

SPAIN: Shadow report regarding the VI periodical report presented by Spain to the Committee on the elimination of all forms of discrimination against women made by **Plataforma Impacto de Género YA**

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EXECUTIVE SUMMARY

The Committee of the United Nations on the Elimination of all forms of Discrimination against Women has foreseen to examine the VI Spanish Periodical Report the upcoming 22nd of July 2009.

The CEDAW (hereinafter the Convention) is a crucial and a powerful reference to eliminate gender inequality as well as a compulsory international instrument which obligates states for their fulfillment. Thus, a feminist Platform, *Plataforma Impacto de Genero Ya*, made up by several women associations in Spain, has written a shadow report with the intention to contribute to the CEDAW follow-up.

The content of this shadow report is divided in three sections: (i) *Introduction* (with a brief reference of the country and a general presentation of who are presenting this shadow report), (ii) *Motives of concern regarding the achievement of the articles of the Convention* (focussed on the articles 2, 3, 5, 6, 7, 10, 11, 12, 13, 14 y 15) and (iii) *Conclusions* (with general conclusions and some recommendations addressed to the Spanish government).

In the last years, Spanish women has been characterised by a better access to training (more than 50% at university studies) to employment (9 million between 1983 and 2008) and protected by a better equality legal framework. Even though discrimination and stereotypes persist:

- Sexual division in the labour market and scant co-responsibility of men, state and companies in domestic and family tasks;

- Sexual, physic, psychological, medical, economical, political, cultural and judicial violence (only 520 agents for 35.000 protection measures in 2007);
- Educative system with no gender perspective neither coeducation;
- Mass media and marketing with sexist messages without any sanction;
- Low recognition of social and care jobs;
- Permanent discrimination at the labour market: pay gap (20% in 2007), gap in employment rates between women and men; part-time contracts (83% women); occupational and sectoral segregation (1 out of 7 women are employed as domestics; only 1/3 of responsibility charges at companies are taken by women); rural women worst treated (workload of more than 60 hrs per week with any recognition) and aggregated difficulties for migrants (50% domestic are migrants).

During the period covered by this report (2004-2008), relevant laws have been ratified in the field of gender equality. The Organic Law 1/2004, 28th of December, on Measures for the holistic Protection against Gender Violence and the Organic Law 3/2007, 22nd March, on Effective Equality between Women and Men (LOIE for its acronym in Spanish) are two remarkable laws in the national legislative framework. Nevertheless, the overall progress is still too slow in most areas and gender equality is far from being achieved. The implementation of the laws is not always as expected and their budget is scant as we will analyse in this report following the articles of the Convention. Equal Opportunity Plans have not received a proper attention neither an adequate budget allocation.

We do asses positively the creation of the Ministry of Equality in April 2008 which has among their functions developing the youth and gender equality policies. Anyhow, its budget is very poor: in 2009 is 80.96 millions of Euros, which represents only 0.02% of non-financial expenditures of the State.

This shadow report highlights gender gaps detected by the *Plataforma Impacto de Genero Ya* and the constant challenge of correcting the gender imbalance.

Regarding **art. 2 and 3 of the Convention**, we will prove how the Spanish State does not use all tools available to assure fundamental rights and liberties for all women as: an unequal territorial application of the laws persists; there is a lack of disaggregated statistics to confirm gender gaps and gender impact of public policies; budget allocation is scant and there are no control mechanisms to follow-up achievements.

We remark the lack of specialised resources in the treatment of gender violence for women under special conditions (migrants, persons living with disabilities, with drug and alcohol additions or mental diseases), the inaccessibility to resources or public grants without a legal protection measure (95.37%) and the deficient training of the civil servants, legal practitioners, judicial staff, health professionals and social workers in charge of the implementation of the law.

Related to **art. 5 of the Convention**, we are concerned about the messages spread by the media and political parties among others, where stereotypes and separated roles for men and women are naturalised. There is no awareness raising messages/campaigns addressed to men to take on a greater share of family responsibilities, prevent gender violence or achieve a balance participation and representation in decision taking structures. Degradation of women persist in mass media.

Concerning **art. 6 of the Convention**, we consider prostitution and trafficking as an international crime not as an ordinary crime. Therefore, European Pact Recommendations must be accomplished and the implementation of monitoring tools for the Trafficking Plan. In general terms, there is not a conception of prostitution and trafficking as a violation of human rights and as a severe gender violence expression.

Related to **art. 7 of the Convention** we stress that women's NGOs participation in public policies design and follow-up is not independent as it is designated by the government.

In reference with the **art. 10 of the Convention**, a lack of control mechanisms is persistent and extremely worried regarding vertical and horizontal segregation in the educative system. With public funds the state finances several private schools which segregates students by sex and refuse mixed education and coeducation. The pre-schooling from 0 to 3 is seen with a charity perspective depending on geographical areas as there is not a unique criterion all over Spain.

In the **art. 11 of the Convention**, we stress the persisting difficulties in access of women to the labour market mainly due to the difficulty of balancing work and family life. Women still predominate in less valued jobs and sectors; we are on average paid less than men; we occupy fewer positions of responsibility; we suffer sexual harassment and we are strongly discriminated in the domestic labour. Migrants feel these inequities in a higher grade with a more restrictive legal framework nowadays.

Regards to **art. 12 of the Convention**, we emphasise that the National Health System does not include clearly sexual and reproductive education and strategies to prevent unexpected pregnancy which is increasing in girls under 19 years of age. Several barriers endure in the public system to assist in the voluntary interruption of pregnancy.

In relation with **art. 13 and 14 of the Convention**, it is shown how the legislative framework related to rural development and gender equality is a crucial step to achieve a real equality in the rural area. Nonetheless, the regulation of a share co-entitlement as a simple registry, a lack of coordination between local and central public administrations to develop this registry of women with co entitlement and a lack of positive actions confirm an insufficient promotion of gender equality policies in the rural area.

On **art. 15 of the Convention**, we highlight the gender violence case, where prevention is not seen as relevant and protection mechanisms for victims are limited. It is extremely preoccupied the boost of dismissal of the proceedings (between 2005 and 2007 it has been multiplied by three following data from International Amnesty)

We conclude with some recommendations for action to avoid this unequal situation. Among them we mention:

- Include, as basic instruments for the elaboration of equal public policies, gender impact reports as compulsory action, assuring their public and transparent dissemination.
- Analyse, monitor and assess, in a permanent basis, measures adopted to combat inequalities, giving an important role to women's associations in their follow-up.
- Allocate enough resources to develop plans and measures aiming at gender equality. Make this assignment public.
- Training public staff in gender perspective above all those in charge of the implementation of laws in this field.
- Identify and eliminate obstacles and practices of impunity in gender violence.
- Collect information on women's needs and demands who suffer gender violence using proper methodologies with a diversity approach. This information must be the base for the formulation of public policies. Disaggregated data must be public in order to make differences between gender violence acts committed by partners or ex partners and other forms of violence.
- Eliminate those legal and administrative references which are not in consonance with human rights for migrants with an irregular situation.
- Include prostitution and trafficking crime in the international law treatment and not as a common crime, considering them as a violation of human rights and as a severe expression

of gender violence. Accomplish the European Pact recommendations and adopt Trafficking Plan measures.

- Condemn pimps; protect sexual exploited women and eradicate prostitution announcements in written press.
- Avoid sexist publicity and fight against gender stereotypes which restrict women's and men's study and career choices, leading to a gender-segregated labour market.
- Guarantee women's accessibility to the labour market and foster the application of equal payment for equal job principle.
- Promote actions to rationalise time of work to allow a reconciliation of work and private life for both women and men. Establish the paternity leave compulsory and untransferable.
- Include domestic labour in the general regime of social security system.
- Elaborate a diagnosis of women's needs in the rural area, identifying difficulties in the access to justices, credit, decision taking bodies, and so forth.
- Support General Recommendation 22 and point 352 of the sessions 649 and 650 to enlarge work sessions on CEDAW (art. 20 paragraph 1).

The report comes at a time when the overriding challenge is to address the economic crisis and its consequences for households and the economy at large. This inevitably means that other major policy areas are more likely to be overlooked than in more "normal" times. Yet to know that gender equality is a precondition for employment and social cohesion, so investing in equality between women and men is more important than ever if we want to reap the long-term benefits.