



# ESPAÑA

**INTERVENCIÓN DE LA MINISTRA DE IGUALDAD  
EXCMA. SRA. BIBIANA AIDO ALMAGRO**

**EN LA PRESENTACIÓN DEL SEXTO EXAMEN PERIÓDICO  
DE ESPAÑA ANTE EL COMITÉ DE LAS NACIONES UNIDAS PARA  
LA ELIMINACIÓN DE TODAS LAS FORMAS DE DISCRIMINACIÓN  
CONTRA LA MUJER (CEDAW)**

**Nueva York, 22 de julio de 2009**

(Cotejar con intervención definitiva)

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**STATEMENT BY THE MINISTER FOR EQUALITY  
H.E. MS. BIBIANA AIDO ALMAGRO**

**AT THE PRESENTATION BY SPAIN OF ITS SIXTH PERIODIC REPORT  
BEFORE THE COMMITTEE ON ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN (CEDAW)**

**New York, 22 July 2009**

(Unofficial translation, check against delivery)

Non-official translation  
Check against delivery

Opening Statement by the Spanish Minister of Equality to the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW).

New York, July 22 2009

Madam President of the Committee, Distinguished Members,

In my capacity as the Spanish Government's Minister of Equality, it is my pleasure to present to you Spain's Sixth Periodic Review under the Convention on the Elimination of All Forms of Discrimination against Women. I am, in fact, the first Minister of Equality that my country has had and I have come with a full delegation, whose members I will introduce later on, including representatives from a variety of ministerial departments.

The creation of the Ministry of Equality last April, after Spain had submitted its Sixth Periodic Report to this Committee, is one of the principal milestones in the political project that we have been spearheading since 2004 and which has made equality one of the primary axes of the government's political activity. The Ministry was created following the recommendations of the Beijing Platform for Action and of this Committee, in order to put into practice and to implement equality policies, but also to take on the task of mainstreaming in all government activity.

In the last five years we have passed innovative legislation in this area, have set in motion concrete policies and specific action plans, and have mainstreamed equality, and especially the equality between men and women, in all the government's activities both at home and abroad.

Very important steps have been taken in the field of anti-discrimination law, amongst which I would like to highlight the law on same-sex marriage and two emblematic laws from the previous parliament, namely the law against gender violence and the law of effective equality between women and men. During the current parliament we will continue our way with a new law of equality of treatment and non-discrimination, on which we are currently working at the Ministry of Equality in order to put it before parliament shortly.

I am particularly proud to be part of the first government with sexual parity in the history of Spain, in which, in this session, there are more female ministers than male ministers; in which the two vice-presidents, the first responsible for coordinating the government's political action and the second for the economy and finance, are women, as are, for the first time in my country's history, the Defense Minister and the President of the Constitutional Court. This parity has not just translated into more women in politics, but

also a change in the priorities of the political agenda.

Women's political participation is essential in all fields. We have advanced significantly, and we can say today that we have walked a road longer than the one ahead. In all our State's institutions, the National Parliament, the Autonomous Regions' legislative Assemblies, in local government, women's presence is approaching the principle of balanced representation, established in our law of effective equality, where neither sex should have less than 40% nor more than 60% presence. Since this law was passed, two thousand women councillors have joined local government. On the other hand, business boardrooms are an area where we still have a lot to do, although we have at least progressed from 3% representation in 2005 to over 9% today.

Madam President, Distinguished Members of the Committee,

I do not intend to go through Spain's Sixth Periodic Review, for which I take full responsibility. You already know its contents well, but I would like to focus on three fundamental aspects of our path towards effective equality between men and women over the five years since Spain last presented a periodic report. I shall divide my presentation into three parts: the legislative framework, positive measures and international cooperation.

When Prime Minister Rodríguez Zapatero took office as the President of the Government for the first time in 2004, the very first draft law that was presented to Parliament was the Law for Integrated Protection Measures against Gender Violence, giving a legal response to a problem that is the most brutal proof of inequality between women and men in our societies today. As the Committee members know very well, whatever the level of a society's economic development, violence against women continues to be an intolerable reality.

The fact that this was the very first law passed by the Council of Ministers showed not only the government's concern for the problem, but also that for the first time gender violence would be considered as a problem of public interest, that it had stopped being a personal or private matter and had passed to the top of our country's political agenda. The aim of the law is to prevent, protect and assist adequately all the victims, punish the aggressors and, as a final goal, eradicate gender violence. It introduces innovative measures such as an integrated judicial approach which included, among other elements, the creation of specialized courts to deal with male violence. It is a complex law which places responsibilities on all public administrations (national, regional and local) and on all public authorities, and in general on the whole of society which is obliged to become involved and take sides against violence towards women. Since the law came into force many things have changed, and we can now make an evaluation report of the law's first three years in operation, because among other things, this law,

along with the law on effective equality, carries the obligation for its measures to be evaluated and presented periodically to Parliament. Since the law came into force, in the General State Administration alone we have invested more than one billion euros into measures directed to combating male violence. Amongst the most recent measures put into practice, I would like to highlight a new system of monitoring and control of aggressors throughout the use of electronic devices in order to improve the protection of victims. We have recently passed a Royal Decree to establish specific employment programs for the victims of violence to help these women regain a foothold in the professional world when necessary. We are constantly putting more measures and resources in place, although nonetheless we still have much to do before we can eradicate mistreatment of women. Among other things we must intensify even more the specialized training of the professionals of all kinds who deal with the women, especially the judges, and create greater social awareness and involvement.

In 2006 the draft Law for the Effective Equality between Women and Men was presented. It was passed in 2007 and continued along the road started by the Law against Gender Violence. If the earlier law sought to give an overall integrated response to the violence that women suffer most habitually, the Law of Effective Equality, with a global approach again, was aimed at achieving genuine equality between men and women, combating the forms of sexual discrimination that still persist, whether direct or indirect, and removing the obstacles and social stereotypes that stand in their way.

The law's multidimensional nature can be appreciated through the 27 laws of all kinds that have been modified by its ordinances (including electoral law, the legal system, employment, the workers' statute, social security, health, education, asylum, the armed forces, state security forces and bodies, etc.) and the process is not finished. Far from it in fact, it starts a road where there is still much to travel, to encompass such areas as penal law and tax law, where reform with a gender perspective is so needed.

Furthermore, the Law of Effective Equality introduces basic concepts into the legal framework, such as the principle of mainstreaming, direct and indirect discrimination, sexual harassment and gender-based harassment, as well as positive action. It also establishes the legal consequences of discriminatory behaviour, the right of effective reparation or compensation, along with legitimization and ability to intervene in legal processes where there is a supposition that a principle of equality has been contravened.

The Law has also given us a new administrative structure for the development of equality policies. We have a Delegate Commission for Equality Policies, chaired by the Vice-President of the Government, and an Inter-ministerial Commission for Equality, which I chair, and in which the Under Secretaries from all the Ministries take part and which coordinates the roll-out of the Strategic Plan for Equality of Opportunities. There are Equality Units in all the Ministerial departments. Furthermore, there are gender-impact reports on all new laws, decrees and plans that the government passes. In 2009,

for the first time the State Budget was accompanied by a Gender Impact Assessment Report, as will the upcoming 2010 budgets because we have it among our goals for all budgets to include a gender perspective, something that is already being put into action in some Regional Governments.

At the same time, the Sectorial Conference of Equality, which I have the honour of chairing, meets regularly in order to coordinate the work of the different Autonomous Regional Governments (many of which have passed their own Equality Laws).

Finally, the Law of Effective Equality aims to work together with women's organizations and with civil society through the Council for Women's Participation, a collegiate advisory and consultative body concerning matters of equality between men and women, which will be set up in the next few weeks and which shortly will have its rules of composition and procedure.

This Equality Law, which will have its 2-year evaluation review in Parliament next March, has also brought with it social benefits through the rights to social protection that it recognizes, together with the duty of companies to negotiate Equality Plans to correct for the workplace discrimination which women continue to suffer in the job market. In order to enforce these rights, the Work and Social Security Inspectorate, in concert with the Autonomous Regional Governments, has put in motion an Action Plan 2008-2011 to monitor effective equality between women and men in businesses.

The percentage of women taken on has risen progressively since 2005. The level of the female population that is economically active is over 50% and we will continue working until we reach the 60% established by the Lisbon Strategy for all the countries of the European Union. To finish with another significant piece of data about the law's application, 80% of men who have become fathers since 2007 have already been able to take advantage of paternity leave. This independent leave is currently 2 weeks for fathers, and will be extended to a month in 2011, and we want to encourage shared responsibility for the care of children.

Both these laws that I have talked about, together with others, such as the Law for the Promotion of Personal Autonomy and Care of Dependants, aim to be inclusive, to regulate many aspects of life and involve all levels of public administration and society. It is our way of understanding and implementing mainstreaming, which we committed to in the Beijing Platform of Action.

It is this legal framework that is, without doubt, what is enabling us to incorporate the gender perspective into all public policy, something which is crucial to continue making progress.

We are currently working on two new draft Laws. On the one hand we are working on a law concerning sexual and reproductive health and voluntary termination of pregnancy,

which aims to put in place greater legal guarantees for women who decide to terminate their pregnancies voluntarily, and for the professionals who tend to them. We also, and foremost, want to reduce the upward trend in unwanted pregnancies and abortions that our country has witnessed in the last decade. We are planning to draft a National Strategy on sexual and reproductive health, which promotes information, emotional and sexual education, and greater accessibility to contraception

On the other hand we are working on a draft Law of Equality of Treatment and Non-Discrimination, which aims to eliminate all kinds of discrimination on the grounds of race, religion, age, disability or sexual orientation. This law will include the gender perspective and define multiple discrimination.

Madam President, Distinguished Members of the Committee,

The importance of having a legal framework in place is undeniable. It is also undeniable that the Laws are not enough in themselves and that they need to be accompanied by concrete, positive action. This has been articulated through various Action Plans.

I would like to draw your attention to the National Human Rights Plan, passed by the Council of Ministers on December 12 32008, which is a road map for the promotion and protection of human rights in Spain and in its approach to foreign policy. This Plan systematizes, from a human-rights perspective, every factor carried out in the action plans.

In the area of equality between women and men, the most significant action plan is the Strategic Plan for Equality of Opportunities, passed by the Council of Ministers in December 2007, for the period 2008-2011. This Strategic Plan is based on four guiding principles: redefining the model of citizenship; empowering women; mainstreaming gender; and recognizing scientific and technical innovation as forces of social change. The Plan is backed up by an economic budget of €3,690,000,000, allocated according to programs.

The third large-scale plan that I want to mention, and which has been in force for less than half a year, is the Integrated Plan on the Fight against Trafficking of Human Beings for the Purpose of Sexual Exploitation. This is the first planning instrument that goes all the way through the system in the fight against the trafficking of human beings for the purposes of sexual exploitation in Spain, and it is articulated in five areas of action:

- Awareness, prevention, and research
- Education and training
- Assistance and protection of the victims
- Legal and procedural measures, especially in the area of policing
- Coordination and cooperation.

Spain has already ratified the Council of Europe Convention of May 3 2005 for action against trafficking of human beings which will come into force next month in August.

Following on from this ratification and as a measure passed within the Plan of Trafficking itself, has been included a period of reflection of 30 days, during which women who are victims have the right to free legal assistance in their own language, to accommodation, social assistance and also an allowance.

We are working on applying the Plan's measures, developing suitable protocols and building awareness and social awareness, including prevention measures in the countries where the trafficking of women originates.

Coordinating these plans is carried out in permanent consultation with all the interested parties in the Autonomous Regional Governments.

We are very aware that modifying a culture of inequality and domination that has been rooted in our societies over centuries demands the investment of time, effort and resources, and, above all, requires us to commit with a completely clear political will. We are also aware that at the same time we need to identify and combat new forms of gender inequality that arise in a world of constant change. Gender inequality today has new faces. It takes on the face of this new gender-based proletariat made up of women who, despite all the efforts, still hold the most precarious jobs, the least valued occupations and the worst-paid positions they see themselves relegated to, with no more reason than tradition and prejudice. It takes the shape of those women who come to our country and have to start out fighting the double inequality of being both woman and immigrant.

That is why we do not forget the groups of women who need special forms of help and social protection. That is why the Council of Ministers has passed measures and plans such as the Plan to favor equality between men and women in the rural environment, passed on October 19 2007, the action plan for women with disability, the plan for attention of migrant women and attention of immigrant women who are victims of gender violence, or measures for positive action and support for Roma women, above all in access to health, education, work and accommodation.

Madam President, Distinguished Members of the Committee,

I would like to mention our foreign policy on equality. We are deeply committed to the Declaration of the Millennium Development Goals, as a way to improve the living conditions of women in the whole world and to attain a fairer and more equal world.

We have made a clear commitment to international cooperation and development, and

indeed in a globalized world, no need is not our concern, no injustice is not on our doorstep. The Spanish Master Plan for Cooperation 2005-2008 established the Law of Gender Equality as one of its mainstreamed principles for the first time, which the new Master Plan 2009-2012 repeated and reinforced. Spain's commitment to this subject is not only a question of words but is also translated into institutional and monetary deeds. Specifically, in terms of gender, Official and Development Aid went up to €126,000,000. The new Master Plan continues with the commitment to dedicate 9% of official development aid to gender and 6% to health, with a special emphasis on sexual health and reproductive policies.

Elsewhere, in 2007 an action plan on Resolution 1325 was approved, with respect to women, peace and security which is currently at a revision stage to incorporate the articles of Resolution 1820 from the past year. We have also committed to the Network of Spanish and African Women for a Better World, a sisterhood initiative between African and Spanish women, bodies and organizations in search of solidarity, cooperation and strengthening women as active agents of change and development.

Finally, as a country committed to effective multilateralism and the United Nations' work, we have significantly raised the level of our voluntary contributions to the various funds and programs dedicated to equality and women's empowerment. Last year we created a Multidonor Fund through UNIFEM for the promotion and financing of gender-equality policies in countries in development, with a first contribution of €50,000,000. This is all apart from the Spain-UNDP Fund for the achievement of the Millennium Development Goals, with particular emphasis on goals 3 and 5.

In the international arena, I would finally like to mention that during the first half of 2010 Spain will hold the Presidency of the European Union and that we want equality to be one of the principal axes of our working programme.

Madam President, Distinguished Members of the Committee,

I would like to conclude my presentation by reiterating that the Government of Spain, which I represent here today, is firmly committed to continuing to work in favour of equality between women and men. We are aware that if active equality policies are neither formulated, nor put into action, the goal becomes ever more distant. We are aware that violations of women's rights will not disappear just because we do not talk about them, so we have chosen to make our problems fully visible and to face them without embarrassment. We are aware that all legislation, however advanced it is, must be accompanied by measures that ensure positive action, since without those the legal framework is meaningless and void of content. We are aware that a society that is not equal cannot be fair or sustainable.

We want to build that fair and sustainable society, it is something that we owe my

country's citizens, which require us to put these equality policies into practice and that value very highly the legislation proposed by the Government and passed by Parliament. I would also like to take the opportunity to recognize the work and the efforts contributed by NGOs, by the organized women's movement; especially those who have presented shadow reports, because thanks to their involvement and permanent collaboration, Spain has been making ever faster progress in recent years.

Therefore, we are ready to answer any questions that you may have, but above all to listen to your recommendations which will help us to continue the job that has been entrusted to me and which, you can be sure, we shall duly apply ourselves with full diligence, dedication and sense of responsibility.

Thank you very much. I am at your disposal.