economy, 36 per cent of new jobs created were now held by women. That programme, in combination with national programmes, had also proved successful in involving women in civic and political life. In Spain, there were approximately 7,000 municipalities with a population of under 2000. In those small communities, the participation of women as elected office holders had increased significantly.

23. **Ms. Paloma Alonso** (Spain), replying to a question about health monitoring and pregnancy termination, said that according to the World Health Organization, Spain's health system was among the seven best systems in the world and third best in the category of countries with over 5 million inhabitants. Health services were free at the point of use and equality of access was guaranteed for all users. Sixty-three per cent of women considered their health status to be good or very good. As for the take-up of health services, it was found that women made better use of primary health care services than men, attending nearly one and a half times as frequently; social studies showed that unlike men, they tended to seek treatment as soon as they experienced symptoms. Fifty-three per cent of hospital patients were women, and 52 per cent of users of emergency services were women. As for immigrant women, it was certainly not true that they had more difficulty in accessing health services. On the contrary, it was easier for them to obtain an entitlement card in Spain than elsewhere in Europe, even when their immigration status was illegal. On the question of tobacco and alcohol use, it was found that men used both substances 25 per cent more than did women. Thirty-five per cent of men were daily smokers of tobacco, compared with 29 per cent of women. However, the position was reversed in the case of tranquillizing drugs, more of which were consumed by women; that was because women were more frequent sufferers from anxiety and depression, probably owing to their heavier social and professional responsibilities. Where suicide and schizophrenia rates were concerned, men figured more frequently in the statistics, including those for consumption of drugs for the treatment of schizophrenia. Mental health care was a high priority in all the autonomous communities, in both primary

and specialized health-care facilities. As for health-care provision for the elderly, the Ministry of Labour and Social Affairs was aware of the need to extend services for older women, and to focus more on women's diseases. Following the 2001 Madrid Declaration on the elimination of health-care disparities between the sexes, an Observatory on Women's Health had been set up to monitor the implementation of equality policies in the health sector, including equality of access to health services and the dissemination of good practice. The Observatory was currently funded in the amount of 9 million euros a year. Financial assistance was also given to non-profit organizations in the health sector which included a gender perspective in their work. As for the question of distance to health facilities, legislation adopted in 1986 stipulated that a health centre must be provided in every community with 5 to 25,000 inhabitants, and that clinics must also be available in smaller communities and mountainous areas. Such services must be accessible by public transport within 10-15 minutes.

24. On the question of intentional pregnancy termination, public abortion services had been provided by law since 1985. They had generated their own demand, and an effort was being made to offset the use of such services by providing family planning services. Contraceptive advice and provision, through those services and the mass media, targeted especially the vulnerable 15-19 age group and focused on the use of condoms, which also protected against sexually transmitted diseases and HIV/AIDS. The "morning after" pill was also available on prescription. Since 2000, the law provided for epidemiological and social surveys of abortion.

25. **Ms. Muñoz-Repiso** (Spain), replying to questions about women in education, emphasized that Spain was a relatively young democracy. However, the enrolment of girls in education at all levels had improved considerably. Fifty per cent of university students in all three cycles were now women, compared with 15 per cent 50 years previously, and 40 per cent in 1995. However, in the third cycle only 43 per cent of women completed their doctorates, probably because of the need to combine their studies with looking after children. That problem needed to be addressed, possibly by extending the time limit for the presentation of the doctoral dissertation. As for the integration of girls from Roma families into the

education system, there were no restrictions on their enrolment, nor was there any segregation within the system. However, even in the absence of official statistics on the question there was known to be a higher drop-out rate among Roma girls, especially on reaching puberty, because of the cultural tradition of early marriage. That problem was under study by the Ministry of Education, in collaboration with the Institute for Women's Issues and with non-governmental organizations, and a number of measures, including tutorials and free meals for Roma children in primary schools, had proved successful in reducing drop-out rates. As for teacher training, at both the initial and the in-service stages special emphasis was placed on catering for the cultural specificities of Roma pupils.

26. **Mr. Fernández López** (Spain) said the Spanish Government had taken steps at the end of 2003 to improve pension provision for the elderly. There had been retroactive increases affecting 1.8 million women. The Spanish Government was also committed to continuing to increase the minimum retirement pension and widow's pensions. Efforts were being made to provide greater flexibility in the social security system so that the level of protection provided by special regimes where there was a greater presence of women was more in line with other areas. There was a need to eliminate a series of obstacles barring access to such regimes for women who were engaged in certain activities or who were self-employed; women over the age of 45 who found themselves self-employed for the first time now had access to special benefits. Pensions for those who worked beyond the age of 65 had also been improved.

27. **Ms. Viñuelas Álvarez** (Spain) said the Spanish Government had made a firm budgetary commitment to building a genuine system of protection that would guarantee social services to all persons who were dependent on others. A state fund would be created to finance a network of essential services to meet their needs, and the coverage should be comparable with that of Spain's richest neighbours. The needs of all dependants and their families should be met. The network of residential care homes would be improved, with those needing respite care being placed in separate locations. Help would be provided for those wishing to stay in their own homes, and training programmes would be provided for their carers. The Spanish Government had given a commitment to

extending paternity leave so that fathers could also take 15 days off work even if mothers took their full maternity leave as well.

28. **Ms. Durán y Lalaguna** (Spain) said that the Government of Spain devoted great attention to the protection of the human rights of migrant workers, and was trying to improve the legislation at both national and European Union levels so that migrants could be fully integrated and enjoy the same rights and duties as other Spanish citizens. The recent visit to Spain by the Special Rapporteur of the Commission on Human Rights on the Human Rights of Migrants, Ms. Rodríguez Pizarro, had been proof of the Spanish Government's good will in that regard, and her report was being used by the authorities to investigate the phenomenon of migration in Spain. The Government was seeking to combat the clandestine mafias and allow for the full integration of migrants by adapting legislation to the new dimension and nature of the phenomenon without abandoning national and international human rights commitments. Spain had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, particularly because many of its provisions were also incorporated in other instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. While on the basis of those instruments Spain was committed to respecting the rights of migrant workers, it would still take due note of the comments of members of the Committee, and would give further consideration to the desirability of becoming a party to the Convention.

29. **Ms. Murillo-de-la-Vega** (Spain) said that Spanish legislation on gender-based violence had an adequate budget and included elements that were related to the education and training of all those working in the law enforcement field. She would provide the Committee with a copy of the appropriate legislation, which was to be enacted shortly.

#### *Articles 15 and 16*

30. **Ms. Manalo**, citing article 15, paragraph 1, of the Convention to the effect that "States parties shall accord to women equality with men before the law", recalled that in its concluding comments in 1999 the Committee had recommended to Spain that

investigations and legal proceedings relating to violence against women should be undertaken with the same rigour as in all other criminal cases. The Committee's General Recommendation No. 19 called upon States to provide effective complaint procedures and remedies, including compensation. However, reliable information had reached the Committee indicating that a climate of social impunity existed in Spain in relation to attacks of violence against women, particularly in cases where no death or serious injury resulted. Such impunity was serious, especially when there was a lack of diligence in investigations by the police and legal authorities, a lack of control over those convicted of such violence and given suspended sentences and a lack of effective protection and compensation for victims of such violence who filed complaints. She asked what specific measures the new Government intended to take to deal with that situation, and within what period of time.

31. **Ms. Gnacadja** said the report stated both that significant changes had been made in civil law, one of which concerned civil procedures, and also that those new regulations maintained the previous system. There seemed to be a contradiction, and she sought clarification. She also wished to know whether the legislative changes were uniformly applicable in the autonomous communities. Citing the introduction to the report to the effect that since the date of its publication the Convention had been part of the national legal order in Spain, she asked whether the Convention had ever been invoked by the civil or criminal justice system either by the accused or by judges. As far as equal treatment before the law was concerned, she asked how complaints made by victims of sexual violence were handled and whether the courts followed such procedures with the same speed as in other cases of flagrant crimes. How were decisions made and sentences handed down and implemented, and was compensation ordered and implemented effectively?

32. **Ms. Comas-d'Argemir Cendrá** (Spain) said that the public authorities in her country had been committed for many years to the eradication of domestic and gender-based violence. In September 2002 the Ministry of Justice, the Ministry of Labour and Social Affairs and the Office of the Attorney-General had set up the Observatory against Domestic and Gender-based Violence to provide follow-up to the treatment of domestic and

gender-based violence within Spain's justice system. The Observatory provided follow-up to individual judicial decisions and resolutions concerning measures to protect the victims of such violence. Information had been gathered from a sample of 12,000 such decisions and resolutions and was currently being analysed. It was expected that the conclusions would be published in about three months' time, and a copy would be sent to the Committee. However, she did not agree with those who alleged that there was impunity in Spain regarding the perpetrators of violent attacks against women. Acts of violence were listed in the Criminal Code, and there had been concern on the part of both the executive and the judicial branches that judges too often considered the complaints submitted to be deserving of minor punishment rather than punishment that would be sufficient to put a stop to such crimes. Because of that concern, Spain had adopted Organic Law No. 11/2003 of 29 September 2003 on concrete measures relating to the safety of victims, domestic violence and the social integration of foreigners. Under that law any violence committed in the family, any death threat made or aggression perpetrated, even if no serious physical or psychological injury was caused, was considered to be a real crime and deserving of the appropriate punishment. The real social problem in Spain was that of domestic violence, which was no longer considered to be minor. Spain had followed the European Union model, which considered acts of domestic violence to be criminal acts that should be investigated and punished as such. Punishments issued had to be complied with even if victims requested a pardon or a suspended sentence for the accused. Even if a first offender were given a suspended prison sentence, he would have to attend courses related to the behaviour for which he had been sentenced. In the case of domestic violence it would mean that he would not be allowed to come near his victim.

33. In 2003 the Spanish Parliament had unanimously adopted a law on protection orders, and in the first five months of its implementation almost 8,000 victims had requested protection after reporting acts of violence. Three quarters of those requests had resulted in protection orders being granted by judges. Those protection orders were enforced by local law enforcement officials, and efforts were being made to improve the effectiveness of coordination between judges, prosecutors and local police.

34. **Mr. Alvaro Page** (Spain) said that all Spain's autonomous communities had participated in the compilation of an annual report, which had now been completed but needed to be revised, on the activities they had been undertaking in awareness-raising and the prevention of violence against women, on education and training, on resource allocation, and compilation of data on legislative and judicial measures. The final version of the report, which referred to data from 2003, would be sent to the Committee as soon as it was ready.

35. **Ms. Murillo-de-la-Vega** (Spain) expressed her appreciation of the experts' contributions and noted that they would be useful in formulating future Government policies.

36. **The Chairperson** invited the members to pose follow-up questions.

37. **Ms. Morvai** requested information about the Government's plans regarding policies and laws on prostitution. She expressed surprise that brothels were legal in Cataluña and that no mention thereof had been made in the report.

38. **Ms. Shin** asked whether the proposed legislation on integral laws regarding gender violations included preventive education for men and boys. She also wished to know whether the new Government had increased the budget for gender equality, and if so, by how much.

39. **Ms. Belmihoub-Zerdani** mentioned that, according to article 53, paragraph 2 of the Constitution, a Spanish citizen could request an *amparo* remedy from the Constitutional Court. Spain had ratified the Optional Protocol giving citizens the right to submit individual cases to the Committee. She wondered whether a citizen's application for *amparo* before the Constitutional Court represented the last domestic remedy for the purposes of the Optional Protocol.

40. **Ms. Tavares da Silva** wished to know whether Spain's General Secretariat for Equal Opportunities Policy dealt with gender equality policies specifically or equality policies in general. She wondered whether more weight was given to policy or to the individual. She wished to know whether the Secretary-General was a post with ministerial rank or simply the highest post of that department. She asked how the General Secretariat and the Institute for Women's Issues coordinated the implementation and monitoring of

gender mainstreaming. Finally, she wondered whether the Government intended to review its reservation on the question of women acceding to the throne.

41. **Ms. Šimonović** said that the Government should decide how the report was to be compiled and recommended that the process should involve as many different groups as possible. She wished to know whether the report had been adopted by the Government and whether it had been submitted to Parliament.

42. **Ms. Schöpp-Schilling** welcomed the delegation's information on wage discrepancies, but would have preferred to hear more about Government and trade union action. She also would have liked to hear the delegation's comments on the fact that the service sectors paid lower wages than the industrial sector. She hoped that the next report would contain more information on government action regarding equal pay for work of comparable worth.

43. **Ms. Alvarado Ballesteros** (Spain) said that, under Spanish legislation, promoting and facilitating prostitution by pimping was a criminal activity, but engaging in prostitution was not. Prostitutes were considered victims, not criminals. The Catalanian legislation to which Ms. Morvai had referred was an administrative decree containing technical regulations for premises which could be used for activities connected with prostitution, and giving responsibility for those regulations to local authorities. It was completely unconnected with the question whether prostitution was legal or illegal, and it did not leave the way open for such activities to be conducted in a private home.

44. As Ms. Murillo-de-la-Vega had indicated earlier, there was wide debate in Spain, as in other countries, on the issue of prostitution. The link with organized crime must not be forgotten: article 2 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, encompassed cases in which individuals could be considered victims of trafficking even if they had apparently given their consent.

45. The International Criminal Police Organization (Interpol), the European Police Office (Europol), and European Commission programmes combating violence against women, particularly the DAPHNE

Programme and the STOP Programme, were working to dismantle networks that exploited women.

46. **Ms. Murillo-de-la-Vega** (Spain) said that the budget allocation for gender equality matters had increased 62 per cent between 1996 and 2002. The budget allocation for implementation of the Comprehensive Act against Gender Violence was 80 million euros.

47. Following up the question by Ms. Tavares da Silva on the status of the General Secretariat for Equal Opportunities Policy, she pointed out that it was attached to the Ministry of Labour and Social Affairs and handled only those equality matters which were connected with gender, since there was a State Adviser's Office which dealt independently with family and disability matters.

48. In hierarchical terms, the establishment of the General Secretariat was undeniably an achievement, but it was also an achievement for women's groups, which had lobbied to place their concerns on the political agenda. The General Secretariat was also responsible for the Institute for Women's Issues, which operated independently to implement policy and maintain a dialogue with civil society, the autonomous communities and international forums.

49. The distinction made by Ms. Tavares da Silva between a purely cosmetic post and one with genuine responsibility was important. If her post had been cosmetic, she would have had no budget and no responsibility for policies or bodies such as the Institute for Women's Issues. However, the concept of hierarchy was also connected with wielding power, and it was important to remember the empowerment that had been brought by the Fourth World Conference on Women in Beijing.

50. There was no obligation to submit Spain's periodic reports to the Committee to the Spanish Parliament, as the responsibility for implementing policies lay with the country's ministries, while the Parliament dealt with legislative matters or Government commitments. The ministries were responsible for all the planning associated with equality policy, primarily the implementation of gender mainstreaming. As a result, each ministry had an equality unit.

51. **Mr. Chozas** (Spain), responding to a question by Ms. Schöpp-Schilling, emphasized that the wage gap



was being studied in detail so that the problem could be better understood. Although discrimination seemed to play a role, many other factors must be considered. The issue must be discussed not only by the Government, but also by employers' associations, trade unions and employees. Pending the results of such research, employers and employees were taking action during the collective bargaining process to prevent any form of discrimination.

52. **Ms. Murillo-de-la-Vega** (Spain), replying to a question about primogeniture, said that the rights granted by the Spanish Constitution applied equally to males and females from the moment of birth, and both the legislature and the Crown were open to the possibility of a constitutional amendment. On the question of rehabilitating men found guilty of violence against women, she explained that judges had to determine the weight of responsibility and the degree to which a man was aware of the physical and moral harm caused by his behaviour. Penalties, which might include work in the community by way of rehabilitation, were awarded in that light.

53. **Ms. Comas-d'Argemir Cendrá** (Spain), replying to a question about legal remedies, said that in Spain women had full opportunities to seek recourse for infringement of their rights. Their constitutional rights could be defended in the constitutional courts, and they were also free to petition the Committee under the Optional Protocol to the Convention, which Spain had ratified. Both remedies could be pursued simultaneously.

54. **The Chairperson**, summarizing the debate, congratulated the Government representatives on their presentation of Spain's fifth report and their full replies to the questions in the list of issues and to those raised by the pre-sessional working group. It was clear that steps had been taken to achieve parity for women in the executive branch of government, as was evident from the presence of women in the Cabinet. However, at the political party level and in local government, their representation left something to be desired. There was also some concern about the electoral laws governing the autonomous communities, which did not seem to provide for the gender equality stipulated in the Convention. She urged the Government to use all available resources, including the allocation of public funds to political parties, to ensure that women could be elected, and to bring more women into the judiciary and the diplomatic service. It was also clear that in

spite of the presence of female role models in the higher reaches of society, in the actual fabric of society considerable gender inequality persisted, along with patriarchal attitudes. That was reflected in the higher unemployment rate among women, the fact that they earned on average 30 per cent less than men and their concentration in part-time employment and in sectors not covered by collective bargaining. She hoped Spain's next report would show evidence of efforts to eradicate gender stereotyping. It should also supply numerical evidence of gains, if any, made by immigrants in bettering their situation, since the Government had apparently not been able to evaluate the impact of its anti-discrimination policies on immigrants. In the experience of the Committee, the necessary reforms to eliminate discrimination could not be put in place unless there was factual evidence with which to diagnose the problem. Moreover, women in minority communities often faced multiple discrimination, and their situation must be properly studied. It was not discriminatory to focus on ethnicity and gender in that context. On the issue of violence against women, it was regrettable that the new Organic Law targeted only domestic violence. Since all forms of violence were covered by the Penal Code, they should all be brought within the ambit of the law.

55. She concluded by congratulating Spain on its ratification of the Optional Protocol to the Convention, and urging it also to ratify the amendment to article 20, paragraph 1.

*The meeting rose at 5.40 p.m.*