

Spain

(21st session)

236. The Committee considered the third and fourth periodic reports of Spain (CEDAW/C/ESP/3 and CEDAW/C/ESP/4) at its 436th and 437th meetings, on 17 June 1999.

(a) Introduction by the State party

237. In introducing the report, the representative of Spain pointed out that the benchmarks for Spain's national programmes on equality of opportunities had been derived from the platforms and plans of action which had been approved at the various global conferences, from earlier regional preparatory meetings and from the European Union. A number of legal reforms had been adopted to guarantee equality in the entire body of Spanish laws.

238. The representative informed the Committee of the various institutional mechanisms which had been established. The Constitution provided for competencies in the area of equality of opportunities to be distributed between the State, autonomous communities and town councils and, as a result, administrations for the promotion of equality existed in all autonomous communities and women's affairs units had been established in numerous town councils. At the national level, the Institute for Women's Issues, which was attached to the Ministry of Labour and Social Affairs, was the agency charged with promoting government policies in the area of equality. The Minister of Labour and Social Affairs chaired the Institute's Governing Council, which was responsible for implementing policies to coordinate the work of the different ministerial departments concerned with women. The objective of the Directorate-General of the Institute was to ensure maximum coherence in the various equal opportunity policies elaborated by the national Government and the autonomous communities. Non-governmental organizations participated in the work of the Governing Council and received technical and financial assistance for the implementation of specific programmes.

239. The representative outlined the priorities of the different Plans of Action for Equal Opportunities. The main objective of the First Plan (1988-1990) was to enact legislation that would ensure consistency between the domestic legal order and the provisions of the Constitution with respect to the protection and guarantee of equality. The Second Plan (1993-1995) was focused primarily on education, vocational training and health. The Third Plan (1997-2000) had followed the lines of European policies in that area, with a view to promoting a common policy and ensuring gender mainstreaming in all programmes and policies.

240. The representative informed the Committee of the progress that had been made in the field of education, in which women had made significant strides. For example, in only seven years, the number of women who had submitted doctoral theses had risen by 202 per cent. Gender-based inequalities in vocational training and higher education had been reduced considerably, even though some gender-based differences remained in the choice of fields of study. A review of teaching materials and curricula had been begun in collaboration with the universities and a start had also been made on the mainstreaming of gender in training courses. The Ministry of Education and the Spanish Confederation of Associations of Parents of Students jointly promoted non-sexist teaching, sex education and shared family responsibilities. A commission had undertaken a critical review of the dictionary of the Spanish Royal Academy and had published various proposals for inclusion in a new edition of the dictionary.

241. The employment rate for women had gone up during the 1990s, following the adoption of a variety of measures. The Spanish Kingdom's Action Plan for Employment promoted, *inter alia*, entrepreneurship among women and their insertion into the workforce. The Institute for Women's Issues, in collaboration with the Federation of Chambers of Commerce of Spain, provided technical and financial assistance to a large number of women entrepreneurs. The draft legislation aimed at reconciling the family and working lives of women, which had been submitted to Parliament, contained provisions for maternity or paternity leave.

242.Despite the recent advances made, participation in decision-making, which was another area of key importance for the advancement of women, continued to be limited. The percentage of women parliamentarians had increased from 15 per cent in 1989-1993 to 22 per cent in the national Parliament and from 7 per cent to 20 per cent in the parliaments of the autonomous communities. The number of women employed in ministries, State secretariats and the public service had increased considerably, to 45 per cent. Studies and campaigns had been carried out to ensure more active participation by women in political and social life, but the structures and organizations of power, which were male dominated, continued to be an obstacle.

243.Her Government had adopted numerous measures to eliminate violence against women. In 1998, it had approved the 1998-2000 Plan of Action on violence against women, which had been prepared in collaboration with ministerial departments, autonomous communities, local municipal councils and non-governmental organizations. The Plan contained elements for a comprehensive response to the problem of violence against women, including awareness-raising and prevention, education and training, social resources, health, legislation and judicial practice, and investigation.

244.The representative highlighted the important role of the information media and informed the Committee of the work being done by the Advertising Monitoring Unit, which had made an important contribution to the elimination of discrimination in the portrayal of women in the media.

245.The situation of women in rural areas had changed considerably, since young rural women sought employment outside of agriculture and the home. Only 25 per cent of rural landowners were women, while the average size of their properties was only a third of that of male landowners.

246.Priority areas in the field of the advancement of women and health were the prevention of gynaecological cancer, care for pregnant women, menopause, information on and follow-up of contraceptive use, and the prevention of unwanted pregnancies, especially among adolescents.

247.She concluded by stressing that inequality had ceased to be a problem that affected only women and had become a social problem.

(b) Concluding comments by the Committee

Introduction

248.The Committee expresses its appreciation to the Government of Spain for submitting detailed third and fourth periodic reports, containing data disaggregated by sex. It commends the Government for the comprehensive written replies to the Committee's questions and its oral presentation, which provided additional information on the current situation of the implementation of the Convention. It appreciates the frank and open manner in which the State party shared with the Committee its analysis of the situation of women and the identification of areas for further progress.

249.The Committee commends the Government of Spain for having sent a large delegation, headed by the Director-General of the Institute for Women's Issues. The Committee notes that recent governmental action, and in particular the Third Plan of Action for Equal Opportunities, are placed within the context of the implementation of the Beijing Platform for Action.

Positive aspects

250.The Committee commends the Government on its strong commitment to achieving equality and equal opportunities for women, reflected in the sustained progress it has achieved in implementing the Convention since the consideration of the second periodic report in 1992.

251.The Committee welcomes the adoption of the Third Plan of Action for Equal Opportunities (1997-2000). It welcomes the introduction of gender mainstreaming as a strategy involving all State bodies, the autonomous communities and civil society, as well as the view that the achievement of gender equality is a societal concern, rather than a women's issue, and is the responsibility of the State and its authorities.

252.The Committee commends the work of the Institute for Women's Issues and commends the Government on the establishment of the Sectoral Women's Conference as a consultative and deliberative body to ensure consistency between the State's equality and equal opportunities policy and those of the autonomous communities.

253.The Committee notes with appreciation the use of affirmative action measures, especially in the field of employment, to overcome obstacles to women's de facto equality. It also commends the Government on the adoption, in April 1998, of a Plan of Action on violence against women with specific budgetary allocations for each of the areas covered by the Plan. It notes the high level of women's educational achievement, especially at the tertiary level. The Committee commends the Government for recognizing, and addressing by different means, stereotypical attitudes as a major source of women's continuing disadvantage.

Factors and difficulties affecting the implementation of the Convention

254.The Committee notes that there are no significant factors or difficulties which prevent the effective implementation of the Convention in Spain.

Principal areas of concern and recommendations

255.The Committee notes that the Spanish Constitution allows for a high degree of decentralization and that competence in respect of equal opportunities has been transferred to the autonomous communities. While noting that such decentralization may facilitate greater involvement of citizens, in particular women, in decision-making processes, the Committee expresses its concern that in the absence of effective monitoring mechanisms of the national Government, such decentralization may lead to an uneven enjoyment by women of the rights protected under the Convention in the State party.

256.The Committee recommends that the Government carefully monitor equality measures taken at the level of the autonomous communities and their coherence and accountability with national equality policies. It also urges the Government to ensure strong links between the central and local Governments and full support to the Women's Sectoral Conference so as to enable it to implement fully its role as a mechanism for collaboration between the central and regional governments.

257.The Committee expresses concern that notwithstanding the Government's active policy and concrete measures to eliminate them, stereotypical gender-based attitudes persist with regard to the roles of women and men in the home, in the workplace and in society. The Committee is particularly concerned that while women are gradually becoming integrated into the world of work, men are not becoming involved in parental and household tasks in a comparable rate and manner.

258.The Committee recommends that high priority be placed on efforts to eradicate traditional stereotypes that perpetuate direct and indirect discrimination against women. The Committee encourages the State party to strengthen educational measures, beginning at a very early age, and to increase its collaboration with civil society organizations, the media and the private sector so as to achieve greater balance in the roles and responsibilities of women and men, particularly in the sharing of family responsibilities. In promoting this policy, it is also necessary simultaneously to encourage greater participation of women in decision-making in public life.

259.The Committee notes that women's participation in the labour market is one of the priority areas in the Third Plan of Action, and that the Employment Plan for 1998 is also contributing to a change in the situation of women in the labour market. These measures notwithstanding, the Committee is concerned that women's overall participation in the labour

market is one of the lowest among Western European countries, with only 32 per cent of women holding full-time employment, while the rate of women in part-time employment remains at 76 per cent. Women's unemployment rate is almost double that of men and, on average, women earn about 30 per cent less than men. While new legislation protecting part-time workers was introduced in 1998 to promote such employment, the Committee expresses concern that these measures may lead to short-term gains in women's employment, without addressing long-term structural issues of women's double burden of paid and unpaid work. These measures may also lead to the perpetuation and reinforcement of stereotypical attitudes about women's family responsibilities, rather than increasing their participation in the labour market.

260.The Committee urges the Government to monitor carefully the impact of legislation governing part-time work and its potential for unintentionally trapping women in this type of employment. The Committee also urges the Government to assess continuously the adequacy of its incentive programmes for women entrepreneurs and to monitor the need for comprehensive programmes providing information, training, economic incentives and skills development to ensure success for women in small and medium-sized enterprises.

261.While welcoming women's high level of educational achievement, especially at the university level where women are in the majority, the Committee expresses concern that those achievements are not yet reflected in women's equivalent access to, and representation in, the labour market. In particular, while men's and women's share in public-sector employment is balanced, men hold two thirds of all jobs in the private sector.

262.The Committee recommends that the Government study the causes for women remaining under-represented in employment commensurate with their educational level, and examine, in particular, recruitment practices, training and professional development opportunities offered in the private sector with a view to assessing their potential for indirect discrimination against women.

263.While welcoming the adoption of a Plan of Action on violence against women (1998-2000) covering six areas of activity and with specific resource allocation for each area, and the amendment to the Penal Code in 1999 concerning offences against sexual freedom, as well as on trafficking, the Committee is concerned about the apparent increase in domestic violence.

264.The Committee urges the Government to ensure that rigorous attention is paid to domestic violence in the implementation of the Plan of Action. The effectiveness of the steps taken should be monitored on a regular basis, and a comprehensive impact assessment undertaken at the end of the period covered by the Plan. The Committee also recommends that as experience is gained from implementation of the Plan based on good practices the Government continue to introduce appropriate measures to eliminate domestic violence. It further urges that domestic violence issues be included as a mandatory part of the basic training of law enforcement personnel, and that investigation and prosecution of domestic violence complaints be undertaken on a par with other criminal offences.

265.The Committee is concerned at the significant increase in abortions among adolescents aged 15 to 19 years old.

266.The Committee recommends that abortions among adolescents be addressed by a multiplicity of means, including age-appropriate sex education in primary and secondary schools.

267.Notwithstanding the existence of a good preventive policy on HIV/AIDS, the Committee is concerned at the increase in women's infection rate with HIV/AIDS. The Committee is also concerned at the high level of women's drug and tobacco consumption and other substance abuses.

268.The Committee recommends that awareness-raising campaigns be undertaken concerning the preventable health hazards stemming from tobacco consumption, and that the need be assessed for additional regulatory and education measures to prevent and reduce smoking by women, especially among adolescents and young women. The Committee also calls for further study of the causes for the increase in drug and alcohol use among women. The Committee invites the State party to provide in its next report detailed information on the provision of health services and health insurance to women, and in particular the potential and actual impact on women of any steps considered or taken towards privatization of the health sector.

269. While the Committee appreciates the Government's declared intention to apply the gender mainstreaming strategy in all policies and programmes, it notes the absence of any systematic attention to, or policy directed at the changes in the demographic composition of the State party. It notes a lack of attention to the situation of older women and the implications of demographic changes for women's health, poverty, pension entitlements and elder abuse. The Committee is particularly concerned that, according to the oral replies of the State party, women's domestic work and care for older persons are the two most important obstacles to women's equal participation in public life, and that 83 per cent of those caring for older persons are women.

270. The Committee recommends that the situation of older women be addressed in a comprehensive manner in the next Plan on Equal Opportunities as a matter of priority, and in a cross-cutting and cross-sectoral manner, with emphasis on older women's pension entitlements. It also recommends that the care requirements for older persons be addressed through public policy measures in order to establish societal responsibility for their well-being, rather than allowing it to remain predominantly as women's unpaid responsibility.

271. While the Committee notes the efforts deployed to reduce the illiteracy rate among women, it urges the Government to strengthen this policy in order to reduce women's illiteracy and thereby enable them to have access to information concerning their rights under the Convention.

272. The Committee is concerned at the lack of information on the number and type of women's studies courses at institutions of higher learning. It recommends that the Government provide this information in its next periodic report.

273. The Committee notes with appreciation that the issue of women in rural settings is one of the 10 areas of concern in the Third Plan of Action for Equal Opportunities. At the same time, the Committee is concerned about the lack of data with regard to rural women's poverty, employment rate, health situation, and educational achievement. It also notes a lack of data and information on the situation of other groups of particularly vulnerable women, such as disabled women.

274. The Committee is concerned at the situation of foreign women workers in domestic service, asylum seekers and women who may be living clandestinely in Spain. The Committee is concerned that these women may lack adequate protection from violence and abuse.

275. The Committee recommends that the situation of these women workers be assessed in greater depth, with particular emphasis on the types of work, legislative provisions governing their employment, and de facto situation. It also recommends that measures be taken to improve their level of literacy, including legal literacy.

276. The Committee requests that the Government respond in its next periodic report to the specific issues raised in these concluding comments.

277. The Committee requests the wide dissemination in Spain of the present concluding comments, in order to make the people of Spain, and particularly government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and de facto equality for women and further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular, to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.