



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Working Group
23 to 27 May 2011

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues to be taken up in connection with the consideration of the fifth periodic report of Spain concerning the rights referred to in articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ESP/5)

I. General framework for the implementation of the Covenant

1. Please indicate what measures the State has adopted to ensure the full incorporation and applicability of the economic, social and cultural rights established in the Covenant. Please report on cases where the provisions of the Covenant have been directly invoked before the courts.
2. Please inform the Committee what strategies have been adopted to attain the minimum objective of 0.7 per cent of gross national income for official aid to development. Please state to what extent the State party intends to promote the implementation of economic, social and cultural rights within its policy of international development cooperation.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 2: Non-discrimination

3. Please indicate what plans there are for compiling statistics on the make-up of the Spanish population for use in identifying the ethnic and minority groups present within the national territory, monitoring different types of discrimination and possible trends in discrimination against them, and ensuring that adequate steps are taken to counter such discrimination.

4. Please inform the Committee about the specific measures taken on behalf of undocumented immigrants, under Organization Act No. 2/2009, primarily with regard to association and residence, public demonstrations and strikes.
5. Please apprise the Committee of what practical measures have been adopted to prevent and punish discriminatory acts directed at gypsies and migrant workers, especially on the part of institutions responsible for providing public services, including from the point of view of access to health and social security services.
6. Please indicate what steps the State party has taken to deal with the precarious situation of asylum-seekers in the enclaves of Ceuta and Melilla until such time as their legal position is resolved. What steps have been taken to protect their particular vulnerability to trafficking?

Article 3 – Equal rights for men and women

7. Please inform the Committee about the progress made in implementing Organization Act No. 3/2007 on Effective Equality for Women and Men. What mechanisms are in place for its enforcement? What legal or administrative remedies are available to persons whose rights have not been respected? How many cases of sex discrimination or violations of the principle of equality have occurred, and what decisions have been reached and what penalties imposed by administrative, social, civil and criminal courts?

III. Questions relating to specific articles of the Covenant (arts. 6–15)

Article 6 – The right to work

8. Please advise the Committee about the measures taken to overcome barriers to the employment of persons belonging to ethnic minorities, especially immigrants, non-European nationals and gypsies.
9. Please inform the Committee about the steps taken to ensure that foreign workers who have lost their jobs are not barred from seeking another job following the immediate cancellation of their work permits.
10. Please indicate what interpretation has been given by the judicial authorities with regard to the incorporation of the Convention on the Rights of Persons with Disabilities and what educational programmes have been carried out in order to disseminate the Convention. How have society and the business sector cooperated in this effort? What steps have been taken to reduce the high unemployment rate among persons with disabilities?
11. What intersectoral and inter-institutional strategies have been adopted to combat unemployment among young people? What steps have been taken to provide qualitatively better forms of employment for low-skilled young people and to enable young graduates to find long-term employment in which they can apply their skills and abilities, and what temporary assistance is provided for these two categories of unemployed?
12. Please indicate how access to occupational safety regulations is monitored and guaranteed in the case of temporary workers.
13. What steps have been taken to protect the economic, social and cultural rights of unemployed persons who no longer qualify for unemployment benefits?

Article 7 – The right to just and favourable conditions of work

14. Please inform the Committee about the criteria applied to ensure that the minimum wage level set for 2011 ensures a dignified standard of living and an adequate level of economic security for recipients in all regions of the State party.

Article 9 – The right to social security

15. Please state what measures have been adopted to ensure that access for undocumented immigrants to social security services fully complies with international human rights standards.

16. According to information supplied by the State party, in order to qualify for the benefit that is provided for the birth or adoption of a child, a person must have resided legally, effectively and continuously on Spanish territory for at least two years immediately preceding the child's arrival. Please explain the reasons for the establishment of this requirement and the steps that have been taken to prevent it from becoming a source of discrimination in respect of access to social benefits.

Article 10 – Protection of the family, mothers and children

17. Please inform the Committee regarding: (i) how many cases of genital mutilation or excision of foreign girls the State party has been aware of since 2005; (ii) how many cases have occurred within the national territory; and (iii) how many times the penalty of specific disqualification from the exercise of parental authority has been applied and in what conditions.

Article 11 – The right to an adequate standard of living

18. Please inform the Committee about the steps taken to promote the sustainable use of land and drinking water in order to ensure lasting access to an adequate supply of water and food for all.

19. Please provide information about the measures adopted to facilitate access to adequate housing for the most vulnerable groups within the population, including gypsies, migrants and unemployed persons.

Article 12 – The right to physical and mental health

20. Please comment on the increase in involuntary committals, primarily intended for the treatment of persons with mental disabilities, and on proposed alternatives in this regard.

21. Please inform the Committee about the steps taken to provide greater access to quality health care, without increasing waiting times, for disadvantaged persons, including temporary workers. What measures have been adopted to increase the availability of hospital beds?

Articles 13 and 14 – The right to education

22. Please indicate what steps have been taken to facilitate access to schooling for the children of asylum-seekers, refugees and undocumented persons.

23. Please inform the Committee about the steps taken to provide schooling for students with special educational needs.

24. Please inform the Committee about the measures adopted and steps taken to reduce the high early dropout rate and the strategies implemented to achieve the objective of reducing the rate by 15 per cent by 2020.

Article 15 – Cultural rights

25. Please provide information about the measures adopted to promote cultural diversity in school programmes, the media and cultural goods and services and to foster equal opportunities for taking part in cultural life.

26. Please indicate what measures have been implemented to promote and facilitate access to cultural activities for children and adults with disabilities.
