



shadow report

~~shadow~~ 2008-2013

*on the implementation of the Convention on the
Elimination of All Forms of Discrimination against
Women in Spain*

61th Session of the CEDAW Committee-United Nations

The present report is the result of an intensive and enriching work carried out between February 2013 and April 2014 by a diverse set of women's organizations, development cooperation NGOs, and other civil society organizations, under the umbrella of the CEDAW Shadow Platform, for the purpose of participating in the review process that will be undertaken by the CEDAW Committee at its 61th session.

The following organizations are Signatories to this shadow report:

(267 organizations up to September 15th 2014)

- 1 Abierto Hasta el Amanecer, Sociedad Cooperativa
- 2 Abogadas para la Igualdad
- 3 ACSUR Las Segovias – Catalunya
- 4 ACSUR Las Segovias (Estatal)
- 5 ACSURAS
- 6 ADAVAS Salamanca
- 7 ADAVAS, Asociación de Ayuda a Víctimas de Agresiones Sexuales y Violencia Doméstica – León
- 8 ADAVASMYT, Asociación de Asistencia a víctimas de Agresiones sexuales y malos tratos
- 9 ADIBS, Associació de Dones de les Illes Balears pera la Salut
- 10 ADONA't
- 11 AEDIDH Asociación Española para el Derecho Internacional de los Derechos Humanos
- 12 AFAEMME Association of Organizations of Mediterranean Bussineswomen
- 13 AIDERGC Mujeres Rurales de Gran Canaria
- 14 AIETI Asociación de Investigación y Especialización sobre Temas Iberoamericanos
- 15 ALAS, Asociación de Mujeres por la Literatura y las Artes
- 16 Alia. Asociación por la Igualdad de Oportunidades entre Mujeres y Varones
- 17 Alianza por la Solidaridad
- 18 AMASOL (Asociación de Madres Solteras)
- 19 AMECO (Asociación Española de Mujeres Profesionales de los Medios de Comunicación)
- 20 AMG Asociación de Mujeres de Guatemala
- 21 AMPLIA, Asociación Profesional Agentes de Igualdad de Oportunidades entre Mujeres y Hombres – Comunidad de Madrid
- 22 Antígona. Grupo de investigación en género y sociedad. Barcelona
- 23 APAIONA Nabale, Asociación Profesional de AIO de Navarra
- 24 Asamblea de Cooperación por la Paz
- 25 Asamblea Feminista de Madrid
- 26 ASIGE Asociación de Agentes de Igualdad de Granada
- 27 Asociació Feminista de Catalunya
- 28 Asociación Africanista Manuel Iradier, AAMI
- 29 Asociación Alanna
- 30 Asociación Almeriense de Intervención Social y Mediación para la Gestión de Conflictos "INTER-ACCIONA"
- 31 Asociación Andaluza de Mujeres por los Derechos Humanos, Trenza
- 32 Asociación Andrea - Lunas Lilas
- 33 Asociación BOREA
- 34 Asociación Centro de Formación "Escola de Ciutadania en Femení María Moliner"
- 35 Asociación Colectivo ALAIZ
- 36 Asociación Contramarea. Tenerife
- 37 Asociación custodia en Positivo
- 38 Asociación de clínicas acreditadas para la IVE
- 39 Asociación de Emigrantes Filipinos en el País Vasco 'Pagkakaisa'
- 40 Asociación de Empresas de Inserción de Andalucía, EIDA
- 41 Asociación de Mujeres AREMOGA. Tenerife
- 42 Asociación de Mujeres Berrueza
- 43 Asociación de Mujeres de Cantabria "La Amazuela"
- 44 Asociación de Mujeres Entre Culturas
- 45 Asociación de Mujeres Gara
- 46 Asociación de Mujeres Gitanas Alboreá
- 47 Asociación de Mujeres Hypatia
- 48 Asociación de Mujeres La Rondilla
- 49 Asociación de Mujeres Latinoamericanas Amalgama
- 50 Asociación de Mujeres Nerea
- 51 Asociación de Mujeres Nosotras Mismas Chamberí
- 52 Asociación de Mujeres para la Ayuda y Formación, Arafmu
- 53 Asociación de Mujeres para la Salud Nielda
- 54 Asociación de Mujeres por un Envejecimiento Saludable AMES
- 55 Asociación de Mujeres Puntos Subversivos
- 56 Asociación de Mujeres Rosa Chacel. Valladolid
- 57 Asociación de Mujeres San Fernando de Henares
- 58 Asociación de Vecinos 'Los Olivos' de Molina de Segura
- 59 Asociación de Vecinos de Fenazar
- 60 Asociación Derechos Humanos de las Mujeres y Desarrollo
- 61 Asociación Discapacidad sin Distancia
- 62 Asociación Emagüeskume
- 63 Asociación Feminista de Asturias
- 64 Asociación Galega contra o Maltrato a Menores (AGAMME)
- 65 Asociación Igualdad de Género Universitaria (AIGU) Málaga
- 66 Asociación Intercultural Kolore Guztiak
- 67 Asociación Juvenil Lamias Mujeres Jóvenes de Navarra – Nakarroako Emakume Gazteak
- 68 Asociación La Xana, Escuela por la Salud y la Igualdad. Asturias
- 69 Asociación Leonesa Simone de Beauvoir
- 70 Asociación Matiz Educación en Valores
- 71 Asociación Mujeres AMANECER
- 72 Asociación Mujeres Con Voz
- 73 Asociación Mujeres Jóvenes de Aragón por la Igualdad
- 74 Asociación Mujeres Jóvenes de Gran Canaria "Ágora Violeta"
- 75 Asociación Mujeres Jóvenes de la Región de Murcia – 8 de marzo
- 76 Asociación Mujeres Jóvenes Extremadura
- 77 Asociación mujeres Montserrat Roig de San Fernando de Henares
- 78 Asociación Mujeres Opañel
- 79 Asociación Mujeres por la Paz
- 80 Asociación Mujeres Progresistas Bercianas
- 81 Asociación Navarra de Fibromialgia y Fatiga Crónica, FRIDA
- 82 Asociación Nos Mesmas
- 83 Asociación Nosotras en el Mundo
- 84 Asociación Nuevas Ideas de Benavente
- 85 Asociación para el desarrollo Integral de las Mujeres Mercedes Machado. Tenerife
- 86 Asociación para la defensa de la Imagen Pública de la Mujer (ADIPM) Málaga
- 87 Asociación para la defensa de la Mujer "La Rueda" Burgos
- 88 Asociación para la Igualdad On:Giz Elkarte
- 89 Asociación para la integración laboral de la mujer "Caminar"
- 90 Asociación para la Protección e Integración de la Mujer – PRIM
- 91 Asociación por los derechos Humanos en Afganistán (ASDHA)

- 92 Asociación Por ti Mujer
- 93 Asociación Pro Mujer Eraldatzen
- 94 Asociación Profesional de Agentes para la Igualdad de Granada
- 95 Asociación Prometeo – Hombres por la Igualdad
- 96 Asociación Rumiñahui Hispano-Ecuatoriana
- 97 Asociación Rural de Mujeres Tiemar. Lanzarote
- 98 Asociación SARE
- 99 Asociación Schams
- 100 Asociación Solidaria Andaluza de Desarrollo (ASAD)
- 101 Asociación Valmujertierra
- 102 Associació de Planificació Familiar de Catalunya i Balears
- 103 Associació Naixença. Mallorca
- 104 BENILDE
- 105 Biblioteca de Mujeres - IPES
- 106 Ca la Dona. Barcelona
- 107 CAONGD (Coordinadora Andaluza de Organizaciones No Gubernamentales para el Desarrollo)
- 108 Casa de Colombia en España
- 109 Católicas Por el derecho decidir, CDD-ESPAÑA
- 110 CEIPAZ, Centro de Educación e Investigación para la Paz
- 111 Centro de Asistencia a Víctimas de Agresiones Sexuales, CAVAS
- 112 Centro de Estudios e Investigación sobre Mujeres (CEIM)
- 113 CERES Confederación de Mujeres del Mundo Rural
- 114 Clásicas y Modernas, Asociación para la Igualdad de Género en la Cultura
- 115 CMC InCom-UABarcelona
- 116 Col·lectiu de Dones de Llevant
- 117 Col·lectiu de Dones de Montcada
- 118 Colaboratorias
- 119 Colectiva Feminista IMPACIENTES
- 120 Colectivo D.Genera
- 121 Colectivo de Mujeres contra la violencia de Toro (Zamora)
- 122 Colectivo DoceMiradas
- 123 Colectivo Feminista Las Tejedoras
- 124 Colectivo Feminista Trece Rosas, Salamanca
- 125 Colectivo GENER-ANDO
- 126 Colectivo Hetaira
- 127 Colectivo Independiente de Mujeres de Granada
- 128 Colectivo Mujeres Malaka
- 129 Colectivo Urbanas. Pamplona
- 130 Colegio Oficial de Educadoras y Educadores de Navarra
- 131 Colegio profesional de educadoras y educadores sociales de Castilla y León
- 132 Colexio de Educadoras e Educadores Sociais de Galicia (Ceesg)
- 133 COMFIN (Coordinadora de Organizaciones de Mujeres y/o Feministas por la Igualdad en Navarra)
- 134 Comisión Española de Ayuda al Refugiado-CEAR
- 135 Comisión para la Investigación de los Malos Tratos a Mujeres
- 136 COMPI (Coordinadora de Organizaciones de Mujeres para la Participación y la Igualdad)
- 137 Comunidad Raíz Zubia A.C.
- 138 CONGDE Coordinadora ONGs para el Desarrollo de España
- 139 Consejo de la Juventud de Andalucía
- 140 Consejo de la Juventud de España
- 141 Consejo de la Juventud de Navarra – Nafarroako Gazteriaren Kontseilua CJN-NGK
- 142 Consejo Local de Igualdad de Xirivella
- 143 Conseyu de Mocedá de Xixón
- 144 Conseyu de Mocedá de Xixón (Federación de Asociaciones Juveniles de Gijón)
- 145 COOPERACCIÓ
- 146 Coordinadora Cultural de San Jorge/Sanduzelai
- 147 Coordinadora de ONGD de Navarra
- 148 Coordinadora Española para el Lobby Europeo de Mujeres (CELEM)
- 149 CORMIN. Comité de Representantes de Personas con Discapacidad de Navarra
- 150 Creación Positiva
- 151 CRECUL. Comité Reivindicativo y cultural de lesbianas. Comité de culturas lesbianas
- 152 Dona Balafià Associació
- 153 Dones de Llevant. Mallorca
- 154 Dones Juristes
- 155 Dret a Decidir Mallorca
- 156 Entrepueblos-Entrepobles-Entrepobos-Herriarte
- 157 Equidad & Igualdad
- 158 FADEMUR –Federación de Asociaciones de Mujeres Rurales
- 159 FCONG (Federació Catalana d'ONGs)
- 160 Federació Catalana d'ONG per la Pau els Drets Humans i Desenvolupament
- 161 Federació de Dones de Catalunya per la Igualtat
- 162 Federación de Asociaciones de Madres Solteras FAMS
- 163 Federación de Asociaciones de Matronas de España (FAME) – hasta aquí las firmas hasta el 15 de mayo
- 164 Federación de Asociaciones de Mujeres Arena y Laurisilva
- 165 Federación de Asociaciones de Mujeres de la Comunidad de Madrid
- 166 Federación de Asociaciones de Mujeres María Laffitte. Sevilla
- 167 Federación de Asociaciones de Mujeres Separadas y Divorciadas
- 168 Federación de Asociaciones de Mujeres Sol Rural
- 169 Federación de Asociaciones por la Igualdad de Género Guadalhorce Equilibra
- 170 Federación de Entidades por el Codesarrollo y la Cooperación Internacional
- 171 Federación de Mujeres del Poniente por la Igualdad. Almería
- 172 Federación de Planificación Familiar Estatal
- 173 Federación Estatal de Asociaciones Profesionales de Agentes de Igualdad de Oportunidades, FEPAIO
- 174 Federación Estatal de Familias Monoparentales
- 175 Federación Estatal de Lesbianas, Gais, Transexuales y Bisexuales (FELGTB)
- 176 Federación Feminista Gloria Arenas
- 177 Federación Mujeres Jóvenes
- 178 Federación Mujeres Progresistas de Navarra
- 179 Federación Provincial de Asociaciones de Mujeres ÁGORA-Málaga
- 180 Foro Feminista de Castilla y León
- 181 Fórum de Política Feminista
- 182 Fórum de Política Feminista de Granada
- 183 Forum de Política Feminista de Málaga
- 184 Fórum Feminista María de Maeztu
- 185 Fundación ANAFE
- 186 Fundación Calala –Fondo de Mujeres
- 187 Fundación de Familias Monoparentales Isadora Duncan
- 188 Fundación Economistas sin Fronteras

- 189 Fundación Internacional Baltasar Garzón (FIBGAR)
- 190 Fundación Isonomia – Universitat Jaume I
- 191 Fundación Mujeres
- 192 Fundación Mundubat
- 193 Fundación para la Convivencia Aspacia
- 194 Gazte Kanpusa
- 195 Grup de recerca d'Educació i Ciutadania (UIB)
- 196 Grup de recerca d'Estudis de Gènere (UIB)
- 197 Grupo de hombres Gizonenea
- 198 Grupo de Investigación de Estudios de Género de la Universidad de las Islas Baleares
- 199 Harresiak Apurtuz. Coordinadora de ONG de Euskadi de Apoyo a Inmigrantes
- 200 Haurralde Fundazioa
- 201 ICID, Iniciativas de Cooperación Internacional para el desarrollo
- 202 INCIDE, Inclusión, Ciudadanía, Diversidad y Educación
- 203 IOCOVA- Asociación Profesional Agentes de Igualdad Comunidad Valenciana
- 204 LiLiTH Lucha Internacional por la Liberación de la Igualdad
- 205 Lobby de Dones de Mallorca
- 206 Lobby de Dones. Illes Balears
- 207 LSD Lesbianas Sin Duda
- 208 Lunes Lilas
- 209 MAEVE, Asociación contra la Violencia de Género
- 210 Malen Etxea, Asociación de Mujeres Inmigrantes
- 211 Médicos del Mundo
- 212 Médicos del Mundo Navarra
- 213 Metges del Món. Illes Balears
- 214 Mujeres Convoca
- 215 Mujeres de Paz en el Mundo (España)
- 216 Mujeres en Zona de Conflicto
- 217 Mujeres Jóvenes de Asturias MUJOAS
- 218 Mujeres Jóvenes de Euskadi Lilith Euskadiko Emakumen Gazteak
- 219 Mujeres Solidaridad y Cooperación
- 220 Mujeres Supervivientes desde el Sur Construyendo la Igualdad
- 221 Mujeres y Teología de Sevilla
- 222 MujeresNet.info
- 223 MUJOCA Mujeres Jóvenes Cantabria
- 224 Mulheres Nacionalistas Galegas
- 225 Otro Tiempo / Femicidio.net
- 226 Paz y Desarrollo
- 227 Peña Sanduzelai
- 228 Plataforma 2015 y más
- 229 Plataforma Avilés Decide
- 230 Plataforma Catalana de Suport al Lobby Europeu de Dones
- 231 Plataforma Catalana pel Dret a No ser Prostituídes
- 232 Plataforma de Inmigrantes de Getxo, Getxoko Etorkinak
- 233 Plataforma de lucha contra los malos tratos a mujeres Violencia Cero
- 234 Plataforma de Mujeres en la Diversidad de la Comunidad de Madrid
- 235 Plataforma de Mujeres por la Igualdad de Cáceres
- 236 Plataforma Dret a Decidir Mallorca
- 237 Plataforma española de WIDE+ (WIDE+E)
- 238 Plataforma Feminista del Ateneo de Madrid
- 239 Plataforma Nosaltres Decidim País Valencià
- 240 PPIINA, Plataforma por Permisos Iguales e Intransferibles de Nacimiento y Adopción
- 241 Prodiversa – Progreso y Diversidad
- 242 Raíces y Alas. Género, Derechos Humanos; Democracia y Buen Vivir
- 243 Red AMINVI
- 244 Red Cantabria contral Tráfico de Personas y la Explotación Sexual
- 245 Red de Migración, Género y Desarrollo
- 246 Red de Mujeres Latinoamericanas y del Caribe en España
- 247 Red de Resistencia y Respuesta contra las Violencias Machistas
- 248 Red Europea de Mujeres Periodistas
- 249 Red Feminista de Derecho Constitucional
- 250 Red Feminista Región de Murcia
- 251 Rede de Mulleres Veciñais Contra os Malos Tratos
- 252 Religiosas Adoratrices
- 253 Saray. Asociación Navarra de Cáncer de Mama
- 254 Secretaria de la Dona de Comisiones Obreras de Catalunya
- 255 Secretaría de la Mujer del Partido Regionalista de Cantabria
- 256 Servicio Doméstico Activo (SEDOAC)
- 257 Setas Feministas. Sevilla
- 258 SETEM Hego Haizea
- 259 Tamaia, viure sense violencia
- 260 Tertulia Feminista Alternativas Insólitas
- 261 Tertulia Feminista Les Comadres
- 262 Themis. Asociación de Mujeres Juristas.
- 263 Unión de Asociaciones Familiares – UNAF
- 264 Universidad Popular de Sanduzelai – Sanduzelaiko Unibertsitate Herrikoia
- 265 Women's Link Worldwide
- 266 XAIKI Emakume Taldea
- 267 XATEBA – Asociación para la Igualdad y contra la Violencia de Género

TABLE OF CONTENTS

article 2: obligation to eliminate discrimination against women/ article 3: advancement of women and guaranteed exercise of human rights / GR 12, GR 19, GR 28

1. PERSISTENCE OF GENDER DISCRIMINATION AND LACK OF MEANS TO ADDRESS ALL FORMS OF VIOLENCE AGAINST WOMEN (VAW)

- 1.1 LACK OF STRUCTURES TO ADDRESS ALL FORMS OF VAW/ REDUCTION AND REGIONAL IMBALANCE OF COMPREHENSIVE SERVICES
- 1.2 LACK OF SPECIAL MEASURES TO PREVENT DISCRIMINATION OF GROUPS OF WOMEN PARTICULARLY EXPOSED AND UNPROTECTED
- 1.3 INSUFFICIENT MONITORING AND EVALUATION OF LAWS AND PUBLIC POLICIES

2. BACKLASH AND BREACH OF COMMITMENTS ON INTERNATIONAL DEVELOPMENT COOPERATION AND GENDER POLICIES

- 2.1 IMPLEMENTATION OF A "GENDER BLIND" MODEL OF COOPERATION AND BREACH OF NATIONAL AND INTERNATIONAL COMMITMENTS
- 2.2 DECREASE OF COOPERATION RESOURCES AND DISMANTLING OF GENDER MECHANISMS AND TOOLS
- 2.3 BREAKDOWN OF ORGANIZATIONAL AND INSTITUTIONAL STRUCTURES (DECENTRALIZED COOPERATION AND SOCIAL FABRIC)

article 5: stereotyped roles and prejudices / GR 3, GR 12

3. FAILURE TO ADOPT MEASURES TO MODIFY CULTURAL PATTERNS TO BREAK DOWN STEREOTYPES IN EDUCATION AND CULTURE

- 3.1 SHORTCOMINGS IN THE CURRICULAR REVIEW AND REMOVAL OF GENDER EQUALITY IN CLASSROOMS
- 3.2 NEGLECT OF SPECIFIC NEEDS OF THE ROMA MINORITY
- 3.3 LIMITED AND STEREOTYPED PRESENCE OF WOMEN IN THE MEDIA WITHOUT PENALTY BY THE COMPETENT BODIES

4. PERSISTENCE OF DISCRIMINATORY STEREOTYPES THAT HINDER ACCESS AND PROCUREMENT OF JUSTICE IN VAW CASES

- 4.1 SERIOUS DEFICIENCIES IN THE PREVENTION OF VAW, AS WELL AS IN THE TRAINING OF LEGAL AND JUDICIAL STAFF
- 4.2 IMPLEMENTATION OF THE PARENTAL ALIENATION SYNDROME (PAS) AS AN EXAMPLE OF THE USE OF STEREOTYPES IN THE JUDICIARY

article 6: prostitution and trafficking

5. LACK OF A COMPREHENSIVE AND COHERENT APPROACH TO COMBAT TRAFFICKING IN WOMEN AND GIRLS (LEGISLATION, MEASURES AND TREATMENT)

- 5.1 INSUFFICIENT LEGISLATIVE PROGRESS, BREACH OF UNDERTAKINGS AND ADOPTION OF CONFLICTING MEASURES BETWEEN ADMINISTRATIONS
- 5.2 LACK OF GENDER PERSPECTIVE, AND MIGRATION AND STATE SECURITY APPROACH OF TRAFFICKING

Article 7: political and public life / article 8: international representation / article 9: nationality / GR 23

6. DISCRIMINATION IN THE EXERCISE OF POLITICAL RIGHTS AND STEP BACKWARDS IN EQUALITY POLICIES

- 6.1 STAGNATION WITH REGARD TO THE RIGHT OF WOMEN TO BE VOTED, AND LACK OF MEASURES TO PROMOTE THE RIGHT OF FOREIGN CITIZEN WOMEN TO VOTE
- 6.2 CUTBACKS IN EQUALITY POLICIES AND DISCRIMINATION IN THE DEVELOPMENT AND IMPLEMENTATION OF POLICIES

7. DIFFICULTIES IN ACCESSING OFFICIAL CHANNELS FOR PARTICIPATION AND LACK OF AWARENESS OF THE INFORMAL CHANNELS

- 7.1 LACK OF EFFECTIVE CHANNELS OF PARTICIPATION (SHORTCOMINGS IN THE STATE AND REGIONAL PARTICIPATION COUNCILS)
- 7.2 STRONG DELEGITIMIZATION OF THE INSTITUTIONS AND POPULAR RESPONSE

8. SHORTCOMINGS IN THE INTERNATIONAL REPRESENTATION, AND THE PROCESSES OF NATIONALIZATION

- 8.1 CLOSURE OF UN WOMEN SPAIN
- 8.2 RESTRICTION CASES OF THE RIGHT TO ACQUIRE, CHANGE OR RETAIN NATIONALITY AND TO TRANSMIT NATIONALITY TO THEIR CHILDREN

article 10: ensure women equal rights with men in the field of education

9. REDUCTION OF THE RIGHT TO EDUCATION, NON-DEVELOPMENT OF EQUALITY LEGISLATION, AND CONTRADICTIONS IN THE NEW EDUCATION ACT (LOMCE)

- 9.1. REDUCTION OF THE RIGHT TO EDUCATION
- 9.2. LIMITATIONS AND RESTRICTIONS TO EDUCATION

article 11: elimination of the discrimination in the field of employment and economic rights

10. LABOUR REFORMS AND ANTI-CRISIS MEASURES ARE GENDER BLIND, AND ARE CONTRARY TO THE PRINCIPLE OF EQUALITY

- 10.1. WOMEN BEAR THE MAJOR BRUNT OF JOB PRECARIOUSNESS
- 10.2. LABOUR REFORMS AND MEASURES THAT DEEPEN INEQUALITY IN RELATION TO WOMEN'S ECONOMIC RIGHTS
- 10.3. ANTI-CRISIS MEASURES INCREASE SEXUAL DIVISION OF LABOUR, PREVENT MEN'S CO-RESPONSIBILITY AND KEEP PUBLIC INSTITUTIONS AWAY FROM THEIR COMMITMENT

article 12: health, sexual and reproductive rights

11. SERIOUS VIOLATIONS OF THE RIGHT TO HEALTH AND OPEN THREATS TO THE EXERCISE OF SEXUAL AND REPRODUCTIVE RIGHTS (SRHR)

- 11.1. INEQUALITIES IN THE ACCESS TO HEALTH SERVICES AS A RESULT OF REFORMS IN THE NATIONAL HEALTH SYSTEM (NHS)
- 11.2 UNDER-DEVELOPMENT OF THE CURRENT LEGAL FRAMEWORK ON SRHR / THREATS TO THEIR FUTURE DEVELOPMENT

article 13: discrimination in other areas of economic and social life

12. NO MEASURES ARE YET IN PLACE TO COMBAT DISCRIMINATION IN OTHER AREAS OF ECONOMIC AND SOCIAL LIFE

- 12.1. THE LACK OF A GENDER PERSPECTIVE IN RELATION TO AIDS AND CUTS IS PARTICULARLY HARMFUL TO SINGLE PARENT FAMILIES" (SPF)
- 12.2. WOMEN HAVE GREATER DIFFICULTIES TO OBTAIN CREDITS, AND MORTGAGES HAVE A GENDER BIAS
- 12.3. THERE REMAINS INSUFFICIENT RECOGNITION AND VISIBILITY OF THE ROLE OF WOMEN IN SPORTS, CULTURE AND SOCIAL PARTICIPATION

article 14: rural women

13. RURALITY RENDERS INVISIBLE THE WORK PERFORMED BY WOMEN, AND PREVENTS THEM FROM USING THEIR RIGHTS

article 15: equality before the law and equal treatment in legal proceedings

14. LACK OF DUE DILIGENCE TO INVESTIGATE CRIMINAL COMPLAINTS

abbreviations

A.A	OA 2/2009, of 11 December, to reform OA 4/2000, of 11 January, on the Rights and Liberties of Foreigners in Spain and their Social Integration (Aliens Act)
AA.CC/AC	Autonomous Communities
CC	Constitutional Court
DA	Act 39/2006 of 14 December on the Promotion of Personal Autonomy and Care of Dependent Persons (Dependency Act)
DAC	Development Assistance Committee
DL	Decree-Law
DNGO	Development non-governmental organizations
EA	Organic Act 3/2007 of 22 March on effective Equality between women and men (Equality Act)
ECC	Equality Commission of the Congress
ECJ	European Court of Justice
EE.AA	Equality Agents
EE.PP/EP	Equality Plan/s (Companies and organizations)
EU	European Union
FUNPRODE	Fund for the promotion of development
GCJ	General Council of the Judiciary
GE	Gender Equality
GV	Gender Violence
HH.RR	Human Rights
LFS	Labour Force Survey. Conducted by Realizada por el NSI (National Statistical Institute)
LMF	Lone-Mother Families
LR	Labour reform /Labour reforms
MAAFN	Ministry of Agriculture, Food and Nature
NHS	National Health System
NSI	National Statistical Institute
OA	Organic Act
OAIES	Organic Act 8/2013 of 9 December on the Improvement of Educational Standards
OAGV	Organic Act 1/2004 of 24 December on Integrated Protection Measures against Gender Violence
OASRRVTP	Organic Act 2/2010 of 3 March on Sexual and Reproductive Health and Voluntary Termination of Pregnancy
ODA	Official Development Assistance
ONGD	Non-governmental organization for development cooperation
PAS	Parental Alienation Syndrome
PL	Paternity Leave
RD	Royal Decree
SADC	Spanish Agency for Development Cooperation
SC	Supreme Court
SHR	Sexual and reproductive health
SPF	Single-Parent Families
SRHR	Sexual and Reproductive Health and Rights
SS	Social Security
SWR	Statute of Worker's Rights (Superior rule of law for employed workers)
VAWC	Violence Against Women Courts
VTP	Voluntary Termination of Pregnancy
VAW	Violence against women
WI	Women's Institute

1. PERSISTENCE OF GENDER DISCRIMINATION AND LACK OF MEANS TO ADDRESS ALL FORMS OF VIOLENCE AGAINST WOMEN (VAW)

1.1 LACK OF STRUCTURES TO ADDRESS ALL FORMS OF VAW /REDUCTION AND REGIONAL IMBALANCE OF COMPREHENSIVE SERVICES. Since the adoption of the Organic Act 1/2004, of 24 December, on Integrated Protection Measures against Gender Violence (OAGV), the Spanish State has only considered gender violence (GV) the one exercised against women by their present or former spouse or partner. For this reason, other forms of violence against women, such as sexual violence, feminicides not perpetrated by partners, or harmful practices (female genital mutilation, forced marriage) are being neglected. As regards sexual violence that is not perpetrated by present or former partners (assault, harassment, abuse and rape), and according to data provided by the Ministry of Interior¹, there has been an increase in the number of these criminal offences, despite which there are no laws, public polices or action plans to address it.²

This means that, firstly, there is a **lack of official figures** on the prevalence and magnitude of those offences, and an absence of preventive measures against this form of GV. At the same time, there is an **insufficient and unequal distribution of resources to provide care for the victims**. Accordingly, just 9 of the 17 Spanish Autonomous Communities (AA.CC) have available resources for sexual violence victims.³ Moreover, the Spanish State breaches the Council of Europe Recommendation owing to the lack of crisis centers for victims of sexual violence. Lastly, there is also a **lack of expertise within the criminal justice system on sexual violence**, which hinders access and procurement of justice, even in those cases where the victims are girls.⁴

With regard to the comprehensive care for GV victims, and since the beginning of the crisis, in particular from 2011, the services included are endangered due to the fact that there is no act or political commitment to ensure minimum standards of availability, accessibility and quality. The AA.CC have the competences regarding these services, and the lack of inter-territorial coordination threatens the network of resources related to the information, care and recovery of the victims within the Spanish State⁵. More specifically, since 2011 there has been a drop in the quantity and quality of the services. As an example, in December 2011, 9 out of 10 care centers for victims of criminal offences were closed in the A.C of Baleares, a service which existed since 1989, and essential for GV victims; in June 2012, the shelter for women facing particular difficulties was closed in Málaga (Andalucía); and at the close of this report, the women's center of Ciudad Real (Castilla la Mancha) is in danger of disappearing, after 30 years opened. At the same time, the cutbacks on these public services are **more prevalent in the rural areas**, where many services, such as the information centers for women (Castilla la Mancha) or the information centers in small towns of Baleares are being removed.

The **quality of the services** has perceptibly declined between 2011 and 2014. In many regions, human resources have been cut and the hours of care to the victims have been reduced by half, overcrowding the services. Furthermore, in Madrid the procurement of these services is done through a public competitive examination whose terms of reference consider the price as the sole award criterion⁶, jeopardizing the quality of the services. In Cataluña, in 2012, there has been a pay cut of 15% and a reduction of the working time for those workers who are not civil servants, which has severely affected essential services for victims of GV.

1.2 LACK OF SPECIAL MEASURES TO PREVENT DISCRIMINATION OF GROUPS OF WOMEN PARTICULARLY EXPOSED AND UNPROTECTED. The public administration does not comply with the requirement of due diligence in relation to certain groups of women, such as migrants⁷, Roma women and women with disabilities, due to the fact that there is no acknowledgement of the accumulation of various risk factors that happen in violent situations, and the existence of extra hurdles to have access to services and resources.

Contrary to the recommendation of the CEDAW Committee in its last report of Spain, no researches have been developed and data has not yet been collected on the specific needs of Roma women facing GV⁸, even though the obstacles remain, as illustrated in the feminicide of ML Jiménez in February 2014. NGOs working with Roma women in suburb settlements of Madrid highlight the serious added obstacles that these women face to escape from violence⁹.

¹ Crime rate 2013. Ministry of Interior. State Secretariat for Security. <http://ep00.epimg.net/descargables/2014/01/29/399c3f951bc5004b31fac17a009b18b0.pdf>

² See Note 1.

³ See Note 2.

⁴ See Note 3.

⁵ International Amnesty. (Spain) Submission to the UN Committee on Economic, Social and Cultural Rights, 48th session, May 2012. /Concluding Observations of the Committee on Economic, Social and Cultural Rights 48th session, 30 April to 18 May 2012. Doc. ONU: E/C.12/ESP/CO/5

⁶ See Note 4.

⁷ See Annex i.a (Olga case).

⁸ See Annex i.b (María and Tamara cases)

⁹ See Note 5.

The OAGV also states the right to information for women with disabilities and for women who do not speak the official language. Nevertheless, the availability of interpreters is insufficient and imbalanced, and there are no quality guarantees of the professional practice.¹⁰

With regard to migrant women, and in accordance with the Aliens Act¹¹, the initiation of administrative expulsion proceedings when filing a complaint of GV in police stations still remains¹². This fact has been a source of concern for the international human rights treaty monitoring mechanisms.¹³

1.3 INSUFFICIENT MONITORING AND EVALUATION OF LAWS AND PUBLIC POLICIES. December 2014 marks the 10th anniversary of the OAGV, yet the impact of its measures has not been carefully assessed, and there has been no participation of survivors and women's organizations. In 2008 the government submitted a report¹⁴ that, despite its name, included a list of implemented measures but did not carry out an impact assessment. In the same way, in 2009, a parliamentary subcommittee was created to analyze the implementation of the legislation with the participation of experts and women's organizations but did not use any type of impact assessment methodology with survivors.

After almost 10 years since the launch of the Violence Against Women Courts (VAWC) included in the OAGV, data published by the State Observatory against Domestic and Gender Violence of the General Council of the Judiciary (CGJ) alerts about disturbing trends, such as the increase in the number of women that drop their lawsuit after filing the complaint, and the strong growth of both GV complaints, which are dismissed by judges, and protective orders, which are denied by them.¹⁵ Notwithstanding these data, the work of those courts has not been publicly and transparently evaluated with the participation of the survivors and women's organizations.

2. BACKLASH AND BREACH OF COMMITMENTS ON INTERNATIONAL DEVELOPMENT COOPERATION AND GENDER POLICIES

The development policies pursued by the former government was greatly welcomed on an international level, as it was considered a State policy guided by a multidimensional approach to development, with an approach also to human rights and gender equality (GE), aligned with Act 23/1998 of International Cooperation. In addition, it was accompanied by the development of a coherent institutional framework and a boost for Gender Planning¹⁶, together with an increase of resources and a commitment to multilateral cooperation¹⁷. However, in recent years profound changes have taken place which impede the implementation of the commitments undertaken in relation to cooperation and gender. In practice, this has resulted in serious breaches. The changes are linked to three different fields within the cooperation model and the resources deployed.

2.1 IMPLEMENTATION OF A "GENDER BLIND" MODEL OF COOPERATION AND BREACH OF NATIONAL AND INTERNATIONAL COMMITMENTS. The IV Master Plan of Spanish Cooperation 2013-2016 focuses on the internationalization of Spanish companies linked to the initiative "Brand Spain"¹⁸, as potential elements of the Spanish economic recovery. These policies are gender blinded; they promote a utilitarian approach of women¹⁹ and hence, generate gender inequalities. The need for companies to ensure respect for human rights, particularly women's human rights, is barely mentioned.

Within this context, there is a poor compliance, a lack of efficiency, and a paralysis of the present regulatory and programmatic framework. This is the case of the National Plan of Action to comply with Resolution 1325, the Action Plan on Women and Peace-Building, and the Sectoral Plan of Action on Gender and Development. In addition, there is a breach of the undertaking, made in the III Director Plan 2009-2012, which planned to devote 15% of the Official Development Assistance (ODA), to gender programs (9%) and to sexual and reproductive health (SRH) (6%).

2.2 DECREASE OF COOPERATION RESOURCES AND DISMANTLING OF GENDER MECHANISMS AND TOOLS. The cuts have a particular impact on key programs²⁰ in order to achieve GE. For example, while in 2008 the Spanish ODA allocated 3,14% of its resources to SRH, and 2,10% to equality institutions, in 2011 it was reduced to 2,08% y 0,90%, respectively²¹. On the contrary, the Fund for the

¹⁰ Amnesty International-Spanish Section: More risks and less protection. Migrant women in Spain facing GV, 25.11.2007 and Project SOS-VICS 2012-2015): http://www.usal.es/webusal/files/FOLLETO%20SOSVICS%20_ES.pdf

¹¹ OA 2/2009, of 11 December, to reform OA 4/2000, of 11 January, on the Rights and Liberties of Foreigners in Spain and their Social Integration.

¹² See Note 6.

¹³ Concluding Observations of CERD on the Spanish State periodic report 18^o-20^o, 10.11.2011. ONU Doc: CERD/C/ESP/CO/18-20.

¹⁴ Evaluation of the implementation of OAGV. Report after three years, Ministry of Equality, Government of Spain, 2008.

¹⁵ GCJ (2012): Statistical judicial data on the implementation of OAGV. Summary of seven years (July 2005/ June 2012).

¹⁶ Sector Strategic Document on Gender in the Development of Spanish Cooperation (2007): master tool to fulfil the two fold priorities of gender approach (horizontal and sectoral) defined in II y III Director Plans.

¹⁷ Until becoming the first contributor of UNIFEM.

¹⁸ "In the current economic crisis, the Brand must prioritize the economic terms, contributing to the recovery of growth and employment."

<http://marcaespana.es/es/quienes-somos/que-es-marca-espana.php>

¹⁹ In the aforesaid document it is stated that "the integration of the most impoverished sectors, especially women, in activities which generate income and wealth will be highly encouraged" (p. 22).

²⁰ The DAC places Spain at the bottom of Europe with 0,15% in 2012, the same levels as in the eighties. This loss relies on the economic crisis, even though countries in a similar situation have made more modest cuts.

²¹ The main expression of the loss of strategic interest in international organizations devoted to promote GE is the closure at the end of 2012 of the ONU Women's office in Madrid.

Promotion of Development (FUNPRODE) is the instrument that had the fastest growing in resources. It was set up in 2010, and in 2013 it was reformed by transferring its management from the Ministry of Foreign Affairs and Cooperation to the Ministry of Economy and Competitiveness. In 2013 about 70% of the ODA targeted loans and credits, breaching the recommendations of the Development Assistance Committee (DAC)²².

Furthermore, the 2012 reform of the Statute of the SADC entailed renaming the Directorate of Sectoral, Gender and Non-Governmental Organizations Cooperation as Directorate of Multilateral, Horizontal and Financial Cooperation. As well, the Department of Sectoral and Gender Cooperation was renamed as Department of Sectoral Cooperation; focal points and gender areas have been removed from many Technical Cooperation Offices (OTC).

2.3 BREAKDOWN OF ORGANIZATIONAL AND INSTITUTIONAL STRUCTURES (DECENTRALIZED COOPERATION AND SOCIAL FABRIC). Decentralized cooperation, clear feature of the Spanish cooperation model, is at serious risk of disappearing because of two main reasons: budgetary cuts and the questioning of local competences. On the cuts side, there has been a 40% fall since 2008, which was the year of maximum contribution. Thus, the AA.CC allocated in 2011 a 0,13% of the Budget to ODA, the lowest percentage of the last decade.

With regard to social fabric, some studies estimate that between 20% and 30% of NGOs have disappeared²³. According to data drawn from a survey conducted by the Spanish Coordinator of DNGOs²⁴, 96% of the DNGO members have suffered the reduction of their public funding, with the consequent closure of projects and the obligation to leave the countries. This entails both an economic suffocation of Spanish DNGO and a negative impact on partners from the South, who have mentioned pressures to focus on “small businesses including women and men, and avoiding tackling unequal power relations between them”²⁵.

article 5: stereotyped roles and prejudices / article 15 equality before law / GR 3, GR 12/

3. FAILURE TO ADOPT MEASURES TO MODIFY CULTURAL PATTERNS TO BREAK DOWN STEREOTYPES IN EDUCATION AND CULTURE

3.1 SHORTCOMINGS IN THE CURRICULAR REVIEW AND REMOVAL OF GE IN CLASSROOMS. Text books and curricula content have not been reviewed, in clear breach of Observation 18 of the 2009 report and of article 24 of the EA, persisting the invisibility of women in all fields of knowledge²⁶. Examples such as women scientists or women in history, are only mentioned in a 7,5% of all school contents. The exclusion of women from the cultural tradition is exacerbated in the case of women from minority communities. Moreover, this lack of representation and visibility is also linked to the stereotyped choices of professional and vocational studies²⁷.

As regards the OAIES,²⁸ it does not include in the preamble a direct mention to the promotion of GE and to the prevention of GV, although it amends article 1.1 to include the prevention of GV as one of the purposes of the Act. In fact, it removes the subject “Education for citizenship”, the only one that included contents to promote equality. At the same time it does not include a specific subject to eradicate gender stereotypes and to promote GE, as it neither stipulates measures to amend curricula contents and textbooks. The alternative subject, named “Social and civil values” in primary education and “Ethical values” in secondary education, is optional; therefore students can choose between this subject and catholic religion, which means that those who study religion will not have access to the first option.²⁹

3.2 NEGLECT OF SPECIFIC NEEDS OF THE ROMA MINORITY. Observations included in the 2009 Shadow Report, referred to Roma Population, have not been adequately addressed. In most cases it has involved a mere statement of intent that has not been put into effect.

3.3 LIMITED AND STEREOTYPED PRESENCE OF WOMEN IN THE MEDIA WITHOUT PENALTY BY THE COMPETENT BODIES. As recent studies on economic information show, there are fewer women than men in the media.³⁰ One of the most important findings is that there is a widespread imbalance and a hierarchy where men play a leading role in relation to the economic information, and in

²² Spain has been “invited” in several occasions to improve the quality and the purpose of the conditions in relation to tied aids. In accordance with the DAC report of 2012 (Untying Aid Report), Spain still tied a 30% of its bilateral ODA and only a 64.8% of its bilateral cooperation was untied. This trend has increased with the FUNPRODE.

²³ Social Institute ESADE (2012) quoted in Rodríguez Blanco, Elena; et al: “Innovating for social change. Turning ideas into action”. ESADE. June 2012.

²⁴ Survey send to 86 DNGOs and 17 Autonomous Coordinators who collected data between 2012 and July 2013.

²⁵ “Impacts on the dismantling of Spanish cooperation in women’s organizations: feminist perspectives form here and there”. Study carried out by CooperAcció and La Corriente on the case of Nicaragua, 2013.

²⁶ www.revistaeducacion.mec.es/doi/363_188.pdf

²⁷ Even though in 2012 the percentage of women enrolled represented 54% compared to 46% of men enrolled, we can see a significant imbalance in the choices of studies. Figures for 2009 show that an 82,2% of women choose the educational field and a 27,7% fields such as engineering, manufacturing and construction.

²⁸ Organic Act 8/2013 of 9 December on the Improvement of Educational Standards (OAIES).

²⁹ Any alternative choice to religion is unlawful from a constitutional point of view in so far as the right to receive a religious training for some individuals should not impose alternative obligations for everyone else.

³⁰ “Representation and treatment of women and gender in economic information” developed in Cataluña in 2012.

general in relation to other types of information. Similarly, and from the point of view of sports media, priority is given to sports performed by men over the ones performed by women.³¹

Advertising and content Observatories still do not penalize sexist cases. In this respect, the State continues not to take any action on announcements for sexual contacts (prostitution), which economically benefits the major national newspapers, and where cases of trafficking in women may be hidden. In the same way, insufficient measures are being taken to address the hyper-sexualization of the bodies of girls in children's fashion advertisements, and to address the negative image projected towards Roma women and other minorities.³²

4. PERSISTENCE OF DISCRIMINATORY STEREOTYPES THAT HINDER ACCESS AND PROCUREMENT OF JUSTICE IN VAW CASES

4.1 SERIOUS DEFICIENCIES IN THE PREVENTION OF VAW, AS WELL AS IN THE TRAINING OF LEGAL AND JUDICIAL STAFF. Awareness-raising campaigns on prevention of GV are insufficient and in general focus on the importance of the complaint made by women suffering violence, without regard to the obstacles they face in legal proceedings, stemmed in many cases from gender stereotypes. On the other hand, the budget allocated for the prevention of GV is lower than that allocated for far lower priority fields. For example, in 2012 the investment in army recruitment campaigns doubled the one in GV prevention.

The Committee's recommendation, included in the 2009 report, on the need to improve training to raise awareness on all forms of VAW has still not been fulfilled; that is why diligence remains dependent to a considerable extent on the personal interest and sensitivity of each professional.

Public prosecutors who perform their job in the GV Sections are not required to do a compulsory specialized training. In the case of the judiciary, it is only in 2010 when the first compulsory training for judges working in VAW courts takes place.³³ Judges who have accessed before that date have not been required to do a specialized training or to have specific merits. The training of these professionals is currently undertaken with an on-line course.

The specialized training for lawyers is also far from adequate, although it is offered both on-line and face-to face. Contents on the causes and consequences of GV and the gender stereotypes underlying are not covered in depth. For example, in a survey conducted by the General Council of Spanish Lawyers, one of the issues that most concern lawyers were alleged false complaints of women in GV cases, the lack of presumption of men's innocence, and the alleged vulnerability of men facing GV complaints.

4.2 IMPLEMENTATION OF THE PARENTAL ALIENATION SYNDROME (PAS) AS AN EXAMPLE OF THE USE OF STEREOTYPES IN THE JUDICIARY. The implementation of this "syndrome" by several courts³⁴ illustrates the presence of stereotypes within the justice system and its impact on discrimination against women in matters related to children custody. The most serious consequence of this implementation is the lack of a prompt and effective investigation of alleged sexual abuse of children and the lack of protection mechanisms for them. Underlying this syndrome, which disproportionately affects women, is the stereotype of the manipulative and vengeful woman who, in order to obtain benefits from the separation/divorce or to harm her partner, alienates her own children against their father. Instead of contextualizing the children's attitude towards their violent father as an effect of the violence suffered by their mothers, the rejection is seen as a further symptom that supports the prejudice of the "bickering couple" and the "manipulative mother", forcing children to have more contact with their father, even against their will. In some cases they are even forced to live with their fathers.

Even though the GCJ has rejected the legal use of PAS,³⁵ this argument is still being implemented by certain courts in such a way that fathers, some of whom have even faced alleged children sexual abuse complaints, are granted custody of their children without conducting comprehensive and thorough investigations. As reported by Save the Children, in some of these cases women are denied visiting arrangements to see their children³⁶. Furthermore, article 15 of CEDAW is also being infringed. Equality between women and men before the law is not ensured in so far as there is a presumption of men's innocence as opposed to the presumption of women's guilt.

article 6: prostitution and trafficking

5. LACK OF A COMPREHENSIVE AND COHERENT APPROACH TO COMBAT TRAFFICKING IN WOMEN AND GIRLS (LEGISLATION, MEASURES AND TREATMENT)

³¹ The case of the Spanish basketball team of women quoted by the press is a recent example. <http://www.publico.es/468164/las-chicas-de-oro-invisibles>

³² See the controversy caused by the TV show "Word of Roma" issued by Channel Four, which has been reported by the majority of the Spanish Roma institutions. This show portrays women in an absolutely degrading and stereotyped way.

³³ GCJ (2013): Activity report of the Observatory on domestic and gender violence of the GCJ undertaken between October 2008 and September 2013.

³⁴ See note 7.

³⁵ GCJ (2013): Guidelines on criteria to judicially address GV.

³⁶ See Note 8.

5.1 INSUFFICIENT LEGISLATIVE PROGRESS, BREACH OF UNDERTAKINGS AND ADOPTION OF CONFLICTING MEASURES BETWEEN ADMINISTRATIONS. Legislative progress and political measures undertaken between 2008 and 2013³⁷ have been clearly insufficient and they contradict other regulatory and legislative measures from the local and autonomous level. That is to say, the ratification of international treaties and the approval of general plans co-exist with local and autonomous measures which are developed outside the framework of international commitments. For example, punishment local regulations and legislation focusing on the regulation of prostitution in closed environments to prevent it from happening in open spaces have been passed. Most of these regulations impose sanctions to both men demanding for prostitution services, and women in prostitution. These are the only measures that have been adopted in the local and autonomous level to combat trafficking in women for the purpose of sexual exploitation. This type of sanction measure³⁸ poses serious harms to women in prostitution and for victims of trafficking for the purpose of sexual exploitation if they are not backed up with comprehensive actions in all the fields involved. Moreover, these measures are not only insufficient to protect victims but also ineffective to investigate and prosecute human trafficking and pimping crime offences, and to discourage the demand for sexual services³⁹.

A clear symptom of the legislative gap is the fact that Spain has not yet passed a comprehensive act against human trafficking, nor has the State transposed the European Directive **2011/36/UE on preventing and combating trafficking in human beings and protecting its victims**.

Today, at the time at which the current report is being drawn up, an amendment of the Criminal Code (OA 10/1005, of 23 November) is pending. The aim is to reform article 188 to limit the cases where pimps can be criminally punished. This amendment might encourage local owners, and in any case it does not protect those women who are in prostitution. It is noteworthy that the draft of the OA on Protection of Public Safety proposed by the current Ministry of Interior aims to criminalize the supply of and demand for prostitution in public. This clearly harms women in prostitution and victims of human trafficking since it criminalizes women and leaves them even more unprotected.

Finally, the reform of universal justice substantially limits the investigation and prosecution of international crimes related to human rights violations, as in the case of human trafficking.

5.2 LACK OF GENDER PERSPECTIVE, AND MIGRATION AND STATE SECURITY APPROACH OF TRAFFICKING. In general, the state's action does not introduce a gender and human rights approach, and does not take measures to **prevent re-victimization of women and girls** victims of trafficking, focusing mainly on a migration and state security approach. In this sense, there is no comprehensive approach to combat trafficking in women and girls including actions at all levels, and taking into account the particular characteristics of each form of trafficking. Moreover, there is no specific recognition of an official **status of victim of trafficking** (access to social, health, labour, comprehensive protection, justice and reparation rights), nor a **comprehensive and adequate protection of women and girls** who are trafficked. In fact, the existing protection depends on both filing a complaint and on the cooperation within the police and judicial investigation, compromising adequate assistance, especially since the right to free legal aid has not yet been ensured.

There is hardly any implementation of "the international principle of non-refoulement". Even though the Asylum Act expressly recognizes this right in cases of gender-based persecution, asylum and other forms of humanitarian protection are not being implemented by the State, except in specific cases.

On the other side, as regards to girls, since there are no appropriate tools to identify trafficking victims, it is also not possible to determine their age. This is a breach of the international obligations undertaken by Spain in relation to girls trafficked for sexual exploitation. Both the legal vacuum and the social ignorance of this crime lead to wrongful approaches from the perspective of illegal immigration and juvenile delinquency. There is no approach on the especial protection of children.

In the case of resources to assist victims, the I Comprehensive Plan of 2012, envisaged the establishment of a fund, which would be endowed with assets seized from traffickers networks, and that would be devoted to repair the harm and to protect and assist the victims. This fund has not yet been set up. In this sense, direct care for women in prostitution and for victims of trafficking is done by women, religious and humanitarian associations and organizations, with few local and regional resources dedicated to the care and protection of women victims of trafficking for sexual exploitation.

³⁷ Ratification of the Council of Europe's European Convention / Approval of the I Comprehensive Plan to combat trafficking in persons for sexual exploitation which was in force until the end of 2012 / Amendment of the Criminal Code and the Aliens Act to introduce the crime of trafficking (article 177 bis of the Criminal Code) and the possibility to have a reflection period of one month (article 59 bis of the Aliens Act) / Implementation of the III Plan to combat sexual exploitation of children and adolescents, in force between 2010 and 2013.

³⁸ Hetaira does not agree with measures that punish or penalize clients, since fines also negatively affect the working conditions and lives of women in prostitution. [GRETA report 2013; Global Commission on HIV and the Law, July 2012].

³⁹ See Note 9 on Hetaira's position on measures regarding demand for prostitution.

6. DISCRIMINATION IN THE EXERCISE OF POLITICAL RIGHTS, AND STEP BACKWARDS IN EQUALITY POLICIES

6.1 STAGNATION WITH REGARD TO THE RIGHT OF WOMEN TO BE VOTED, AND LACK OF MEASURES TO PROMOTE THE RIGHT OF FOREIGN CITIZEN WOMAN TO VOTE. The right to be voted grew in 2007 and stagnated in 2011, getting closer to one third rather than to parity, both in the Parliament and in the local communities. The EA calls for the inclusion of 2 or 3 women in each tranche consisting of 5 candidates to the European Parliament, the Lower Chamber (House of Deputies), the Municipalities (except those with less than 3.000 inhabitants, which we denounce), Councils and Island Councils. This Act overcame an unconstitutional appeal brought by the Popular Party (Judgment 12/2008 of the Constitutional Court).

This legal requirement increased in 2007 from 25,5% women councilors in the municipalities (out of 66.115 councilors) to 30,5%, and in 2011 to 34,9%. This does not affect the percentage of women mayors: 15,2% in 2007, 16,8% in 2011. Sex-disaggregated data published by the Ministry of Interior⁴⁰ are hard to find, exclude small municipalities and interpret parity as a 40% of women. With regard to Parliament and Governments, trends in participation have been low overall. Thus, it dropped slightly in the House of Deputies between 2008 a 2011: from 36,3 to 36,0%, raising a little in the Senate, even though it has open lists (28,2 al 33,3%). As regards the Council of Ministers, the proportion of women has dramatically dropped from 50% to 31%.

In the autonomous parliaments the presence of women slightly grew, between 2008 and 2013, from 41,7 to 43,4% due to the increase from 43 to 67% in Castilla y León. Those regional electoral acts which are more strict, such as Andalucía, Baleares, Castilla-La Mancha (zipper lists) and País Vasco, make their parliaments the directly elected institutions that are closer to parity (47,5%).

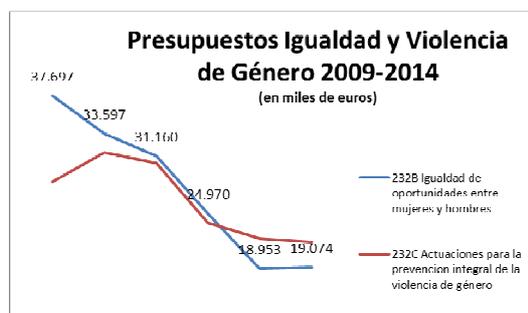
Instead, the regional acts with recommendations or incentives have dropped the presence of women. Article 60 of the regional Act of Canarias 1/2010 has entailed a drop, between 2007 and 2011, from 41,2 to 36,9 %. Declaratory article 2 of the regional Act of Navarra 33/2002 results in the second worst outcome (34%) and is still going down. Lastly, the economic incentives of the regional Act of Valencia 9/2003 have dropped the presence from 45 to 40%.

As regards the right to vote of foreign citizen women, they are 48,5% of all foreign voters (European and non-European). In that sense, it is important to highlight that official data regarding voters is not disaggregated by sex, which makes it more difficult to remove obstacles and to promote this electoral right, taking also into account that it is likely that foreign citizen women are exercising it in a disadvantageous way (especially non-Europeans), given unequal distribution of information, educational level, stereotypes, care tasks, economic dependency and opinion.

6.2 CUTBACKS IN EQUALITY POLICIES AND DISCRIMINATION IN THE DEVELOPMENT AND IMPLEMENTATION OF POLICIES. Cutbacks are a fact in the Central Government policies, as well as in the AA.CC, while some equality bodies, such as the Equality Commission of the GCJ, remain in precarious conditions.

In the central State, policies and equality bodies have been cut up to 50%. The central State institution for equality has lost its status: from Ministry of Equality (2008-2011) to Directorate General in 2012, and during more than a half of its mandate (from January 2012 to March 2014) this body has operated without a Strategic Equality Plan, even though it is required by article 17 of the EA and by the measure 203 of the Beijing Platform for Action.

The cuts of 49% in the State Budget allocated for Equality (232B program) and of 23% in GV (232C program), are assumed uncritically in the official reports on Gender Impact 2009-2014.



The amendment, in March 2014, of such a relevant body as the GCJ has entailed the maintenance of the Equality Commission, set up, in 2007, but at the same time it has been separated from the GV Observatory, depriving both of remuneration.

⁴⁰ <http://www.infoelectoral.mir.es/>

The AA.CC have cut, on average, 32% of their equality policies⁴¹. This results in the reduction and disappearance of programs and tools. Thus, la Rioja has no equality program or body. In Valencia the increase of 4,8% masks the integration of both family and women policies. Only Andalucía (1%) and País Vasco (-0,2%) have recognizable budgets for equality policies.

In Murcia, Decree 17/2010 cuts 74% of the expenditure on gender equality (the general Budget dropped 12,2%), abolished the Women's Institute (WI), disaggregated competences related to equality and GV and eliminated agreements with municipalities to hire equality agents (EE.AA), who have been dismissed in 2011. Moreover, the Equality Commission of the regional Parliament does not meet, and the participation of women in the regional government has dropped from 23% to 11%. After Murcia, the AA.CC with higher rates of cuts are Galicia (67%), Cantabria (66%) and Asturias (55%).

Castilla y León reduced 44% of its Budget for equality. This region took competences away from municipalities related to Equality Plans (EE.PP), EE.AA, women's associations (except for "Mother Network, anti-abortion), women in the rural area and training to unemployed women. In 2012 the counselling center for GV (opened two years before) was closed, as well as 18 offices of the Women Employment Network.

In Andalucía the "gender architecture" has maintained bodies, tools and the assessment reports on gender impact linked to its budget, published since 2005 with a high technical and political level (although it only disaggregates by sex 50% of data and it is has not a participatory approach). From 2009 to 2013 it has been set up the Andalusian Council of Women's Participation and the GV Observatory, and the report on Gender Impact has also been extended.

In Navarra, Regional Decree 75/2012 transforms the equality body into the "Family and Equality Institute", drops the budget by 63,85% and reinforces the traditional identification of women with family, care and welfare-orientated policies. Since 2010 there are no EE.PP and no gender impact reports; although the Plan on Persons with Disabilities 2010-2013 envisages 4 actions related to GE, only a study, which has not been published or implemented, has been done.

Madrid has no EP since 2005 and despite the GV Act 5/2005, it has only adopted a plan to implement the Act between 2005 a 2008 and has abolished by Act 9/2010 the Regional Observatory on GV.

In Baleares, the 42% cut of the Budget devoted to the Balear Women's Institute has involved: reduction of the morning hours offered by the Information Centre for Women, preventing access to legal information for students and women workers in rural areas; and also the closure of 9 out of 10 offices to assist victims of crimes (90% of female users) and Infosex (youth sexual and emotional information). As well, the Equality Directorate of the Island Council of Mallorca and two EE.AA of Palma have been removed.

In Canarias, transfers to the island councils have continued in relation to the network to support GV victims. Nevertheless, from 2009 to 2013 the line of the Budget for the prevention of violence, other actions for equality, and the promotion of the feminist association network, has been reduced by more than a half.

In the regional governments, the participation of women has dropped between 2008 and 2013 from 39,7% to 34,2%. Paradoxically, in the four governments headed by women this participation decreased: Madrid (25%), Aragón (67%), Castilla-La Mancha (29%) and Navarra (40%). Only Cantabria, Asturias (62% women), País Vasco and Melilla increased the participation.

In the local administration, article 28 of the new Local Act 27/2013 has removed the gender equality competences at the local level. The deletion of the provision by which since 1984 municipalities had councils and EE.PP is in contravention of: article 9.2 of the Constitution, the European Charter for Equality of women and men in the local life (CMRE 2006), and item 14 of the Concluding Observations of the CEDAW Committee to Spain (CEDAW/C/ESP/6). They can only perform actions to promote women if they obtain delegation and funding from the regional level.

7. DIFFICULTIES IN ACCESSING OFFICIAL CHANNELS OF PARTICIPATION AND LACK OF AWARENESS OF THE INFORMAL CHANNELS

7.1 LACK OF EFFECTIVE CHANNELS FOR PARTICIPATION (SHORTCOMINGS IN THE STATE AND REGIONAL PARTICIPATION COUNCILS). In 2009, the Participation Council of Women⁴² was set up and still there are no effective mechanisms for the participation of women's NGO because of three reasons. Firstly, because it has no autonomy, since the president and 13 members of the Government determine the call, the operations and the issues to be discussed, without taking into account the 20 members of the women's NGOs. Secondly, it has no social or political impact, not even in the EP or in the governmental report to the CEDAW Committee 2013. Lastly, it is a body that is not representative of the women's associations, due to the fact that is limited, in a competitive and exclusive way, to 20 of the 3.000 existing associations; and it does not disseminate information.

⁴¹ See Annex ii: developments, between 2008 and 2013, in the financing of equality programs in the AA.CC.

⁴² RD 1791/2009.

At the regional level, participation councils of women have been set up in Andalucía and Extremadura, but those in Madrid and Cantabria, formed by NGO's, have been removed. At the local level, the lack of equality competences will clearly impact the creation of participation channels.

The National Council of Women of Cataluña has limited in 2013 the participation of organizations and territorial areas, and has established greater verticality. The Migrated Council restricts plurality and representativeness, requiring rigid channels and groups with legal entity.

In Navarra, the line on transfers to women's associations included in the 2013 budget has been deleted, despite the Regional Act 33/2002 and the Parliament's resolution at the request of the NGO's Coordinator of women's COMFIN. It has taken a year, until March 2013, to comply with the Regional Decree 22/2012, which establishes the Equality Council of Navarra.

Madrid, after eliminating in 2011 subsidies to women's networks, removed the Women's Council by Act 9/2010, whose Budget accounted for 0,001% of the regional Budget and which involved 200 women's associations.

Paradoxically, in Canarias, Equality Act 1/2010 has removed the Equality Commission, without setting up, at least until February 2014, the GE Council of Canarias that should replace the previous. In the island councils and municipalities there is a backlash in the participation councils, significant in the capital cities of Sta. Cruz de Tenerife y Las Palmas.

7.2. STRONG DELEGITIMIZATION OF THE INSTITUTIONS AND POPULAR RESPONSE. The neoliberal management of the crisis increases the social and gender inequality, and produces a strong de-legitimization of political representation: the refusal to vote increased between 2008 and 2011 from 26 to 33%, and the Indicator of Political Trust conducted by the Center of Sociological Investigations dropped, between 2008 to 2013, from 49% to 25%. Against this situation there has been a strong social response, including general strikes from 2010 to 2013 and an unprecedented number of demonstrations. Since 2011, the 15M Movement, also called "indignants", has brought onto the streets a new generation; new approaches to politics; and new forms of participatory democracy, including Feminisms 15M. The Purple Tied and an important part of the feminist movement participate in street protests, in partnership with other movements, against cuts and unemployment, its gender impact, and the dismantling of policies promoting equality between women and men.

8. SHORTCOMINGS IN THE INTERNATIONAL REPRESENTATION, AND THE PROCESSES OF NATIONALIZATION

8.1 CLOSURE OF UN WOMEN SPAIN. The removal in 2013 of the office of UN Women in Spain hinders participation, both governmental and non-governmental, in UN processes, such as the assessment of the MDG⁴³ and its development post-2015.

8.2 RESTRICTION CASES OF THE RIGHT TO ACQUIRE, CHANGE OR RETAIN NATIONALITY AND TO TRANSMIT THEIR NATIONALITY TO THEIR CHILDREN. In May 2013, 24 women's NGOs opposed the refusal of the Aliens Office of Santa Cruz de Tenerife to give residence and work permits in cases of family ties to foreign mothers who had the custody of their minor children of Spanish nationality, requiring them, subject to deportation, to have enough resources and comprehensive health insurance, which is contrary to judgments of the Court of Justice of the European Union, such as Grand Chamber 08.03 2011 and 23.02.10.

article 10: ensure women equal rights with men in the field of education

9. REDUCTION OF THE RIGHT TO EDUCATION, NON-DEVELOPMENT OF EQUALITY LEGISLATION, AND CONTRADICTIONS IN THE NEW EDUCATION ACT

There is a failure to meet commitments, such as broadening early childhood education, and to take into consideration the needs and particular circumstances of the most vulnerable groups of women. On the contrary, there are significant cuts in formal and informal education and a new Education Act, Organic Act 8/2013 of 9 December on the Improvement of Educational Standards (OAS), has been passed that allows segregation of girls and boys in schools, and that is "anti-equality".

9.1 REDUCTION OF THE RIGHT TO EDUCATION.

Education from 0 to 3 years has not been broadened as promised. Everything stated in the 2009 Shadow Report remains in force. There is no progress in the OAS regarding the improvement of the implementation of this educational level. This situation is exacerbated in rural areas.

The 2008 Educa3 Plan envisaged the creation in 4 years of 300.000 school places for children 0-3 years to meet the demand of schooling and the conciliation of families. Between 2008 and 2011, 400 million euros were invested, and until 2010, 70.000 school places were created. In 2012, there are 3 places available for every 10 kids under 3, taking into account both public and private school.

⁴³ Millenium Development Goals.

The Popular Party promised to broaden early childhood education during this term⁴⁴. Nevertheless, the Educa3 Plan is not renewed in 2012 and the cooperation agreements signed with the concerned AA.CC has not been implemented in most of the cases, extending the deadline until 2014. The momentum given to education between 0-3 years has been halted.⁴⁵

AA.CC cuts jeopardize the right of women and girls to education as well as to specialized training in gender equality.

The overall project of the Department of Education, Culture and Universities of Baleares has decreased by 17,3% compared to 2010. Similarly, the budget allocated for school meals, transport and support for families has dropped by 74,4% between 2009 and 2013.

In 2013, the government of Madrid cut, by more than 50 million euros, the Budget of universities, and also rose taxes by 20% to the 189.000 university students, which added to the rise in 2012 entails an increase in the average cost of tuition in the last two years by 65,6%.

In Navarra, the reduction of 99,95% of the agreements with universities can put at serious risk of disappearing the Expert Course on Gender of the Public University, which is the only specific and specialized training in the region on that matter.

The feminization of poverty hinders equal access to training. The reduction in economic aids to study hampers the access of the most disadvantaged to quality education, compounding the difficulties of women's access to higher education, given the current feminization of poverty.

Roma women and girls suffer more discrimination in access to compulsory education: distribution of centers depending on the neighborhoods, poor quality, lack of appropriate curricula adaption, lack of teachers trained in diversity, promotion by age and not for reaching minimal learning standards, and lack of materials compared with the rest of the students.

In the case of a high percentage of Roma women, the minimum requirements to access scholarships are out of reach and the access to non-regulated training throughout their lives as an alternative tool of empowerment and emancipation is not standardized. Nor are there prospects for reducing the rate of female school dropouts due to the economic cutbacks⁴⁶. Furthermore, there is a very reduced presence of young Roma girls in the compulsory secondary school.

9.2. LIMITATIONS AND RESTRICTIONS TO EDUCATION.

No steps have been taken to eliminate gender bias in academic choices. Everything noted in the 2009 shadow report in relation to vocational training is in force⁴⁷. As regards the percentage of women in college, the gender bias remains. Women make up about 60% of individuals studying Arts and Humanities and 70% in Health Science, but those in Engineering and Architecture do not reach 30%.⁴⁸

The OAIES promotes sex segregation in schools ignoring UN conventions, and uses a sexist language. Observation 18 of the 2009 Report, which recommends the implementation of specific programs within the educational system and teacher training on equality, has been breached.

With regard to teacher training, there is a big difference between AA.CC. In many cases no initial or ongoing programs have been implemented. In Andalucía, one of the teachers has to be in charge of co-education, but is not required to have gender training. This subject is treated as a secondary issue compared with languages or new technologies. In Cataluña, the development, approval and submission to the Parliament of the Plan for Gender Equality in education is pending.⁴⁹

In the 2009 shadow report it was already reported the existence of subsidized centers segregated by sex. The OAIES warrants that it is not discriminatory to segregate by sex.⁵⁰ Evidence show that schools segregating by sex have public funding⁵¹.

As regards other agents of socialization (arts. 5 y 10), it has not yet been sufficiently fulfilled the use of non-sexist language in the administrative field and its promotion in the social, cultural and artistic area, according to the EA⁵². The wording of the OAIES is sexist.

⁴⁴ "We will encourage the broadening of education from 0 to 3 years to meet the need for reconciling family and work", stated the electoral program of the PP.

⁴⁵ See note 10.

⁴⁶ The Government anticipates that between 2010 and 2015 the weight of public investment in education will drop from 4,9% to 3,9% of GDP. "Stability Program 2012-2015 and national reform program 2012" <http://ep00.epimg.net/descargables/2012/04/30/68b95f4d30124fb7d482f00d8b8b77f0.pdf>.

⁴⁷ There is a 95,4% of women doing vocational training in areas related to personal image, and a 90,9 % in sociocultural and community services.

⁴⁸ According to the latest university statistics published by the NSI, women accounted for 69,74% of persons enrolled in the first year of Medicine in public universities during 2007/08. At the opposite end are careers such as Computer System Engineering, with only 11% of women, Industrial Engineering (14,98%) or Civil Navy (14,32%).

⁴⁹ See note 11.

⁵⁰ Following the UNESCO declaration of 1960, and ignoring subsequent conventions adopted by the UN and Judgments of the Supreme Court of 2012: Administrative Chamber, 23 and 24th July, on the removal of subsidies to schools that segregated by sex in Cantabria and Andalucía.

⁵¹ Nelva and Monteagudo in Murcia (even without legal coverage until the approval of the OAIES), or Miravalles-Redin and Irabia schools in Navarra.

⁵² Article 14.11 of the EA.

Affective-sexual education in schools is questioned. The planned repeal of Act 2/2010⁵³ entails the elimination of affective-sexual education of the educative system, breaching and ignoring GR 24 and 21.

Observation 26 of the 2009 report, urged the Government to adopt measures to raise awareness about affordable contraceptive methods, to facilitate access to them, and to promote comprehensive sexual education. Nevertheless, there is no implementation of OASRRVTP⁵⁴ and instead there is a draft act that plans to repeal it. In practice, those in charge of non-regulated education in the affective-sexual field (in line with the CEDAW provisions: contraceptive methods, VTP, etc...) are not being funded, while organizations opposed to those articles and recommendations are.⁵⁵

article 11: elimination of the discrimination in the field of employment and economic rights / GR 26

10. LABOUR REFORMS AND ANTI-CRISIS MEASURES ARE GENDER BLIND AND ARE CONTRARY TO THE PRINCIPLE OF EQUALITY

Employment and equality policies in Spain are based on the apparent better performance of female employment against the crisis. This analysis hides that there has been a “downward equality”, arising from an unprecedented deterioration of the labour market. The imposed labour reforms (LR)⁵⁶ are directly affecting inequality (worsening the life and working conditions of 8 millions of women with employment and 2,4 millions of unemployed women), by facilitating and making cheaper dismissals, and by empowering employers, making control procedures more flexible and deregulating the legal system.

A year after the LR of March 2012, there are 308.000 less employed women and 282.300 more unemployed. The female employment rate does not reach 39% (10 points less than men); they represent 46,7% of the unemployed and 44,5% of people that receive unemployment benefits.

10.1 WOMEN BEAR THE MAJOR BRUNT OF JOB PRECARIOUSNESS

Higher unemployment and temporality. According to a Labour Force Survey, between 2008 and 2013, 939.300 female employments and 2.683.600 male employments have been lost, reducing the difference between female and male unemployment rates (27,02% and 25,79% respectively). Female unemployment doubles in that period, from 13,04% to 27,02%, due to the loss of employment in the service sector, including public sector: education, health, assistance and care services, where 87% of women are employed.

The percentage of women employed in 2013 (38,89%) is still lower than the one of men employed in more than 10 points. Women work under worse conditions than men: women represent 72,5% of those working part-time and a 43% of those with permanent contracts, according to LFS (II T 2013). Horizontal and vertical segregation is maintained or deepened. In 2008 there were 19,5% executive women; in January 2013, 10,3%. The growth of women self-employment by 1,2% in 2013 is extremely doubtful; they can be false self-employed⁵⁷. (See **Annex iii.a**).

The wage gap is consolidated and strengthened⁵⁸. During the crisis the gap has increased by 1%. In 2010 the wage gap stood at 22,55%, percentage that rise to 27,56% if bonus are taken into consideration. In Spain, to reach the salary of a man with no education (18.110,06 €), a women must have a vocational training degree (17.013,92 €) or a university degree (19.001,54 €). In percentages, the wage gap is more than twice in the private sector (28,25%) than in the public sector (12,34%). As regards AA.CC, the gap ranges 12 points between each other. The gap in Navarra is the highest (26,15%), followed by Aragon and Asturias, about 25%. Extremadura, Baleares and Canarias have the lowest gap (14,00%, 14,66% and 16,13% respectively).

Gender inequalities in both the family and labour field have not been modified. The feminization of care tasks is higher in Spain than in the EU average. In 2010⁵⁹ Spain was the 4th country with higher proportion of women outside the labor market for family care reasons (after Luxemburg, Malta y Cyprus). Women spend 4,29 hours each day doing household and family chores, while men spend 2,32 hours, a gap that has been reduced in more than half an hour in the last 7 years⁶⁰. For every 26 women who combine part-time jobs with taking care of family members, only one man does.

Some groups of women are especially vulnerable⁶¹

⁵³ OASRRVTP, currently in force.

⁵⁴ Chap. III, art. 9: The education system will cover health and sexual and reproductive health education as part of the comprehensive development of human personality and the training in values, including a holistic approach...

⁵⁵ In Canarias, the affective and sexual education Plan in force in schools between 1985 and 2008 and the care Plan for youth sexuality launched in 2000, were both removed in 2008. In relation to Madrid, see: <http://www.reyesmontiel.net/la-red-de-madres/>

⁵⁶ See Note 12.

⁵⁷ According to the Union of Professionals and Self-Employed, registrations are done because of outsourcing of businesses (for example in education); the self-employed who work for only one company have increased to 265.000 and is the group that grows at a faster rate, 11%. El País, (Business section) Sunday, 9.04.2014.

⁵⁸ Report on wage inequalities. February 2013. UGT.

⁵⁹ Report on the monitoring of the Beijing Platform for Action +15.

⁶⁰ Survey on employment and time. NSI 2009-2010. Published in 2011 <http://www.ine.es/prensa/np669.pdf>.

⁶¹ See Annex iii.b for more data on these groups.

- **Young women are more precarious and dependent.** The unemployment rate for women under 25 increases since 2008, reaching 54,96% in the first quarter of 2013. It also persists an unequal distribution of household chores⁶²: 40% of women do them, compared to 19% of men. Since 2008, the percentage of dependents and the risk of exclusion and poverty increases.
- **Immigrants and domestic workers/housemaids: labour “outsiders”.** 95% of the 750.000 persons employed are women, and 60% are immigrants (nearly 3 out of 4, 72%, work taking care of people and they are the majority amongst domestic workers and people who work in dependent services). The unemployment rate of immigrants was 36,6% in June 2013 (10 points more than Spanish women).

Foreign domestic workers have been excluded from the portfolio of services for “basic activities of daily life” of the DA, and in relation to the SWR, they are maintained under a special scheme with the new regulation. Moreover, the Government has rejected the parliamentary proposal of Convention number 189 on decent work for domestic workers.

- **Women with functional diversity: insufficient information and greater inequality.** They double the percentage of part-time employment (27,7% vs al 13,7) compared to the average of women; and compared to their male colleagues, they have fewer benefits.
- **Roma women: ignorance and misinformation.** The specific features of this group (traditions and labour activities that are in many cases in the periphery of the formal economy, among others) hinder their knowledge with traditional investigation tools and there is virtually no specific study.
- **Lone mothers: higher unemployment, lower development and promotion opportunities.** Most of them are women with elementary education (35,5%); the unemployment rate is 40%. Of the 60% of lone mothers who work, 14% refer to “individual days” job. More than a half (55%) are long-term unemployed, followed by 28% of women who have been unemployed for 1 to 6 months; 10,3% of them have been unemployed less than a month.

10.2. LABOUR REFORMS AND MEASURES THAT DEEPEN INEQUALITY IN RELATION TO WOMEN’S ECONOMIC RIGHTS

Since the beginning of the crisis the measures taken have had a negative impact on women’s employment. The first “anti-crisis measures” (August 08-February 09), were aimed at male-dominated sectors, even though the female unemployment is higher: about 2/3 of the State Fund for Local Investment, which is devoted to generate employment, focused on the construction sector in which only 7% of women are involved.⁶³

The freezing of the minimum wage⁶⁴ in 2012 (the first time in 45 years) and the postponement of the improvement of the widow’s/widower’s pension (44,5% of widows vs 12,2% of widowers) affects more negatively. It should also be stated the negative gender impact of outsourcing a large proportion of public services at different levels of administration.

Flexibility and precariousness: changing working days and part-time contracts that worsen social and working conditions. RD 3/2012 allows employers to modify more easily the working day and to require overtime even in part-time jobs, hindering the work-life balance, which has a greater impact on women worker’s since they usually assume the family responsibilities. The elasticity and flexibility of schedules reduce its compatibility with other activities, without offsetting low wages and contribution gaps.

Hiring part-time limits the retirement right. The European Court of Justice (ECJ)⁶⁵ ruled that the Spanish legislation discriminates part-time-workers in their retirement pensions. Consequently, the Constitutional Court⁶⁶ declared “unconstitutional and void ” the system to calculate⁶⁷ the contribution periods in part-time contracts when the collection of a contributory pension is claimed, since it requires most of the part-time workers (80% women) to have non-contributory pensions, with a smaller amount.

Elimination of affirmative actions for women to enter and remain in the labour market. The Government removed in 2012 the subsidies for social security contributions⁶⁸ to self-employed women who return to their work after the maternity

⁶² Survey 2012, INJUVE.

⁶³ Gálvez Muñoz, L. and Torres López J (2010). Women and men in the great recession. Unequal: women and men in the financial crisis. Icaria Ed.

⁶⁴ According to 2010 Wage Structure Survey, 15,5% of women have a minimum salary compared to 5,9% of men.

⁶⁵ ECJ, Judgment of 22.11.2012, regarding the Council D79/7/CEE of 19.12.1978 on the implementation of the principle of equal treatment. The European justice considers that “it applies a difference in treatment by requiring a contributory period proportionally higher for part-time workers, who are mostly women”.

⁶⁶ CC, Judgment 117/2013, of 20th May.

⁶⁷ In Additional Provision 7 of the Social Security Act (version 2003-2006) the contributory days were calculated dividing the number of working hours by 1.825. The 2007 reform divided it by 1,5, but it is still discriminatory and contrary to D89/7/CEE. For unemployment the real daily basis is already being applied.

⁶⁸ Self-employed women who returned to work in a period not exceeding two years could have a subsidy of 100% of the social security contributions for a period of 12 months.

leave. They also eliminate in the last LR subsidies for women who return to work after childbirth or child care leave⁶⁹. These measures are framed within a context where the power of employers to change schedules and shifts has greatly expanded, and where the protection against invalid actions (prohibition) in cases of pregnant women or workers with reduction of the working hours for legal guardianship is not applied in cases of dismissals for objective reasons, which are the most common in crisis situations.

Decrease in coverage of social benefits: unemployment is reduced and the retirement age is extended. Unemployment coverage is cut from the sixth month (from 60% to 50%), the subsidy for people under 52 is limited and the one for people over 45 is removed. This has an impact on care, mainly undertaken by women.

The retirement age increases gradually from 65 to 67 years. As well, pensions have been frozen and the period to calculate contributions has been extended, which obviously particularly affects women⁷⁰, who due to their broader involvement in informal economy, their most frequent interruption of work life, the consequent gaps in contribution and their lower wages, will have more difficulties to have access to contributory pensions with decent incomes.

Collective bargaining and specific mechanisms to promote equal opportunities, envisaged in the EA, are weakened. The LR is weakening collective bargaining, so that enterprise agreements impose on sectorial collective agreements. EE.PP⁷¹ may well be unilaterally modified by the enterprise on the grounds of organization. It is expected that the measures envisaged in the plan will be made ineffective.

In this context, the requirement of EE.PP for small and medium enterprises (SMEs) is not extended⁷², nor have they launched tools to know the number, results and impact of the plans. Castilla-León⁷³ states difficulties to implement plans in the region; Andalucía⁷⁴, reports that the registration of plans is not compulsory. At the same time, subsidies to enterprises for boosting EE.PP are not increased, as provided by IM in the last years, or are even reduced. This is the case of Navarra, whose Budget drops from 140.000 € in 2009 to 133.763 € in 2012 and it is suspended in 2013.

10.3. ANTI-CRISIS MEASURES INCREASE SEXUAL DIVISION OF LABOUR, PREVENT MEN'S CO-RESPONSIBILITY AND KEEP PUBLIC INSTITUTIONS AWAY FROM THEIR COMMITMENTS

Dependent protection is not universal and the number of beneficiaries has been reduced: the DA incorporates in the public agenda the need to assist, in the performance of essential everyday activities, 2.3 million people who had been cared by families in 81% of the cases (women in 85% of the cases: mothers, partners, daughters and sisters), by domestic workers in 13% (95% women, 60% immigrants); and by social services in only a 6% of the cases.

In July 2012, the DA is amended, derogating it *de facto*. The protection coverage is not universalized and the number of beneficiaries has been reduced due to the deep cuts; in 2013 there are reductions in funding, one third of recipients who have a moderate degree of dependency are excluded from the benefits of the Act, and the right to social security to family caregivers is removed. The assessment of dependency by the Administration is a bottleneck for the access to this right, generating huge differences between AA.CC both in processing applications and in budget availability. (**See Annex iii.c**)

The implementation of the four-month parental leave (PL) has been delayed for three consecutive years, and the conciliation right included in the SWR has been amended. The EA envisages the non-transferable thirteen-days PL (100% of salary), plus the two existing days. During 2012 it has been enjoyed by 82% of the eligible fathers, despite unemployment. The EL also pretends to reach the target of the 4 weeks PL after 6 years in force⁷⁵. Currently, this leave is suspended and has not been implemented⁷⁶.

The Congress unanimously adopted in October 2012 a non-legislative motion to urge the Government to equate⁷⁷ the PL with the ML (16 weeks), so that leaves are equal, non-transferable and 100% paid to involve men in care tasks.

⁶⁹ RD 30/2005 and Act 43/2006 on measures to improve and increase employment included annual aids of 850 €/year during 4 years for unemployed women and victims of GV; and 1.200 €/year during for 4 years to hire women after the maternity leave, or after 5 years of inactivity due to a child care leave. They have been removed, without compensation in other areas.

⁷⁰ According to 2013 data, women have access to pensions of 61% compared to men. In 2010, 31.6% of retired women had contributed to the social security for a period of 35 years or more, compared to 81% of men: from 54 years to retirement, 2/3 of men and 80% of women leave the job and face processes of unemployment/inactivity. More women than men face inactivity and many of them will not be entitled to have a contributory pension.

⁷¹ Envisaged in arts. 45 to 49 of the EA.

⁷² The EA of Canarias requires EP for enterprises with less than 250 workers.

⁷³ With an economic fabric composed of small, medium and family enterprises, in 2013 three EE.PP have been signed.

⁷⁴ In Andalucía, 522 enterprises are required to implement the EP. 76 of them have registered it in the Labour Relation Council of Andalucía, a 14.5% (constant figure since 2011). The registration of EE.PP is not compulsory, unlike collective agreements. That is way there may be other EE.PP signed but not registered.

⁷⁵ Act 9/2009 of June 2012 to extend the duration of PL in cases of birth, adoption and fostering meets that goal.

⁷⁶ It was suspended until 2012 and then one more year. The House of Representatives unanimously passed in March a document urging the Government not to delay the extension of the PL beyond 1.1.2013, but it was also suspended during 2013.

⁷⁷ Nevertheless, the Plan on Equal Opportunities 2014-16 does not even refer to the PL.

RD 3/2012 has extended the age of the children to request the reduction of the working hours for legal guardianship (from 8 to 12 years), while the right to choose shifts and schedules has been cut. Since 2007 courts had developed a broad case-law⁷⁸ that allowed parents to choose shift, schedule and days of work to balance family and working life. This has been severed with the new wording of art. 37 WSR, which requires that the schedule must be within the respective daily and rotative shift. As well, it amends the breastfeeding leave which can only be used by one of the parents, even though it could be shared before. All of that deprives of any content the right to conciliation.

The concentration of schools schedules, the removal of school canteens and the reduction of scholarships, increase domestic work and hinder conciliation. The closure of canteens and/or the reduction of scholarships entails that children have to eat lunch at home or to take lunch to school. The increase of domestic work and the impact on labour availability are obvious. There are exceptions like Andalucía and Canarias, where the crisis has affected more strongly so, in order to ensure proper nutrition for kids, the institutions have promoted the opening of canteens, extending the service to school breakfast.

article 12: health, sexual and reproductive rights

11.SERIOUS VIOLATIONS OF THE RIGHT TO HEALTH AND OPEN THREATS TO THE EXERCISE OF SEXUAL AND REPRODUCTIVE RIGHTS (SRHR)

11.1. INEQUALITIES IN THE ACCESS TO HEALTH SERVICES AS A RESULT OF REFORMS IN THE NATIONAL HEALTH SYSTEM (NHS). Measures taken during 2012, using the legislative formula of Decree-Law⁷⁹, have changed the main characteristics of health care provided by the National Health System (NHS), affecting all citizens and especially women. Thus, access to the NHS changes from universality to assurance⁸⁰ and the conditions of insured and beneficiary are regulated.⁸¹ These changes have a clear impact on inequality in the access to the right to health⁸². Moreover, there is a lack of implementation of a gender perspective in the system's management, since the regional health plans do not include specific measures to reduce gender inequality.

Migrant women and victims of GV and trafficking are particularly affected. In the case of migrant women, the measures adopted have resulted in the withdrawal of 873.000 health cards in total (The Ministry of Health does not disaggregate this figure by sex). This is a direct consequence of the crisis, since they no longer have documentation due to unexpected irregularities. The Decree only ensures "urgent care" and there is an arbitrary implementation of this standard in the regions. Also, there are many cases of GV and trafficking which are identified through primary care, eliminating the main source of detection when women face irregular administrative situations. Shortcomings have also been found in the implementation of the protocol on Female Genital Mutilation.

Elderly women, especially in rural areas, particularly suffer the effects of the measures taken. Copayment is required for certain health benefits, such as medicines, which mainly affects elderly women who have a high incidence of chronic diseases requiring treatment. This situation is aggravated in rural areas where the presence of ageing women is higher, added to which is the lack of income of their own due to the fact that they have shared work on the family farming business without contributing to the social security system in the last years, essential for retirement pensions. The gender labour gap is 32,1% in the 50-65 years section.

Older women are also affected by the lack of funding of medicines for the so-called minor symptoms, such as anti-inflammatory medication given the higher prevalence of chronic disorders in these ages. Some benefits, which particularly affect rural women, are defined as additional or ancillary, such as ambulance transportation.

Drug-dependent women suffer extreme social exclusion due to difficulties in accessing specialized services. A high percentage of them suffer violence from their partners and yet they cannot access shelter services, the regulation of which is regional. Also, the establishment of admission conditions is discretionary. In most of the cases, women with severe mental illnesses, HIV or drug addictions are excluded⁸³.

Drastic reduction of HIV prevention programs for women. In 2012 HIV prevention reached 14.863.000€, while the Budget of the National Aids Plan was 1.514.547 €, 90% less. The epidemic has a strong sexually transmitted nature. In women,

⁷⁸ Especially in the CC Judgment of 14.03.2011, in the appeal 9145/09. In the same way, the SC Judgment of 11/12/2001 (RJ 2002, 2025) and previously in Judgment of 29/09/98 and 18/04/05.

⁷⁹ These measures have been implemented without comprehensive gender impact reports, taking into account only the economic level and with no political, or trade union consensus, not even with the health personnel.

⁸⁰ Royal Decree Act 16/2012, of 20 April, "Urgent Measures to ensure the sustainability of the National Health System and to improve the quality and safety of its benefits".

⁸¹ Royal Decree-Act 1192/2012, of 3 August.

⁸² There are also data that would allow to state that one of the consequences of the economic and social crisis is the shorten life expectancy of women, which was 85.16 years in 2011, and 85.13 in 2012. Spain has gone from the fourth position in life expectancy in 2011 to the 6th place in 2012 out of a total of 180 countries. Source: www.datosmacro.com. 14. February 2014.

⁸³ Union of Associations and Institutions to assist drug addicts: "Research on Intervention in Drug Addiction and GV in Care Networks". Available in: http://www.unad.org/upload/26/LIBRO_UNAD_MALOS_TRATOS_CORREGIDO_pdf

heterosexual, transmissions accounts for 83% of the new diagnoses (2011) and 50% of these diagnoses affected migrant women.⁸⁴ Programs for women have become subsidiaries.

Reduction of mental health services and over-medicalization of mental health and women's discomfort, with excessive consumption of tranquilizers, relaxants and sleeping pills: 21% of women compared to 11,6% of men.⁸⁵

11.2 UNDER-DEVELOPMENT OF THE CURRENT LEGAL FRAMEWORK ON SRHR / THREATS TO THEIR FUTURE DEVELOPMENT. Even though the current OASRRVTP⁸⁶, passed in 2010, represents a significant step forward, it still does not ensure all SRHR.

The NHS has not clearly and sufficiently incorporated education on sexual and reproductive health (SRH): The implementation of the National Strategy on SRH is close to nil with regard to health and sexual education, given the fact that it focuses exclusively on normal deliveries. According to a barometer carried out by the EU on the access of women to free choice of modern contraceptives, Spain failed in relation to sexual education, public awareness and empowerment of women⁸⁷.

Only some hormonal contraceptives are publicly funded: Since 2013, 8 of the latest generation contraceptives have been withdrawn, affecting 1 million women. The morning after pill is not funded in 6 AA.CC.⁸⁸

Access to assisted human reproduction techniques discriminates female couples and favors young women, even though the average age to have the first child is 31 years: It favors heterosexual couples and people under 35 years; if they are not married, the genetic biological mother is left without maternity recognition in the couple context.

Medicalization of childbirth remains. In Spain, one in four births are performed by cesarean section: the rate represents 36,8% of cesarean sections in private hospitals and 21,8% in public hospitals. Only in el País Vasco the rate is 14,24% in the public health system. Regional inequality is one of the most significant facts.

Tailored medical procedures for women with disabilities are not provided, such as stretchers, gynecological examination rooms and mammograms.

The Act has many weaknesses and limitations with regard to Voluntary Termination of Pregnancy (VTP):

- **VTP is still included in the Criminal Code:** Although penalties are reduced, infringements of the Act are still considered crime offences, remaining fines for women and health personnel, and new criminal offences are created linked to mere administrative irregularities.
- **There is an increase of the medical reports required during the first 22 weeks**, and the free choice of women in the first 14 weeks is limited.
- **The individual autonomy of young women aged 16-17 to have an abortion is not recognized**, unless they claim serious conflicts with their fathers, mothers or legal guardians.
- **Inequitable distribution of facilities in every AA.CC and/or provinces for VTP between 14 and 22 weeks:** In Aragón, Extremadura, Castilla la Mancha, Castilla y León VTP is only performed in private facilities. In some provinces where there are no VTP facilities, women have to go to other provinces or AA.CC; there are also managerial conflicts. Moreover, in some cases there are only facilities to perform the VTP until the 14th week. In Andalucía no VTP are performed in public centers. Every woman who goes to a public facility is referred to subsidized private centers. Only 2,62% of the VTP were performed in the public health system in 2011 and 6,49 % in 2012. Performance of VTP in the public network is left to conscientious objection of health care personnel⁸⁹.
- **The financing of this service still rests with women themselves:** Some AA.CC have agreements with private health care institutions to refer women. However, according to a 2010 research by Centro Clínico, 54% of women had paid for the VTP.
- **Compulsory information given to women is biased:** In some AA. CC (Madrid, Castilla León), it is orientated to force maternity and adoption, including "anti-choice information", as in the case of Mother Network.

The draft Act on VTP, introduced in December 2013, places Spain at the bottom of Europe, causing a serious threat to SRHR of women: This draft, called "OA for the protection of unborn children and the rights of pregnant women" eliminates the right to abortion as it is drawn up in the current time limit Act, keeping voluntary abortions in the Criminal Code and increasing penalties for professionals. The main issues linked to the draft act (widely contested) are the following:

⁸⁴ Epidemiological monitoring of HIV in Spain. June 2012. Health Institute Carlos III-Ministry of Economy and Competitiveness.

⁸⁵ Source: National Health Survey 2011.

⁸⁶ OA 2/2010.

⁸⁷ "Eldiario.es" 26-09-2013.

⁸⁸ Source: The Spanish Federation of Family Planning.

⁸⁹ As an example, on 23 January 2014 the public hospital La Paz, one of the biggest in Madrid, denied a therapeutic abortion to a pregnant woman who was at imminent risk of sepsis. Source: Federation of women's associations of Madrid. EL País: February 4, 2014.

- **Introduction of several clauses/very restrictive assumptions with a strong subjective approach to authorize the performance of abortion:** The assumptions are: significant and lasting impairment to the physical and mental health of the mother; risk for her life; and rape. In the first case, the time limit is 22 weeks; it is also needed two reports by doctors specialized in the field of the illness, who have to be different to the doctor that performs the abortion and from different facilities; after the report women have to be verbally informed by a collaborator of the public system on alternatives to VTP and is later imposed to her 7 days of reflection before she gives her consent. In the case of rape, women must file a complaint in the first 12 weeks of pregnancy.
- **Prohibition of abortion in cases of fetal abnormality unless it is “incompatible with life”.** It sets several requirements that significantly hamper the process.
- **Mandatory involvement of legal guardians** in the case of minors.

article 13: discrimination in other areas of economic and social life

12. NO MEASURES ARE YET IN PLACE TO COMBAT DISCRIMINATION IN OTHER AREAS OF ECONOMIC AND SOCIAL LIFE

No positive actions are envisaged to help those families whose head of the household is a woman, despite the fact that they face worse living conditions. Similarly, there are no actions to promote access to credit, despite sharp differences between women and men. Women’s participation in cultural and social life of our society is still characterized by their secondary or subordinated role.

12.1. THE LACK OF GENDER PERSPECTIVE IN RELATION TO AIDS AND CUTS IS PARTICULARLY HARMFUL TO SINGLE PARENT FAMILIES” (SPF)

Almost 9 out of ten SPF⁹⁰ are headed by the mother (88,6%). The dismantling of public policies particularly affects them because they are the sole providers of their family. They face poverty and exclusion (45% of children in lone mother families (LMF) are now at risk of poverty⁹¹). 33% of the SPF are beneficiaries of the minimum income allowance, of which 90% are LMF.

The law does not recognize the existence of “the mother with no shared responsibility”⁹². They are fiscally discriminated⁹³: two-parent families are entitled to a deduction for each child of 3.400 €, while LMF are only entitled to 2.150 €. They cannot add to the 16 weeks maternity leave, the two weeks granted to fathers; they have more difficulties to access canteen grants (calculating income division negatively affects them). Malnutrition in children has increased by 30%.

12.2. WOMEN HAVE GREATER DIFFICULTIES TO OBTAIN CREDITS, AND MORTGAGES HAVE GENDER BIAS. Loans granted to women as first holders account for 4% while in 2% of the cases they are sole holders. 95% of the current accounts have men as first holders. The reasons are well known: women have lower incomes, less access to property and consequently higher risk premiums, and requirement of more guarantees. In short, a vicious circle that hinders access to credit and its ability to generate wealth and to deal with debts.⁹⁴

In 2007, house ownership accounted for 50% of incomes (only 13% of the population lives in rental housing). Marriage entails a “project of common mortgage” that surpasses the will to live together and determines the custody of the children. However, not all households are equal and not every person inside the families is the same. The entry of women to the labour market is often subordinated to the reality of the family unit and her salary is generally significantly lower. Nevertheless, the Supreme Court⁹⁵ requires in every case of divorce that the spouses pay the pending mortgage equally.

12.3. THERE REMAINS INSUFFICIENT RECOGNITION AND VISIBILITY OF THE ROLE OF WOMEN IN SPORTS, CULTURE AND SOCIAL PARTICIPATION.

The bodies in charge of sports are made up mainly of men, 90% approximately.⁹⁶ The professional women’s leagues have less prestige and less labour rights. Media coverage of women’s sport is non-existing or very insufficient. There is discrimination in the boost of access and practice of sport. Women athletes are not adequately represented in the contents of physical education in schools.

In the cultural area, representation of women in leadership positions is very low⁹⁷. Cervantes price has been awarded to 3 women, (8% of the total). In the academic field, there are currently 11 rectors in the 77 universities⁹⁸. 36,4% of the teaching

⁹⁰ There are approximately 548.600 single families in Spain. Women’s Institute.

⁹¹ According to a recent research of Save the Children.

⁹² The Equality Commission of the Congress rejected last September a proposal to identify as large, single families with two dependent children and also those families with two parents and to kids, when one of the parents has a disability.

⁹³ ACT 35/2006 on personal income tax.

⁹⁴ Gálvez Muñoz, L. y Torres López J (2010) Women and men in the great recession. Unequal: women and men in the financial crisis. Icaria Ed.

⁹⁵ Judgment 28/03/2011. Resolution number 188/2011.

⁹⁶ In the 30 Presidencies of the Olympic Federations there is only one woman, that is to say 3%.

⁹⁷ The 2012 MAV report on exhibitions in art centers (1999 -2009) states that there were 200 women artists out of 973 individual exhibitions (93 Spanish). In its 9th report on lectures in art centers and foundations, MAV confirms that 33,5 % of lecturers were women compared to 63% of men. In 3,5% of the cases there were no references to the sex. (See report in the web).

⁹⁸ Conference of Rectors of Spanish Universities.

and research staff are women,⁹⁹ and only 15% of the chairs belong to them.¹⁰⁰ From 2010 to 2013, the percentage of women members of the different Academies increased by 1,1%, breaching the EA.¹⁰¹ The Royal Academy of Exact Sciences, Physics and Natural Science had 47 members in 2013, only three of whom were women. Among the five members that have joined this Academy since 2010, there is only 1 woman. Act 14/2011, of 1 June, on Science, Technology and Innovation, which envisages the implementation of gender perspective, is not being enforced.¹⁰²

article 14: rural women

13. RURALITY RENDERS INVISIBLE THE WORK PERFORMED BY WOMEN, AND PREVENTS THEM FROM USING THEIR RIGHTS

Only 26% of the working population is constituted by women. 40% of them are business women, mostly without paid staff and operating in less than 40 units. 57% of the women who are operating managers have more than 55 years. The gender employment gap is exacerbated in the nursing period (35-49 years). Jobs undertaken by women are made invisible, hidden as “family support” both in family businesses, farms and other businesses. Many women professionals are not recognized and do not contribute to the social security system and consequently are not entitled to employment rights (sick leave, retirement). However, nearly 1.000 women apply to work in the agricultural sector¹⁰³.

Joint ownership is not promoted or developed. Act 35/2011¹⁰⁴ on joint ownership of farms is having little impact. It was passed with great difficulty, and although its regulation was also passed and a register was set up (RETICOM) in every AA.CC, it has not been adequately developed. By July 2013, there were 50 joint ownerships registered¹⁰⁵. In Andalucía or Madrid, people who were interested in exercising this right have not been answered on how to register¹⁰⁶.

In June 2013 a public consultation was scheduled to evaluate and answer queries by the legal services of the Ministry. In March 2014, this consultation had not yet taken place. Moreover, this Act states that the Central Government shall establish aids and incentives¹⁰⁷ that have not been implemented.

The gender perspective is not applied to plans, and budgets are cut. Although since 2010 there are: a “diagnosis”, practical tools¹⁰⁸, a Plan to promote Equality between Women and Men in the Rural Area, and an Strategic Plan for Gender Equality in the Sustainable Development of the Rural Environment (2011-2014), measures taken to promote equality have not been accompanied by indicators to measure previously the impact and afterwards the results. The only positive action has been the increase in the score for women who take up jobs in farms. On the other hand, there is no specific subprogram of women in the National Plan on Rural Development 2007-2013.

The funding “Promotion of women in rural areas”, to give dynamism, educate, and promote gender equality in rural environment, has been reduced from 475.000 € in 2012 to 200.000 € in 2013. And the prize “Innovation of women” is left in 2013 as a mere recognition without budget, while in 2012, 25.000 € were granted.

article 15: equality before the law and equal treatment in legal proceedings

14. LACK OF DUE DILIGENCE TO INVESTIGATE CRIMINAL COMPLAINTS.

Gender stereotypes associated with violence perpetrated against women and girls still persist in traditionally conservative fields, such as the judiciary and the military, whose most serious consequence is the lack of prevention, protection and investigation of the criminal offence, breaching the principle of due diligence. This fact has been reported and stated by women and human rights organizations (HH.RR)¹⁰⁹. Although the responsibility for the investigation on GV rests with courts, it is disturbing that if victims do not provide the necessary evidences to minimally establish the facts, the case is dismissed with little ex officio investigation.¹¹⁰

⁹⁹ Data from the Ministry of Education (university year 2007/08).

¹⁰⁰ <http://www.rtve.es/noticias/dia-internacional-mujer/universidad/> (8th July 2013).

¹⁰¹ Art. 26.2 states that bodies and structures of the cultural public administrations shall develop actions and initiatives to promote the role of women in culture and to combat structural and/or diffuse discrimination, as well as to promote active policies for the creation and production of artistic and intellectual work done by women.

¹⁰² The Act includes a number of innovative measures to bring our legislation on science, technology and innovation at the forefront.

¹⁰³ Data provided by the Confederation of Women in the Rural Area (CWRA).

¹⁰⁴ Aimed at the regulation of such ownership to promote and foster an authentic and effective equality of rural women, through the legal and economic recognition of their participation in the agricultural activity.

¹⁰⁵ According to data provided by CWRA.

¹⁰⁶ The MAAFN informed that the formal aspects of the registration in the Tax Agency are solved and places the responsibility of the bureaucratic hurdles with the regional governments.

¹⁰⁷ It remains the previous one, which consists of a funding of 30 % of the contribution to the social security during 5 years for women under 50 years.

¹⁰⁸ Action Protocol between the Ministry of Health, Social Services and Equality and the MAAMA to develop equality policies, signed 7th May 2010, to promote equal opportunities policies between men and women in rural areas.

¹⁰⁹ See Annex iv.a. The case of Zaida Cantero in the army.

¹¹⁰ See Annex iv.b. The cases of Ángela and Amparo.

Temporary dismissals have increased between 2005 and 2012 by 158%¹¹¹. In 2012, courts have shelved more than 50% of the opened cases. On the contrary, criminal complaints have dropped since 2008. Moreover, there has been an increase of the “counter complaints” of men facing criminal charges for GV against their victims as a strategy of impunity. This leads to the fact that in recent years hundreds of women are being tried and convicted¹¹² to similar criminal penalties as their aggressors, resulting in an important source of “re- victimization”¹¹³. Three women murdered in 2010 had been sued by their murderers¹¹⁴.

¹¹¹ GCJ (2012): Statistical judicial data in accordance with the OCGV.

¹¹² According to reports of the GCJ and data of GVC, between 2011 and 2012, 651 women were sentenced due to criminal complaints filed by their partners or ex partners, who had also faced criminal charges.

¹¹³ See Note 13.

¹¹⁴ GCJ (2011): Report on GV and domestic violence cases committed by partner or ex-partner and resulting in death, 2011.

notes

note 1: The National Strategy to eradicate violence against women 2013-2016 approved by the Spanish Government focuses on the response to gender violence committed by partners or ex-partners and includes the adoption of a comprehensive tool against trafficking in women and girls for sexual exploitation. Nevertheless, as regards to sexual violence it envisages only dispersed measures.

note 2: AA.CC with care centers for victims of sexual violence: Andalucía, Madrid, Extremadura, Aragón, Asturias, Cantabria, Castilla y León, Cataluña y Valencia.

note 3: See Save the Children: *Spanish justice addressing child sexual abuse within the family in early childhood. Case study in line with international and European human rights standards*; and the case of Ana in Amnesty International (Spanish Section): *What specialized justice? Seven years after the comprehensive law against gender violence: obstacles to access and procurement of justice, and protection, 2012*.

note 4: Schedule of specific administrative clauses that has to govern the service contract called "Legal guidance service for women of Madrid", and which is awarded under an open procedure by price criteria. File number. 101/2013. Point 7. Award procedure, p.22.

note 5: The organizations endorsing this report have had access to the document *Report on gender violence in Cañada Real Galiana, 2013* drawn up by Red Cross. This report documents more than 20 cases of Roma women (Spanish and Romanian) victims of gender violence (physical, psychological and sexual), which highlights serious difficulties to access care services, particularly for those women who live in "unpaved areas". Only a minority of all the women that have been identified in this report have managed to escape from violence. Most of them still live with their abuser in a climate of discrimination, prejudices and impunity.

nota 6: See case of Caren (Ecuadorian women who reported the violence that she suffered and was expelled in 2012, although she had a judicial protection order in force), in Amnesty International (Spanish Section): *What specialized justice? Seven years after the comprehensive law against gender violence: obstacles to access and procurement of justice, and protection, 2012*.

note 7: The PAS was described in 1985 by a north American professor Richard Gardner, according to who, in the context of a separation or a divorce, one parents alienates the children against the other in the context of a custody dispute. Despite repeated attempts, the SAP has not been admitted by the WHO, nor has it been accepted in the DSM III and the DSM-IV (Diagnostic and statistical manual of mental disorders of the American Psychiatric Association). Neither the Spanish Association of Neuropsychiatry has admitted it as a syndrome and has shown concern about the impact that its use may have in terms of lack of protection for children.

note 8: Save the Children (2013): *Spanish justice addressing child sexual abuse within the family in early childhood. Case study in line with International and European human rights standards*.

note 9: Hetaira disagrees with any measure to discourage the demand for sexual services. This group works from the perspective of educating the client and promoting respect and good treatment towards sex workers. They consider that measures to discourage demand involve considering prostitution a taboo, hiding it, stigmatizing women and fostering clandestinely, placing women in situations of greater vulnerability.

note 10: In Madrid, fees increase up to 175% in the 2012-13 school year for education from 0 to 6 years, raising the price of public schools (between 176 € and 416 €/month) over private, causing a drop in the demand and the closure of more than 30 classrooms. On the contrary, Andalucía has made a great effort to maintain school canteens and discounts off public prices for families with lower incomes: in the last 5 years it increased from 1.173 centers for education from 0 to 3 years (Publics: 578 and Privates: 595) in the 2008/9 school year to 1.955 center (Publics 695; Subsidized 893; Privates: 367) en 2012/13. Nevertheless, the needs are not fully met in this region.

In Cataluña, cuts in education have led to a reduction of the public grant per student in the first stage of early education, and to an increase of the ratio children/class.

<http://www10.gencat.cat/gencat/AppJava/es/actualitat2/2010/00601acordsdegoverndel1dejunyde2010.jsp>,

<http://escolesbressolindignades.wordpress.com/manifest/> y <http://barcelona.cup.cat/noticia/lescola-pública-catalana-en-perill>

note 11: In the transitional provisions of the Education Act of Cataluña 12/2009, the Government is urged to comply with the provisions regarding the adoption and development of a Gender Plan for the education system. A time limit of two years, that has already expired, was set. (<http://www.xtec.cat/web/projectes/coeducacio/documents>).

The Education Act of Cataluña envisages in Art.2 m) coeducation and the promotion of real and effective equality between women and men. However, in Cataluña the promotion of coeducation has not progressed in recent years, becoming a school project and not a cross-cutting issue of the educational projects of the Education Department itself, and the Coeducation Project has been removed from the Department's organizational structure.

<http://portaldogc.gencat.cat/utillsEADOP/PDF/5422/950599.pdf>.

http://www.gencat.cat/acordsdegovern/20100907/20100907_AG.pdf

<http://www20.gencat.cat/portal/site/icdones/menuitem>.

note 12: The following is a list of the employment reforms mentioned throughout this title, of which the most important are those of 2012 y 2013.

- Royal Decree-Law 16/2013, of 20 December, on measures to promote stable contracts and to improve the employability of workers.
- Royal Decree-Law 3/2012, of 10 February, on urgent measures to reform the labour market.
- Act 35/2010, of 17 September, urgent measures to reform the labour market.
- Royal Decree-Law 2/2009, of 6 March, on urgent measures for the maintenance and promotion of employment and the protection of the unemployed

note 13: These processes of re-victimization are collected and analyzed in Amnesty International (Spanish Section): *What specialized justice? Seven years after the comprehensive law against gender violence: obstacles to access and procurement of justice, and protection, 2012. Needs, obstacles and best practices in the pathways to escape from gender based violence from the experiences of women in rural areas of Araba, 2011.*

annex i

gender violence cases / discrimination against vulnerable groups of women

annex i.a: Olga case. Discrimination against vulnerable groups: Immigrant women

Olga is a 53-years-old Russian woman who came to Spain in 2007 to turn her life around after suffering years of gender violence perpetrated by her husband, having widowed 17 years ago. At present, she has two daughters of 30 and 28 years and two grandsons living in her country.

She arrived in Spain through contact with an acquaintance and worked the first months as a domestic worker with little wage and with hardly any rest days. Years later she found a job as kitchen assistant in a city in southern Spain on the promise of the regularization for her residence status. However, after two years employed in an irregular situation, working 10 hours a day for 300 euros per month, with no rest days, and upon checking that the commitment to regularize her migration status was not going to be fulfilled, she went to the police to report her case. The police officers, far from protecting her, initiated an expulsion proceeding and seized her passport, providing her a photocopy of it. Due to the fact that she had not the original document, she could not renew her passport, which expired in 2012. Following the above mentioned proceeding, Olga has an expulsion order since July 2010.

In 2010 Olga moved to Galicia where she found a job as full time (24 hours a day) nursemaid of a man with a severe neuronal disorder, for 750 or 800 euros per month, having her employer promised an employment contract and the regularization of her migration status. The promise was never fulfilled, and Olga barely received a wage. For this reason, she had to combine her job with other activities within the informal economy and for months she depended on the help of her partner, a Spanish man that also supported her financially.

One night in March 2013, when Olga was returning home alone, she was attacked by two hooded men who, at gunpoint, forced her to climb a nearby hill, and threatening to kill her if she did not remove her clothes, beat her, threw her to the ground and introduced in her vagina vegetables, while they directed a torch into her eyes. After the attack, the two men fled and Olga remained at the hill, naked, dazed and blinded by the torch. She found her mobile phone feeling the ground and called her partner, who called an ambulance and the police.

Olga came to the hospital by ambulance where she was attended by the emergency and psychiatric services, who submitted a medical report to the court reporting the rape. In the hospital, Olga herself made a lengthy statement to the Guardia Civil (law enforcement body) responsible for investigating the case, through which she reported the sexual assault. Despite these facts, the court that heard the case never called Olga to testify and shelved the case without examining any evidence. The Prosecutor's office agreed with the termination of the two proceedings and supported the judicial decision.

Two weeks after the attack, the officers of the Guardia Civil who took her statement at the hospital went to look for Olga, took her to the Guardia Civil station and did not notify her that she was under arrest. After taking her pictures and fingerprints, they told her that they believed that she had lied about the rape to get "the papers" and that she was being held accused of "simulation of a crime".

Olga was taken to a night court, still with the physical signs of the attack in her face (as had been certified in the injury report), despite which the judge interrogated her as a detainee, while the prosecutor made no comment. She was released pending trial.

The next day, while Olga was in a bar with her partner, she was arrested by two national police officers due to her irregular administrative situation. Once again, the officers took her pictures and fingerprints, and frisked her. That night she slept in the police dungeon.

The next morning, the same court that had shelved her rape case, order her confinement in the Immigration Detention Center (IDC) of Madrid to later expel her to Russia. The prosecutor agreed with the judicial decision.

Olga remained confined 48 days in the IDC, a period that was of great suffering for her and that she managed to withstand with high doses of tranquilizers prescribed by the doctor of the IDC. In May 2013, she was released because her passport had expired and the Russian authorities did not allow her return.

In July 2013 Olga applied for the renewal of her passport to solve her migration status by getting married with a Spanish citizen. But only 5 months after the confinement, on 3 December 2013, the Guardia Civil re-arrested her to expel her within 24 hours. Olga remained isolated in the dungeons of the city where she lived while awaiting deportation and she was only granted a few minutes to say goodbye to her partner.

That same day, thanks to the Foundation "Fundación para la Convivencia Aspacia", who send all the information on the case, the Ombudswoman decides to mediate with the immigration authorities of the Spanish Government. The expulsion was prevented.

At the time of writing this shadow report in April 2014, Olga is still accused of “simulating a criminal offence”. The expulsion order is still in force. Olga must go every week to the police station where she was arrested and does not know when she will be release of this obligation. She is still undocumented and no public institutions, judicial body or law enforcement agency has initiated a procedure to investigate the sexual assault that she suffered on March 2013.

annex i.b: María and Tamara cases. Discrimination against vulnerable groups: Roma women

María is a 56 years old gipsy woman and has 12 children. She works in the informal sector as street vendor and cleaner and receives a welfare support.

She has been living with her husband for 40 years, during which she has experienced physical (assaults, beatings...) and psychological violence. She lives in “Sector 6” of the Cañada Real Galiana (Madrid), which is, in the informal settlement where it belongs, the farthest from the nearest urban centers. Her home is 12 kilometers from the social service center to which she is entitled to go to ask for help when she suffers gender violence. Once, after a very serious assault, María had to walk three hours to get to the referral service to ask for help.

In recent years she has attended several times the Victims Assistance Service of Madrid. After one of the most serious attacks, which occurred in 2012, she entered a shelter for victims. The rules of the shelter did not allow her to face her care responsibilities, which included seeing her under aged children and her granddaughters, who she fostered. For this reason, she decided to return home despite she compromised her own safety. After another assault, she returned to the shelter for six months. However, when she found out that her husband was starting a relationship with a cousin, she left aside the social support and returned with the aggressor.

Tamara is a 49 years olds gipsy woman and has 7 children. She does not carry out paid work. She lives in “Sector 6” of La Cañada Real Galiana (Madrid). For years she has suffered physical and psychological violence by her husband and her elder children. Tamara was identified by the associations of the area because she went to a self-support group organized near her home.

After a very serious assault, Tamara went badly injured to the support group, stating that “she would be killed”. The educator responsible for this group took her from the settlement to the main road in her own vehicle. There she was picked up by her mother’s side of the family who took her to the hospital, where an injury report was performed. Tamara did not report the assault.

In response to that assault, Tamara’s family decided the separation of the couple: the sons would stay with their father and the daughters with her. This involved separating two twins (boy and girl of 10 years), which discourages her form separating. For this reason she returned back home, where the risk of suffering serious aggressions still persists.

annex ii
development 2008 – 2013 of regional funding for equality programs

AA.CC	Population	Equality bodies	Equality Budget		Difference 2013-2008		Equality 2013		Total Ptº
			2008 (euros)	2013 (euros)	Euros	%	€/hab	% Ptº C.A.	€/hab.
Andalucía	8.449.985	Women's Institute of Andalucía	40.157.879	40.560.147	402.268	1,0	4,8	0,13	3.634
Aragón	1.349.467	Women's Institute of Aragón	4.225.004	3.170.676	-1.054.328	-25,0	2,3	0,06	3.785
Asturias	1.077.360	Women's Institute of Asturias	5.133.452	2.284.267'	-2.849.185	-55,5	2,1	0,06	3.530
Balears, Illes	1.119.439	Women's Institute of Balears	3.773.604	2.190.811	-1.582.793	-41,9	2,0	0,06	3.214
Canarias	2.118.344	Equality Institute of Canarias	11.513.123	7.018.682	-4.494.441	-39,0	3,3	0,10	3.211
Cantabria	593.861	Directorate General of women	4.447.097	1.490.862	-2.956.235	-66,5	2,5	0,07	3.862
Castilla y León	2.546.078	Directorate General of women	13.249.453	7.053.437	-6.196.016	-46,8	2,8	0,07	3.724
Castilla-La Mancha	2.121.888	Women's Institute of Castilla-La Mancha	25.967.200	14.107.310	-11.859.890	-45,7	6,6	0,19	3.507
Cataluña	7.570.908	Women's Institute of Cataluña	12.260.000	9.704.860	-2.555.140	-20,8	1,3	0,03	3.962
C. Valenciana	5.129.266	Directorate General of Family and Women*	14.573.970	15.278.250	704.280	4,8	3,0	0,12	2.538
Extremadura	1.108.130	Women's Institute of Extremadura	3.868.666	5.189.589	1.320.923	34,1	4,7	0,11	4.323
Galicia	2.781.498	Women's Secretariat	10.838.616	3.524.510	-7.314.106	-67,5	1,3	0,04	3.408
Madrid	6.498.560	Directorate General of women	44.806.447	22.705.132	-22.101.315	-49,3	3,5	0,12	2.954
Murcia	1.474.449	Directorate General of Social Affairs, Equality and immigration ad violence *	11.793.521	3.059.838	-8.733.683	-74,1	0,8	0,07	3.036
Navarra	644.566	Family and Equality Institute of Navarra *	2.794.533	1.807.286	-987.247	-35,3	2,8	0,05	5.954
País Vasco	2.193.093	EMAKUNDE - Women's Institute of el País Vasco	6.613.000	6.598.000	-15.000	-0,2	3,0	0,06	4.776
Rioja, La	323.609							0,00	3.786
Ceuta	84.018	Advisory center for women		347.120			4,1	0,15	2.674
Melilla	80.802	Vice council of women							
TOTAL	47.265.321	TOTAL/Average	216.015.565	145.743.657	-70.271.908	-32,5	3,1	0,09	3.511

Source: web page or Official Gazette of the AA.CC. *Note: in Valencia, Murcia and Navarra the equality body has other powers.

annex iii

Data on “women bear the major brunt of job precariousness”

annex iii.a: Greater unemployment and temporary work

Data from AA.CC move in this direction. According to data provided by the LFS, in almost all of the AA.CC, female unemployment is higher than male unemployment. Nevertheless, in Canarias where female unemployment is above the national average of the country by more than 5 points (32,01%), the percentage is lower than the male unemployment in this region (34,17%), -even though in 2008 theirs was higher than men in more than 5 points-. Andalucía has the highest female unemployment rate, 38,05%, and El País Vasco the lowest, 15,76%. Baleares, Cataluña and Madrid, are below the average: 22,15%, 21,8% y 22,95%, respectively.

As regards employment, the rates are exactly the opposite. The male employment rate is always higher than female's, despite having fallen more sharply in this period 2008-2013. In Baleares, the female rate is 10 points lower; in Cataluña is more than 8 points; in Canarias nearly 7; and in Andalucía more than 12.

In the case of Castilla-León, the percentages of women with part-time jobs accounts for 80,64% of the total; in the case of Madrid, women bear the major brunt of job precariousness, intensified by the LR, having 75% of the temporary employments, and also part-time. In Andalucía women have 71,9% of the part-time jobs.

annex iii.b: Particularly vulnerable groups

Young women are more precarious and dependent. The unemployment rate for those under 25 accounts for 54% in the 3rd Trimester 2013 (the 2nd highest rate in the EU), although the increase is sharper in the case of men because they leave earlier schools to work in the construction industry and women start with higher rates despite they have higher qualifications. Temporality is their hallmark. In 2008 it was 60%, going down in the following years due to the strong precarious job shedding: temporality jobs accounted for 80% of the jobs lost by young people (mainly men).

In 2012, the percentage of independent young men was 23,8% compared to young woman (15,6%). It should also be highlighted the increase in the percentage of young people who are at risk of social exclusion and poverty, which goes from 22,7% (in 2005) to 32,7% (in 2011). Foreign women are more vulnerable.

Immigrants and domestic workers: labour “outsiders”. RD 1620/2011, of 14 November, on the special employment relationship of domestic work, and RD 1596/11, of 4 November, on protective action replace RD 1424/1985, of 1 August, in force more than 25 years.

This new regulation requires a written contract, the legal minimum wage in cash, gives the right to accrual of half of the special payments and to certain labour rights, such as minimum breaks of 8 hours between working days and 36 continuous hours on weekends, holidays and the right to compensation if the family moves out of the region. However, it does not include other rights such as unemployment pensions or coverage, under the same conditions as the rest of the workers, of illness (temporary inability to work is paid from the 29th day instead of from the 3rd and there is no regulation of work leaves due to accidents) or retirement. This is despite the recommendation of the European Commission, of 21 March 2013, through the proposal for a Council Decision, urging Member States to do so.

The new regulation requires employers to pay social security contributions of their workers when they work less than 60 hours a week, producing ambivalent effects. Many women employees have been forced by their employers to bear the costs of those contributions or to be in an irregular administrative situation, worsening their working conditions. The difficulties to control these situations (the Labour Inspectorate needs a court order or the employer's authorization to inspect the situation in the workplace, a house). There is a lack of collective agreements to regulate and develop this job and the misinformation about the rights they are entitled to, puts workers in a common situation of inequality and vulnerability. But, on the other side, it has increased the number of registrations to the SS from 182.695 people in December 2011 (10,5% foreigners) to 423.668 in March 2013, according to data provided by the Ministry of Employment and SS and the NSI. At the same time, while in relation to health and social services, the registration dropped from March 2012 to March a 4,27%, reaching a reduction of 12,06%, in the special system for domestic workers it increased a 37,81%.

A new RD Act 19/2012 requires, once again, that from April 2013 those domestic workers who work less than 60 hours per week and have an employer should deal with the management and payment of the contribution to SS, which has substantially slowed down the increase of registration in the first semester of 2013 and has produced a slight drop in the second semester of the year of more than 3.000 people, according to official data.

Women with functional diversity: insufficient information and greater inequality. Even though there is official statistical information since 2010 (574.200 women and 687.700 men with a degree equal to or greater than 33%) and, consolidated in

2012, only the basic data is disaggregated by sex (activity, employment, unemployment), but it does not intersect with other variables, which prevents an adequate knowledge.

They suffer a greater inequality compared to every other woman. They also double the percentage of part-time employment, which entails fewer wages and fewer maternity, unemployment, illness, incapacity and retirement coverage's. Women with functional diversity have less protection measures than men: the percentage of women protected in the SS system in case of disabilities is 19,6% compared to men (29,6%). The same occurs with specific disability contracts: 18,7% compared to 32,0 respectively. Similarly, the incapacity and dependency benefit lies respectively in a ratio of 43,3% compared to 50,7%, and 15,9% compared to 17,1%.

Roma women: poor awareness. Studies undertaken in 2005 at the Navarra University by Arantza Fernández Espiñeira on the situation of the Roma population in relation to employment, shed light on some issues. She finds that the activity rate (42,5%) is similar to that of non-Roma women (41,4%), showing a slightly unemployment rate of 16,3% compared to 14,4%.

The conditions of access to the labour market in relation to men are significantly worse. Data indicates that two out of three men enter the labour market with a contract, whereas in the case of women is less than 1 out of two (el 47,85%). In so far as crisis has a bigger impact on the less skilled population and on the weakest sectors of activity, where gipsy people are located, it is reasonable to think that their situation has been dramatically aggravated.

Lone mothers: higher unemployment, less development and promotion opportunities. Beside the statistical data included, the II Report of the Adecco Foundation on women with no shared family responsibilities based on a survey of 800 women who head single-parent families, states that: 80% of women who head single-parent families say that they feel labour discrimination. 62,5% think that their opportunities to enter the labour market or to pass a selection process are constrained by the fact that they are lone mothers. 57,1% of the women surveyed highlighted the lack of conciliation policies within companies to let them balance work and childcare. Moreover, 28,6% of them say that they fell discrimination in their professional development due to the fact that they do not have the same promotion opportunities as the others.

annex iii.c: Data on the dismantling of the Dependent Act /case information

Public expenditure on dependency doubled from 2003 to 2010 (from 0,32% to 0,64% of GDP: 6.767 million euros), but it does not reach the planned financing of 3% of GDP. 165.000 jobs were created out of the 600.000 planned, and 760.000 people are being taken care of, out of the 2.3 million planned. Half of the benefits are paid to the family caregiver, normally a woman, perpetuating the sexist division of care, according to the evaluation report submitted five years after by the Council of Ministers, on 4th November 2011.

In December 2012, there were 1.639.990 requests of care in the public system (3,48 % of the population). Cuts have also discouraged dependent people and their families to seek for help. The monthly average of requests has dropped from 34.812 in 2010 to 2.478 in 2012. In July 2012 there were in Spain 179.829 women caregivers registered in the SS and in June 2013, 19.054.

While the legal general term to substantiate an application to the General Administration is 3 months, the assessment of the dependent situation, which entitles to the aids, takes 30 months, and has not dropped. In 2011 there has been an average of 107.022 people (assessment/months), and at the end of 2012 they were 101.429, despite the average of applications has plummeted.

The Associations of Directors and Managers of Social Services, in its 10th monitoring report (January 2013), warns about regional inequality (the percentage of the beneficiary population is over 2% in Castilla y León, Cataluña, País Vasco y Andalucía, and less than 1% in Canarias, Comunidad Valenciana y Extremadura) and also states that in the last months of 2012 the replacement rate of beneficiaries is not yet maintained, budgetary cuts are carried out based on deaths, the deadlines to receive care are extended (2 years and a half) and benefits (15%) and budget (850 million euros annually) are cut.

A case warns about the consequences: On 9 November 2012 police officers found two women dead at their home in Astorga (León), Marta Pajarón, 82 years old, and her daughter María del Mar Viñolo, 40 years old, intellectually disabled, blind and recognized as dependent. The mother had died of natural causes at least four days ago and being the sole caretaker of her daughter she died of starvation.

annex iv· cases of inequality before the law and lack of due diligence

anexo iv.a: Zaida Cantero case . Stereotypes in the army and discrimination for reporting sexual harassment

Zaida Cantero, Captain of the Army, was victim of sexual harassment by her immediate superior. After reporting the facts, the Central Military Tribunal sentenced the military to 2 years and 10 months imprisonment, convicted for crime of “abuse of authority” and “degrading treatment” towards a captain who was under his direct command. The judgment confirmed that the Colonel acted with “utter disregard for the feminine condition of the victim” and that his actions (touching, advances, etc.) were “a clear infringement of her sexual freedom”. This conviction was upheld by the Supreme Court, in a judgment delivered on March 8, 2012.

However, the Ministry of Defense, far from supporting the claim of the military and seeking to shed light on the facts, required her to undergo an extraordinarily Personal Qualification Report (professional assessment that is crucial for job promotion of militaries) few months after overcoming the ordinary one. As a result, her grades went from outstanding to very low. Her superiors denied her request for summer holidays and also refused her request to postpone the course to be promoted to commander. That is why it was understood that she had not undergone the course and therefore she failed it.

Zaida reported those incidents by official channels, without success, and also reported to her superiors that, according to the judgment of the Central Military Tribunal, “they perfectly knew” the sexual harassment by the Colonel and that with their passivity they allowed the humiliation acts and degradations she suffered to continue”. Her complaint was dismissed.

On March 8, 2013, Women’s Day, when Zaida Cantero was still off work because of the harassment and the subsequent retaliation she had suffered, a military togado court of Madrid initiated criminal proceedings against her for an alleged crime of disloyalty, punished in the Criminal Military Code by up to six years of imprisonment. On March 24, 2014, the case was filed.

Zaida’s military career, which until the complaint was brilliant, has been undermined since then. On the contrary, the lieutenant colonel sentenced for sexual harassment was promoted to the rank of colonel after the Judgment of the Supreme Court. In Spain there are dozens of complaints of sexual harassment in the Army. Nevertheless no disciplinary actions have been taken by the Ministry of Defense for this type of behavior.

annex iv.b: Angela and Amparo cases. Gender stereotypes and obstacles to access and procurement of justice.

The two following cases are presented as examples of the gap between the protection of women’s rights envisaged in legislation and their effective implementation. Particularly, they are cases in which the use of gender stereotypes by Spanish courts has hindered the access and procurement of justice for two women, causing irreparable damages to her two daughters. The Spanish State breached the principle of due diligence and did not ensure prompt and effective prevention, protection and investigation of the GV suffered by mothers and daughters, in violation of articles 2, 5, 15 and 16 of CEDAW.

Ángela: The case of Angela refers to the lack of protection provided by the authorities when she reported the violence she suffered by her ex-partner, and also the lack of protection for her daughter Andrea, who was never considered by the authorities as a victim of that violence.

The events date back to the period between 1996, when Ángela married the abuser, and 2003, when he killed their daughter and committed suicide taking advantage of an unsupervised visit.

Ángela tried to protect her daughter from the contact with the abuser requesting supervised visits by Social Services. At the beginning, visits were supervised but afterwards the civil court prioritized the right of the abuser father to have a normal relationship with his daughter and ruled an unsupervised visitation. The abuser used his daughter as a way to continue exercising violence against Ángela, situation that the judicial authorities underestimated despite she filed about 30 complaints.

After the death of the girl, Ángela sought justice before the Spanish Courts and initiated an administrative proceeding invoking the pecuniary responsibility of the State for the negligence of the judicial system. Given the lack of response, Ángela decided to go to the CEDAW Committee with Women’s Link Worldwide and sued the State for the infringements of its international obligations under the Convention. Ángela’s communication alleges violation of articles 2 (general obligations of the state in relation to discrimination against women), 5 (stereotypes) and 16 (equality in marriage and in family relations) of CEDAW.

Ángela states in her communication that the Spanish authorities violated article 2 of CEDAW by failing to act with due diligence, with every means at their disposal and without delay, to prevent, investigate, prosecute and punish the violence exercised by the abuser against her and her daughter, which resulted in the murder of the girl. Moreover, she alleges that Spain violated article 2 of CEDAW when, after the death of Andrea, the Spanish courts did not provide an effective judicial response and an adequate redress for the damage suffered because of the negligence of the State.

In addition, Ángela argues that the use of negative gender stereotypes by the Spanish authorities to respond to the violence that she and her daughter were suffering as well as to determine the right of the abuser to the visiting arrangements violates article 5.a of CEDAW. The biased attitude of the authorities and courts became evident due to the inability of all the agents that were part of the alleged protection system to assess the seriousness of the violence suffered by Ángela and Andrea.

None of the relevant authorities correctly assessed the situation and the consequences it would have for a girl to live in a violent environment and how that meant that she was also a victim of the violence. On the contrary, the authorities responsible for the protection of Ángela endorsed the stereotype that any father, even an abuser, has to enjoy his visiting rights without taking into account the rights of the girl. Thus, the State breached its duty of due diligence in relation to article 5, which envisages the elimination of social and cultural patterns of discrimination. This failure resulted in the murder of Andrea.

Finally, Ángela argues that the State failed to fulfill its obligation of due diligence in order to protect her rights under article 16 of CEDAW, since it did not provide any solution after repeatedly reporting the infringement of her right to equality in relation to the economic support that her daughter should have received from the abuser.

Amparo: The case of Amparo and her daughter Raquel (not her real name) illustrates the consequences of applying the so called PAS. Although it was never judicially determined, Amparo separated from her husband after suffering GV. The girl's custody was granted to Amparo and visitation was established for her father.

One day, when the child was not yet four years old, and after visiting her father, she got home with her underwear stained with a colored liquid that could be blood, so her mother took her to a public hospital. The hospital reported the situation following the suspicion of sexual abuses. However, the court did not issue an interim measures to protect her (the father's visitation continued), it took six months to initiate the investigation, and the forensic examination of the girl was done one year after filing the criminal complaint. The expert's examination showed that the parental behavior seemed to be intended to harm the mother and acknowledged the existence of an abuse to the child.

In the light of this report, the investigating judge issued a protection order and suspended the father's rights to visitation. Immediately after, a different court heard the case and the father took advantage of the situation by appealing the protection measure. Four months after issuing the order, it was overturned by the new court without hearing the girl or the mother, and without gathering any evidence. The judge granted weekly visitation to the father supervised at a Family Meeting Point.

Despite the negative report of the prosecutor, the family court extended the visitation including overnight stays. After one of the first overnight visits, the girl, who was seven years old, felt pain and redness in her genital area. The mother took her to the hospital where the girl, once again, told the doctors the sexual abuses that she had suffered. The hospital submitted a medical report on "suspicion of sexual abuse" and the mother decided to appear in court as a private party, requesting a protection order for the girl, which was denied by the judge.

Fifteen months after the criminal complaint, the girl went through an exam which was done by the psych-social team attached to the court. A psychologist, who is not a member of any official college of psychologists in Spain, and who has several malpractices claims, did a report lacking professionalism. It is precisely for this reason that Amparo submitted a claim to the Official College of Psychologist of Madrid, which initiated a disciplinary proceeding that, four months later, concluded that there had been a serious misconduct for the violation of several provisions of the Psychologist's Code of Ethics, imposing a penalty of three months suspension for the entitlement to carry out her professional activity.

One year and four months after the complaint, and without gathering any evidence, the court shelved the case. The judge stated that there were "clear signs of maternal manipulation" and used the data of the previous dismissals as an indicator of lack of truthfulness. The judicial decision ordered to initiate a criminal proceeding against the mother for false complaint".

At the same time, the father requested and gained custody of the girl, and the court denied the mother the right to visitation for three months. A few weeks after the ruling, officials wearing civilian clothing, went to the girl's school and took her by force without notice. The mother has been more than 4 months without being able to see her child. At present, the judge has granted her visitation, which does not include overnight, and that only allows her to see her daughter once a week for two hours at a Family Meeting Point supervised by a social worker.

Recently, the legal representation of Amparo has requested the reopening of the proceeding on sexual abuses to Raquel and the grant of her custody to Amparo.