



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of Spain at the Committee's forty-fourth session, held in July-August 2009. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/ESP/CO/6). You may recall that in paragraph 38 of the concluding observations, the Committee requested Spain to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 22 and 26 of the concluding observations.

The Committee welcomes the follow-up report received on 25 October 2011 under the CEDAW follow-up procedure (CEDAW/C/ESP/CO/6/Add.1). At its fifty-first session, held in February 2012 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in paragraph 22 of the concluding observations, to “continue to take all appropriate measure to combat all forms of trafficking in women and children and exploitative prostitution in line with article 6 of the Convention”: the State party indicated that it took a set of measures and programmes developed in application of the Integrated Plan against Trafficking for Purposes of Sexual Exploitation which was approved on 12 December 2009. Such measures included programmes on awareness-raising, prevention and research and on protection and assistance for victims of trafficking for purposes of sexual exploitation. The Committee considered that this recommendation had been implemented.

Concerning the recommendation to “incorporate a human rights perspective, as well as the principles and recommended practices contained in the related international instruments, in any reform of its national legislation so as to address not only criminal justice measures and the prosecution of traffickers, but also the protection and rehabilitation of victims and the provision of adequate support services”: the State party indicated that it has adopted various international instruments related to trafficking and has adjusted the Spanish legal framework to conform with the content of international instruments to which Spain is a party. The Committee has considered that this recommendation had been implemented.

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Concerning the recommendation party to “increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking and to bring perpetrators to justice”: while the State party indicated that the ministries responsible for following up the Integrated Plan against Trafficking for Purposes of Sexual Exploitation have sponsored and participated in various international initiatives, it did not provide detailed and concrete information on efforts made to increase international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking and to bring perpetrators to justice. The Committee has considered that this recommendation had been partially implemented.

Concerning the recommendation to “afford full protection under the Convention relating to the Status of Refugees to trafficked women who seek asylum on grounds of gender-based persecution”: the State party indicated that protection for trafficked women who seek asylum on the grounds of gender-based persecution is guaranteed under Act No. 12/2009 of 30 October 2009 on the right to asylum and subsidiary protection, which envisages special protection for victims of trafficking through a series of measures to allow their application to be given special consideration in view of their situation of vulnerability. The Committee has considered that this recommendation had been implemented.

Concerning the recommendation to “continue to collect and analyse data, disaggregated by age and country of origin, in order to identify trends and root causes, as well as priority areas for action, and to formulate relevant policies”: the State party indicated that the Intelligence Centre against Organized Crime established in the State Secretariat for Security of the Ministry of the Interior has since 2009 been operating a trafficking intelligence system built around a database fed with information supplied by the security forces after every anti-trafficking operation and which can be used to compile statistical data on the incidence of this offence in Spain. The Committee has considered that this recommendation had been implemented.

The Committee recommends that the State party provide, in its next periodic report, additional information on actions taken to increase efforts at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking and to bring perpetrators to justice.

Regarding the recommendation made in paragraph 26 of the concluding observations to “continue its efforts to lower the rate of unwanted pregnancies, including through improvements in the availability and affordability of sexual and reproductive health services, as well as family planning information and services”: the State party indicated that it adopted legislation on sexual and reproductive health and voluntary termination of pregnancy. Additionally, the State party indicated that the health-care component of the 2008–2011 Strategic Plan for Equal Opportunities envisages information and sex education initiatives, which are a means of preventing unwanted pregnancies and access to adequate and effective contraception, as well as development of healthy sexuality. However, the State party failed to provide information on improvements in the availability and affordability of sexual and reproductive health services. The Committee has considered that this recommendation had been partially implemented.

Concerning the recommendation to “increase knowledge of and access to affordable contraceptive methods” and for sex education to “be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy, sexually transmitted diseases and HIV/AIDS”: while indicating that a national strategy for sexual and reproductive health has been launched, the State party failed to provide details on the timeframe for its implementation and on the concrete measures taken to implement this strategy and to increase knowledge of and access to affordable contraceptive methods and promotion of sex education targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy, sexually transmitted diseases and HIV/AIDS. The Committee has considered that this recommendation had been partially implemented.

Concerning the recommendation to “ensure the effective implementation of its strategies against HIV/AIDS and sexually transmitted diseases, and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report”: the State party indicated that a gender-sensitive protocol for the prevention of heterosexual HIV transmission has been adopted to facilitate the transfer of the objectives described in the strategy against HIV/AIDS to primary health care. In addition, the Institute for Women within the State Secretariat for Equality has produced and distributed publications that incorporate the gender perspective in the discussion of HIV/AIDS. The Committee considered that this recommendation had been implemented.

Concerning the recommendation to “carefully monitor the delivery of health services so that it can respond in a gender-sensitive manner to all health concerns of women and in this regard invites the State party to utilize the Committee’s general recommendation No. 24 as a framework for action to ensure that all health policies and programmes integrate a gender perspective”: the State party indicated that the 2008–2011 Strategic Plan for Equal Opportunities has four objectives: to produce and disseminate information about the influence of gender on health; to foster a gender-sensitive approach to women’s health; to help improve women’s health; and to encourage women’s empowerment and involvement in health processes. Additionally, the State party indicated that the gender perspective has been incorporated in the National Health System Quality. The Committee considered that this recommendation had been implemented.

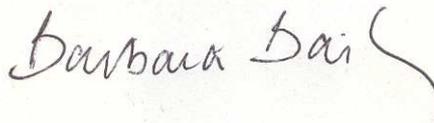
The Committee recommends that the State party provide, in its next periodic report, additional information on:

- a) Improvements in the availability and affordability of sexual and reproductive health services, as well as family planning information and services since the consideration of the State party report in 2009.
- b) Concrete measures taken to implement the national strategy for sex and reproductive health, and to increase knowledge of and access to affordable contraceptive methods and promotion of sex education targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy, sexually transmitted diseases and HIV/AIDS.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Spain on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Committee on the Elimination of Discrimination against Women