



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Sixth periodic report of States parties

Spain*

* The present report is being issued without formal editing.

Introduction

1. The Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 7, 1979, was ratified by Spain on 16 December 1983 and published in the *Boletín Oficial del Estado* on 21 March 1984. Upon ratification, Spain entered a reservation which is still valid, namely, that the ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish Crown.

2. Since the date of its publication, this treaty has been part of the national legal order, in accordance with Article 96.1 of the Spanish Constitution of 1978 and Article 1.5 of the Civil Code. Spain submitted reports under Article 18 of the Convention in 1985, 1989, 1995, 1998 and 2002. The last report, submitted in 2002, was discussed by the Committee in July 2004, and included information for 2003; consequently, the sixth report covers the period between 2004 and 2007. With respect to that last year, the report includes information available to date.

3. This report covers the progress made towards ensuring equality between women and men with respect to the mandates contained in the text of the Convention, the commitments embodied in the Platform of Action adopted at the Fourth World Conference on Women in Beijing (1995), and those agreed at the Special Session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first century", held in June 2000., as well as the Millennium Development Goals and the 2005 World Summit, all within the framework of the legislation and policies of the European Union.

4. During this period, approval was given to Organic Law 3/2007 of 22 March on effective equality for men and women (hereinafter LOIE), an authentic legal code of an integral nature that introduces equality of treatment and opportunities between women and men in all spheres of life, and in particular in the political, civil, labour, economic, social and cultural fields, and in all acts of government, in light of the principle of mainstreaming gender. Throughout this report there will be references to the various provisions of that law as they relate to this Article.

5. This report was drafted according to the "General guidelines on the form and content of reports" and follows the order of the articles of the Convention, although it also includes chapters, such as the one on social exclusion and violence, which deal with issues that are not covered in specific articles of the Convention or that have been the subject of special recommendations by the Committee.

6. Each chapter includes statistical data on the status of women in the area discussed, the main changes that have been made in the legal order and a description of the most important policies, programmes and actions that have been taken in each area.

7. The report was prepared by the Women's Institute, an autonomous agency operating under the Ministry of Labour and Social Affairs, through the General Secretariat of Equality Policies, and includes information from various ministerial departments.

8. The Autonomous Communities submitted the information contained in Annex I relating to their equality policies. The member organizations of the Governing Council of the Women's Institute supplied the information provided in Annex 3.

Article 1. Definition of discrimination against women

9. As noted in the earlier reports of Spain to the Committee, the general framework for equality is established in the 1978 Constitution, articles 1, 9 and 14 of which recognize equality as a value, a principle and a right.

10. The Constitutional Court has defined discrimination through its judgments, in which it has developed a precise doctrine on the meaning of equality and of the right to non-discrimination for reasons of sex. Following are some of the most significant judgments issued during the period covered by this report:

- In its judgment STC 324/2006 of 20 November, the Constitutional Court cites the determination to do away with the historic inferiority of women in social and juridical life as the justification for prohibiting discrimination by reason of sex, and it defines such discrimination as a direct breach of Article 14 of the Constitution through conduct that is prejudicial to a woman by limiting her rights or her legitimate expectations simply because she is a woman, without any legitimate grounds for doing so.
- STC 342/2006 of 11 December recalls that constitutional doctrine has declared illegitimate any differential treatment based on or determined by any of the grounds for discrimination prohibited in Article 14 of the Constitution, including discrimination by reason of sex.
- STC 3/2007 of 15 January recognizes that discrimination also includes prejudicial treatment based on a combination of reasons or circumstances related directly and unmistakably to the fact of being a woman, as occurs with pregnancy. It declares therefore that, to give effect to equality between women and men in the labour market, there must be recognition of the disadvantages that women face in joining or remaining in that market, because of pregnancy.

11. The LOIE introduces a series of concepts (Title I) relating to the principle of equality and protection against discrimination. Article 3 recognizes the principle of equality of treatment between women and men:

The principle of equal treatment between women and men means the absence of all discrimination, direct or indirect, by reason of sex, in particular as regards maternity, the assumption of family obligations, or marital status.

12. Article 6 defines direct and indirect discrimination by reason of sex:

(a) *Direct discrimination is deemed to exist in a situation where one person is treated less favourably by reason of sex than another person is, has been or would be treated in a comparable situation.*

(b) *Indirect discrimination is deemed to exist in a situation where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.*

(c) *Whatever the circumstances, any instruction to discriminate, directly or indirectly, by reason of sex shall be deemed discriminatory.*

13. With the approval of the LOIE, discrimination on grounds of sex is deemed to include the following:

- Sexual harassment and harassment on grounds of sex (Article 7.3).
- Conditioning a right or an expectation of a right on acceptance of sexual harassment or harassment by reason of sex (Article 7.4).
- Any less favourable treatment of women relating to pregnancy or maternity (Article 8).
- Any adverse treatment or negative effect produced for a person who lodges a complaint, claim, accusation, suit or appeal of any kind intended to prevent discrimination or to demand effective compliance with the principle of equal treatment for women and men (Article 9).

Article 2. The obligation to eliminate discrimination against women

14. The government that took office in 2004 raised the political and administrative rank of the position responsible for gender equality policies in Spain, through a Royal Decree (562/2004 of 19 April) creating the General Secretariat for Equality Policies within the Ministry of Labour and Social Affairs and giving it the rank of Under-Secretariat.

15. As a further measure, Law 33/2006 of 30 October on the equality of men and women in the order of succession to titles of nobility is based on the Convention for the Elimination of All Forms of Discrimination against Women.

16. The LOIE amends the law creating the Women's Institute (*Instituto de la Mujer*) to give it new functions:

(a) To provide assistance to the victims of discrimination in filing complaints.

(b) To conduct studies on discrimination.

(c) To publish reports and make recommendations on any matter relating to discrimination. The Institute is also designated as the competent body in the Kingdom of Spain for applying the principle of equal treatment between men and women as it relates to access to employment, training and occupational advancement, and working conditions, as well as in access to and supply of goods and services.

17. That law also creates a series of institutional mechanisms such as:

- The Inter-Ministerial Committee on Equality between Women and Men, a collegial body responsible for coordinating policies and measures taken by ministerial departments to guarantee the right to equality between women and men, as regulated by Royal Decree 1370/2007 of 19 October.
- The Equality Units, management bodies established within each ministry to deal with matters relating to the principle of equality between women and men.
- The Council on Women's Participation, a collegial advisory body on equality between women and men, the makeup of which includes in all cases all the public administrations and the official women's associations and organizations.

18. Organic Law 1/2004 of 28 December on Integral Protection Measures against Gender Violence established an integral system of institutional protection by creating the Special Government Office on Violence against Women and the National Observatory of Violence against Women, as discussed below in the chapter on violence against women.

19. The composition of the Executive Council of the Women's Institute has been amended to increase the number of seats held by persons with a demonstrated personal or professional track record in promoting equality of rights for both sexes.

20. Coordination with the Autonomous Communities continues to be handled through the Sectoral Women's Conference, primarily under a series of cooperation agreements. The joint activity programmes relate primarily to the following:

- Attention to female victims of violence.
- Reconciling family and working life.
- Training for professionals and training personnel.
- Awareness raising about equality of opportunities.
- Promoting female entrepreneurs.
- Activities to encourage women's social participation.
- Activities to promote the mainstreaming of the gender perspective in policies of the Autonomous Communities.
- Leisure time programmes for women who have exclusive care of children.
- Investments in women's centres.

During 2004, 2005 and 2006 specific agreements were signed, in the following amounts:

<i>2004</i>	<i>2005</i>	<i>2006</i>
€1,637,804.64	€ 2,138,334.00	€ 2,166,056.00

21. At the local government level, regional and municipal councils have been establishing women's departments offering social advisory services and resources. Cooperation in this area is handled through cooperation agreements signed between the local governments and the Women's Institute. Economic support is focused on establishing and equipping centres and services to provide care for female victims of gender violence and to fund information centres, women's shelters, training classes in new technologies, or centres to care for young children or dependent persons.

Between 2004 and 2006 funding was provided in the following amounts:

	<i>2004</i>	<i>2005</i>	<i>2006</i>
N° Municipalities	36	63	42
Total amount	€729,500	€489,000	€489,000

22. A cooperation agreement is signed each year between the Women's Institute and the Spanish Federation of Municipalities and Provinces (FEMP) for co-

financing joint programmes. For 2006 and 2007 an experimental programme has been launched on working methodologies and instruments for the development of equality policies and plans in the various institutions and councils of local government: *Corporaciones Locales, Ayuntamientos, Diputaciones, Mancomunidades* and *Cabildos*.

Between 2004 and 2006, funding was provided in the following amounts:

2004	2005	2006
€50,000	€50,000	€100,000

23. Finally, other entities, agencies and institutions are playing an important role in this area: for example, the Mixed Commission on Women's Rights (Standing Parliamentary Commission) works closely with the universities and other entities, as will be described in later sections of this report.

24. The Office of the Ombudsman (*Defensor del Pueblo*), along with the Constitutional Court, is one of the bodies responsible for monitoring compliance with the mandates of the Constitution. Every year, the Office submits to the Cortes Generales (the Spanish parliament) a report on its work. The 2006 report highlights the Ombudsman's concern over violence against women, the situation of women in prison and in alien internment centres, the reconciliation of family and working life, and the physical tests demanded of men and women for certain positions in government.

The Autonomous Communities of Asturias, Valencia and the Basque Country created a similar institution in 2005, and La Rioja did so in 2006.

Article 3. The advancement of women and the enjoyment of human rights

25. On 3 March 2006 Spain ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

26. Spain has made a considerable effort to promote equality of opportunity between men and women. A first step in mainstreaming equality at all levels was taken with the approval by the Council of Ministers, on 4 March 2005, of 54 measures to promote gender equality, including initiatives in the areas of employment, business, the reconciliation of personal, working and family life, research, sports, gender violence, and equality in the national administration. On the same date the Gender Equality Plan for the National Administration was published.

27. Two important laws have been approved to promote the mainstreaming of equality, with the involvement both of ministerial departments and of civil society:

28. Organic Law 1/2004 of 28 December on Integral Protection Measures against Gender Violence, approved unanimously, represents a pioneering piece of legislation for Spain and for Europe, bringing together in a single text all the measures to be taken in many different areas of society.

29. Organic Law 3/2007 of 22 March for Effective Equality of Women and Men enshrines the principle of equal treatment and opportunities as a crosscutting theme in all policies and programmes, and is intended to serve as the "legal code" for gender equality.

30. This law provides that any person may turn to the courts to enforce the right to equality between women and men, as established in Article 53.2 of the Spanish Constitution. It provides further that in proceedings in which the plaintiff alleges discriminatory conduct on the grounds of sex, it will be incumbent upon the defendant to prove that there was no discrimination (except in criminal proceedings). It also provides that any act or clause in legal transactions constituting or causing discrimination on grounds of sex will be deemed null and void and will produce liability for reparations or compensation and, as appropriate, sanctions.

31. During the period covered by this report, equality laws were approved by the Autonomous Communities of Galicia (Law 7/2004 of 16 July for equality of women and men), the Basque Country (Law 4/2005 of 18 February for equality of women and men), the Balearic Islands (Law 12/2006 of 20 September for women), Murcia (Law 7/2007 of 4 April for equality between women and men and protection against gender violence) and Castilla-Leon (Law 7/2007 of 22 October, amending Law 1/2003 of 3 March on equal opportunities for women and men).

32. As basic instruments within the national administration, the LOIE calls for a Strategic Plan for Equality of Opportunities, and mandatory Gender Impact Reports for draft legislation and for all plans of particular economic, social, cultural and artistic importance submitted for approval by the Council of Ministers, as well as for the announcements of competitive examinations for public employment; periodic reports or evaluations on the effectiveness of the principle of equality between women and men are to be submitted to the Congress of Deputies.

33. It requires the branches of government to include the gender variable systematically in statistics, surveys, and data compilation; to adopt new indicators that will highlight gender differences more effectively; to introduce mechanisms for addressing situations of multiple discrimination and to adapt statistical definitions to promote recognition and revaluation of women's work and to avoid negative stereotyping of specific communities of women.

34. The Strategic Plan for Equality of Opportunities (2008-2011), approved in December 2007, is governed by four guiding principles: redefinition of a model of citizenship consistent with the present time, the empowerment of women, the mainstreaming of gender, and recognition of scientific and technical innovation as a force for social change. The budget for this plan amounts to €3,690,000.

35. The Women's Institute is continuing its work on the "Women in Figures" database, which currently contains more than 300 indicators. It is also working closely with the National Statistics Institute (INE), with which it has published the *Informe Mujeres y Hombres en España 2007*, a joint report on women and men in Spain that was launched in 2006 and is to be produced annually.

36. Article 15 of the LOIE requires all levels of government to mainstream the principle of equal treatment and opportunities between women and men in the definition and budgeting of public policies in all spheres.

37. Since 2005, the rules governing the preparation of the national budget have included the general criterion of promoting government action to achieve gender equality. The Programme Analysis Commission, specifically, must consider the gender equality impact of all expenditure programmes.

38. The March 2005 Plan for Gender Equality in the National Government calls for a series of measures:

- Inclusion of new gender-disaggregated indicators in budget programmes, when this would assist decision-making.
- Review and application of the gender-disaggregated component in the standard self-assessment forms for payment of taxes and municipal service charges, when this would assist decision-making, in particular to demonstrate the gender impact of certain tax benefits.
- Review of statistics to analyze indicators that must be disaggregated by gender.

39. Autonomous Communities, such as the Basque Country and Andalucia, have led the way in this area by including a gender impact assessment in their budgets. Andalucia in fact has created a Commission to Assess the Gender Impact of the Budget, and it has published reports for the 2005 and 2006 budgets.

Article 4. Affirmative action

40. The most significant new measure was the inclusion in the LOIE of a definition of affirmative action and a general framework for its adoption. In order to give effect to the constitutional right of equality, that law requires governments to take specific measures in favour of women to correct situations of patent inequality vis-à-vis men. Such measures are to be applied for as long as those situations exist, and they must be reasonable and proportionate to the objective pursued in each case. Individuals and legal persons may also adopt measures of this kind under the terms established in the law.

41. The LOIE also provides the possibility for collective bargaining to establish affirmative action measures to promote women's access to employment and to eliminate discrimination in their working conditions.

42. The LOIE was challenged, in a referral and in an appeal, as unconstitutional in its requirement that electoral lists be balanced by sex (with neither sex representing less than 40% or more than 60% of candidates). The Constitutional Court decided both cases in its Judgment 12/2008 of 29 January, confirming that the measure was constitutional and declaring that *"this legislative reform, included in the second additional provision of the LOIE for the purpose of achieving effective equal participation by men and women in the makeup of the institutions representative of a democratic society, does not establish any measure of reverse or compensatory discrimination (favouring one sex over the other), but rather a formula for achieving balance between the sexes; nor does it call for strict parity, for it does not impose total equality between men and women, but rather the rule that candidate lists may not have less than 40% (or more than 60%, which amounts to the same thing) of one sex or the other. The rule cuts both ways, therefore, since this proportion applies to the two sexes equally."*

43. Law 45/2007 of 13 December, on sustainable rural development, allows affirmative action measures in favour of women in rural areas, intended to overcome and avoid situations of de facto discrimination by reason of sex.

Article 5. Sex roles and stereotyping

44. One of the concerns raised by the CEDAW committee in connection with the fifth report of Spain was the persistence of patriarchal attitudes and traditional stereotypes concerning the roles and responsibilities of women and men in the family and in Spanish society. The Committee recommended measures to promote the understanding of parenting as a social function of both the mother and the father. To achieve equality of responsibilities between women and men in the private and public spheres, our country was urged to take the following steps:

- (a) Project a positive image of women in the media
- (b) Awareness-raising and educational campaigns directed at both women and men, and
- (c) Conduct research into the sources of hidden discrimination by reason of gender.

I. Current situation

45. Since the submission of its last report, our country has seen much greater interest in the issue of equality of opportunities between women and men, and much more information on the situation of women in different spheres. This increased interest has been sparked, first, by a number of significant legislative amendments, on which there has been much social debate. Secondly, the government has made explicit its commitment to equality and its decisions and measures in this area (parity in government, a first female Vice President, non-sexist language, affirmative action, etc.) have caught the attention of the public.

46. According to studies by the Women's Institute and the Official Radio and Television Institute, women have increased their presence in the communications media:

		2001	2005
Women mentioned	Television	18%	21%
	Radio	15%	15%
Women interviewed	Television	18%	26.4%
	Radio	14%	18%
Women's voices on the airwaves	Television	15%	25%
	Radio	9%	16%
Representation of women as victims	Television	12.1%	41%
	Radio	11.6%	23%

47. To judge from university enrolment data, women show a continuing interest in the communications field, in the specialties of journalism (65.35%), audiovisual communication (59.66%) and advertising and public relations (70.45%) (INE. *Datos sobre la Estadística de la Enseñanza Superior en España, curso académico 2005-2006*). However, it must be noted that while these figures are rising, there are still difficulties in achieving balanced representation of women and men in executive positions, in obtaining for them the same pay, and in reconciling family and professional life, as this sector demands special dedication and working hours.

48. According to data from the Spanish Federation of Press Associations (FAPE) women represent 48.2% of members under 70 years of age, and 64% of those under 40. In terms of executive positions in that Federation, women hold 41% of them, and men 59%.

49. The representation of women in executive positions in the different media is as follows:

	<i>Total executive positions</i>	<i>Women</i>	<i>% women</i>
Group 1 (Directors-general, presidents or secretaries-general at the national and regional level)	2,337	406	17.37%
Group 2 (assistant and deputy directors, section directors, chief editors, or heads of section at the national level)	1,079	242	23.06%

Source: data from the *Agenda de Comunicación 2006*. Secretariat of State for Communications, of the Ministry of the Presidency.

50. There are more women in executive positions in television and news agencies than there are in radio and the national newspapers, where the proportion drops to 9.8% and 10.1% respectively.

II. Legal and regulatory developments

51. Law 17/2006 of 5 June on State-owned radio and television confirms the public nature of the service and declares that it must protect and safeguard equality between men and women, and avoid any discrimination between them. The law requires that parity between women and men must be sought in its Board of Directors, and that a person representing the Women's Institute must be a member of its Advisory Council.

52. The LOIE establishes measures to promote equality in the media and to ensure that the image of women and men is pluralistic and not stereotyped, avoiding any form of discrimination.

53. For the State-owned media (Radio Televisión Española, Agencia Efe), there are specific rules requiring that the presence of women in social life must be adequately reflected, that non-sexist language be used, and that these media cooperate in fostering equality between women and men (essentially through self-regulation) and in eradicating gender violence. As well, the State-owned media must promote the incorporation of women into positions of executive and professional responsibility, and work with women's associations and groups to identify their needs and interests in the communications area.

54. In the case of the privately owned media, the law advocates respect of equality between men and women, avoiding any form of discrimination, and calls on governments to encourage the media to adopt self-regulation agreements that will contribute to the observance of equality legislation, including the sales and advertising activities pursued through the media.

55. The General Law on Advertising, as amended by the Organic Law on Integral Protection Measures against Gender Violence, bans advertising that offends against the dignity of women, that is stereotyped, or that uses the female body in ways that bear no connection to the product advertised. It also regulates the instruments of

control over discriminatory forms of advertising and calls for measures to avoid sexist advertising.

III. Policies and programmes

56. The Women's Institute, through agreements with the national radio and television body (RTVE) is promoting a non-discriminatory image of women in the media, and is analyzing and tracking programming with respect to the image and the presence of women.

57. This effort has involved a number of measures, such as the second report on "representation of gender in radio and television newscasts" and a study on news reporting of violence against women. The "Gender Information Manual" is targeted at university staff teaching subjects from a gender perspective in the information sciences faculties. As well, a gender course has been offered for communication professionals, and chapters have been produced for the new series, *Mujeres de hoy* ("Women of Today").

58. A document entitled "Childhood, television and gender: elements for preparation of a non-sexist content guide for children's TV programming" was finalized in December 2005. It was produced by a group of experts from TV programming and production, public institutions working for equality of opportunity and treatment between women and men, and the academic and business worlds.

59. With a view to promoting a positive and real image of women in advertising, an "Equality prize" (*Premio Mujer y Publicidad "Crea Igualdad"*) was instituted for the first time in 2005, for award to advertisements carried by any nationwide Spanish YV network.

60. Each year, the Women's Institute, through the "Women's Image Observatory", notes, analyzes and channels complaints over sexist advertisements that appear in any communications media. On this basis, it requests firms to amend or withdraw their advertisements, and helps them to eliminate discriminatory messages. The number of complaints has risen in recent years, from 342 in 2004 to 400 in 2005 and 546 in 2006. The number of complaints submitted in 2006 was in fact 37% higher than in 2005. The Observatory prepares an annual report that has significant impact in the media.

61. The Women's Institute is working with the Association for Self-regulation of Commercial Communications (*Autocontrol*) and with the agencies responsible for audiovisual and consumer affairs, to make the correct treatment of women one of the control criteria for the communications media and advertising. Work is continuing this year to prepare a specific code of conduct on the representation of women in advertising.

62. Finally, a National Congress on Television and Equality Policies was held on 16 and 17 October 2007, in cooperation with the Official Radio and Television Institute, which dealt with the image of women in TV contents with a view to helping the journalism profession to improve the presence of women in the media.

63. Campaigns are being conducted to raise awareness of the general public with respect to domestic violence, the joint responsibility of women and men, the reconciliation of family and working life, and equality in the workplace.

64. A publicity campaign about the LOIE was conducted in 2007, with the objective of promoting the principles enshrined in the law and advising people of the rights it establishes and the measures of direct interest it contains, as a way of achieving maximum coverage for its implementation.

65. The Ministry of Labour and Social Affairs has financed information campaigns targeted at immigrant women, with funding from the Department of Immigration and Emigration.

66. There is also an annual campaign to commemorate the 8th of March, International Women's Day.

67. In order to publicize the measures that are being taken in the various ministries with respect to equality of opportunity and treatment between women and men, it has been decided that the websites of all ministries and public agencies should contain sections devoted specifically to information on the promotion of equality. This has already been done at the websites of the ministries of Labour and Social Affairs, Agriculture, Fisheries and Food, Health, Development, Environment, Defence, Industry, Tourism and Trade and Culture, and the remaining ministries are now remodelling their web pages to include this information.

68. The LOIE makes it a general rule for the public authorities to use non-sexist language in the administrative field and to encourage this in all social, cultural and artistic relations.

69. With its NOMBRA project, the Women's Institute is sustaining debate on traditional cultural habits such as the sexist use of language. In recent years, the project has been providing guidance through the Institute's webpage on the use of non-sexist language in computer-generated documents. The publication *Las profesiones: de la A a la Z* has also been updated to facilitate the designation of positions, jobs and professions "from A to Z".

70. The Women's Institute conducts an annual publications programme, "*Programa Editorial*", in which it presents research on issues that affect women, in order to highlight their contributions to the development of society and to enhance public awareness of the need to change cultural patterns and roles.

<i>Year</i>	<i>Number of titles</i>	<i>Publication costs</i>	<i>Distribution costs</i>	<i>Total expenditure</i>
2004	76	318,225.47	88,749.53	406,975.00
2005	73	233,082.00	120,851.00	353,933.00
2006	98	272,420.00	97,020.00	369,440.00

71. The Institute also provides subsidies to encourage publishing houses to produce publications relating to women in all fields relating to their education, their health, and their legal, cultural, labour or social situation.

<i>Year</i>	<i>Titles</i>	<i>N° of copies subsidized</i>	<i>Euros</i>
2005	24	44,062	122,483.44
2006	23	31,742	122,594.55

72. The Women's Institute has continued to invite proposals each year under the Studies Plan, as well as proposals for research and studies on women within the National Plan for Scientific Research, Development and Technological Innovation, which has identified the following priority areas for research:

- public policies;
- gender equality in economic life;
- participation in decision-making;
- quality of life for women;
- civil equality;
- transmission of egalitarian values and attitudes;
- reconciliation of personal, family and working life;
- cooperation;
- gender violence;
- female communities at risk of social exclusion;
- equality in law enforcement; and
- equality in the media.

<i>Year</i>	<i>Projects</i>	<i>Amount</i>
2004	24	897,559.49
2005	34	1.098,191.65
2006	36	1.098,045.70

73. Public subsidies continue to be offered to promote the principle of equality of opportunity for women in the university environment, through activities and seminars. This involves explicit backing for formalizing feminist studies, gender studies, and women's studies in the universities. The grants are provided to public and private universities, associations, institutions and foundations at the university level.

<i>Year</i>	<i>Institutions</i>	<i>Programmes</i>	<i>Amount</i>
2004	60	211	287,300
2005	49	167	250,910
2006	49	173	255,920

74. Finally, the Observatory on Equality of Opportunities between Women and Men has produced a number of studies:

- The state of coeducation in Spain and proposals for future action, including measurement indicators.
- Report on reconciling personal, family and working life for men: good practices and proposed interventions to promote shared responsibility and to incorporate indicators for monitoring the situation in this area.

- A white paper on government action in gender mainstreaming, as a manual of good practices, with proposals for future action. In addition, a strategy is being designed to incorporate the gender perspective into government budgets.
- Action protocol or methodological guide for introducing the gender perspective into work with immigrant women.

75. The Observatory has established a new working group, the Advertising Commission, tasked with preparing a protocol that will unify government actions in the treatment of sexist advertising.

Article 6. Trafficking and prostitution

I. Current situation

76. Given the increase in cases involving trafficking in women and prostitution as a business for the sexual exploitation of women and children around the world, the public authorities have stepped up their action.

77. According to data from the 2007 report on prostitution in Spain, produced by the Mixed Commission on Women's Rights and Equality of Opportunity, prostitution is driven primarily by male demand (99.7%). The prostitutes are mainly foreign women, many of them illegal immigrants (the 90-10 ratio of nationals to foreigners has been inverted in a short time), and for the most part they pursue their activity in closed places (the so-called "hostess clubs"). Street prostitution has declined sharply, and this has made the trade less visible.

78. That same report provides data on the prostitution market in Spain: 6% of the Spanish population resorts habitually to prostitutes. There are 15 million potential male clients between the ages of 16 and 64 years, and 400,000 prostitutes, or one for every 38 men, and the average outlay is €1200 per year.

79. The following figures were provided by the Security Department of the Ministry of the Interior:

	2004	2005	2006
Networks disrupted	203	161	185
Persons arrested	834	878	1.024

Source: Secretariat of State for Security of the Ministry of the Interior.

	2004			2005			2006		
	Detected	Clarified	Arrests	Detected	Clarified	Arrests	Detected	Clarified	Arrests
Coercion/avails of prostitution	504	462	689	469	436	644	395	367	548
Corruption of juveniles/legally incompetent	118	104	109	161	135	148	201	163	164
Juvenile pornography	157	129	126	327	210	248	392	270	238
Illegal trafficking/smuggling for sexual purposes	140	135	246	139	131	241	135	129	282
Total	919	830	1,170	1,096	912	1,281	1,123	929	1,232

Source: Secretariat of State for Security of the Ministry of the Interior.

80. Over the period 2004-2006, the number of victims of coercion/avails of prostitution and illegal trafficking or smuggling for sexual purposes declined, while there was a clear increase in the number of victims of corruption of juveniles or legally incompetent persons and juvenile pornography:

	2004			2005			2006		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Coercion/avails of prostitution	900	32	932	759	33	792	637	32	669
Spanish	83	6	89	47	9	56	26	13	39
Alien	817	26	843	712	24	736	611	19	630
Corruption of juveniles/legally incompetent	112	49	161	130	67	197	129	119	248
Spanish	65	41	106	87	55	142	99	93	192
Alien	47	8	55	43	12	55	30	26	56
Juvenile pornography	30	24	54	73	42	115	147	74	221
Spanish	28	21	49	64	35	99	115	51	166
Alien	2	3	5	9	7	16	32	23	55
Illegal trafficking/smuggling for sexual purposes	316	9	325	279	10	289	260	10	270
Alien	316	9	325	279	10	289	260	10	270
Total	1,358	114	1,472	1,241	152	1,393	1,173	235	1,408

Source: Ministry of the Interior.

81. There is ongoing cooperation between the Ministry of the Interior and the Ministry of Labour and Social Affairs, both in investigating illegal hiring practices and in connection with inspections and registries of clubs and establishments of all types that hire irregular migrant women

II. Legal and regulatory developments

82. Royal Decree 2393/2004 of 30 December, approving the regulations to Organic Law 4/2000 of 11 January on the rights, freedoms and social integration of foreigners in Spain, allows for waiving liability and expulsion for such persons if they collaborate with the authorities, provide essential data, or give testimony as

victim, injured party or witness in legal proceedings involving the crime of human trafficking. Persons may also be granted temporary residence permits and work permits under exceptional circumstances, or they may be helped to return to their home country.

III. Policies and programmes

83. The National Police and the Civil Guard are both empowered to break up female trafficking rings.

84. The Civil Guard Corps has "women and juveniles teams" (EMUMEs) in its judicial police units (UOPJs). Their scope of activity includes crimes relating to human trafficking for purposes of sexual exploitation as well as juvenile pornography via the Internet. There are currently 248 Civil Guard posts with "women and juveniles" specialists, involving a total of 434 professionals.

85. The National Police Corps has instruments to encourage victims to report abuse and mistreatment as well as special police services such as the ones providing care for women (S.A.M.) and to foreign nationals (S.A.C.E.). An effort is made to ensure that these units are headed by female officers and that interpreters are available to facilitate communication with the victims.

86. The Ministry of the Interior continues to issue guidance to the State security forces and law enforcement personnel, through internal orders and training activities.

87. The Integral Plan to Combat Human Trafficking for Purposes of Sexual Exploitation, prepared by various ministries under the coordination of the Ministry of the Interior, is pending approval. That plan contains five areas of action:

- Awareness, prevention and investigation (preparation of codes of good practice for investigation, studies and research, improved care for victims, information campaigns, courses and seminars etc.).
- Education and training (information and awareness programmes in educational centres, conferences and chat groups for parents and teachers, etc.).
- Assistance and protection for victims (a manual to improve victim care hotlines, specialized legal assistance in the language of the victims, simplified procedures for granting work permits and residency permits, and for fostering cooperation with countries of origin, etc.).
- Legislative and procedural measures (improvement and systematization of current police procedures, providing immediate and suitable care to the victim, improved detection of human trafficking situations, etc.).
- Coordination and cooperation (promoting police cooperation at the national and international levels, increasing collaboration with NGOs providing care and services to victims, etc.).

88. The Second Plan of Action against Sexual Exploitation of Children and Adolescents 2006-2009 calls for:

- Granting refugee status to trafficking victims who so request and merit.
- Cooperation with third countries to prevent the trafficking of children and adolescents.

- Adapting national legislation to the Palermo Protocol with respect to trafficking in juveniles.
- Regularizing the legal status of foreign children who are victims of sexual exploitation.
- Creating oversight mechanisms to ensure that children and adolescents who are victims of juvenile trafficking will remain safe after they have returned to their countries of origin.

89. On 16 May 2006 the Congress of Deputies unanimously approved a statement on female trafficking for purposes of sexual exploitation, in the context of the World Cup events in Germany. The object was to enlist government, the sport authorities and football professionals in denouncing this phenomenon and making the public aware of "the dangerous equation linking football and prostitution".

90. The General Directorate for the Integration of Immigrants subsidizes programmes to promote knowledge, implement measures, and create networks of social support for the victims of xenophobic violence, sexual exploitation or trafficking, especially women in situations of vulnerability. The office has financed a system of temporary shelter for persons in situations of economic risk, victims of prostitution rings, and persons lacking social support networks. The purpose of the shelter programme is to offer women decent living conditions, and to encourage them to design their own path to personal autonomy.

91. The programme was launched in 2006 to help immigrants, asylum seekers, refugees and stateless persons covered by the temporary protection system and other subsidiary protection statutes. The programme calls for establishing 15 shelters for immigrants who have been victims of human trafficking, illegal immigration, labour trafficking or exploitation through prostitution. The comprehensive care includes housing and maintenance, information and social guidance on integrating into the local community, information on voluntary assisted return, legal assistance, psychological care, employment, literacy workshops and Spanish classes, and social and civic guidance, as well as special help for achieving personal autonomy.

92. Each year, the Women's Institute invites NGOs to submit proposals for grants from the General Fund and the 0.52% income tax credit (IRPF), for programmes to help female victims of sexual trafficking and women who want to abandon prostitution or are in need of medical attention. Priority is given to programmes of information, psychological care, social support, and legal assistance.

	2004	2005	2006
IRPF			
N° entities	8	9	9
N° programmes	11	12	13
Total grants	€1,010,140	€1,285,526	€1,332,637
General Fund			
N° entities	5	4	3
N° programmes	6	5	5
Total grants	€95,870	€91,513	€94,513

93. The year 2005 saw publication of teaching materials dealing with sexual exploitation and trafficking in women. These included recordings of interventions and interviews to prepare teaching courses for education professionals and parents' associations. The objective is to use the education system to help counter violence against prostitutes and trafficking in women and girls.

Article 7. Public and political life

I. Current situation

94. The CEDAW committee, in its review of Spain's last report, expressed its concern over the under-representation of women in politics, in the judiciary, and in the foreign service.

95. The present legislature saw formation of the first parity government in the history of Spain, comprising equal numbers of women and men. Since June 2007 its composition has been balanced. It should be noted that for the first time a woman is serving as First Vice President of the Government.

96. Women's representation is higher in the most recent legislature, both in the Congress of Deputies and in the Senate. There has been a similar increase in senior positions within the national administration and in the autonomous and local governments.

97. Within the government women held 22.28% of senior positions in the national administration in 2004, whereas they now hold 20.94% of such positions. This apparent decline reflects the fact that since 2006 the category of "General Directorates" has included all such positions in public enterprises, i.e. those in which the State is majority shareholder. The percentage of women in executive positions in these enterprises is much lower than in the rest of the public administration.

	2004		2006 (1)	
	Nº positions	% women	Nº positions	% women
President	1	0.00	1	0.00
Vice Presidents	2	50.00	2	50.00
Ministers	16	50.00	18	50.00
Secretaries of State	25	12.00	31	22.58
Undersecretaries	72	22.22	77	24.68
Directors General	227	23.35	428	18.93
ACSR (2)	28	7.14	0	0.00
Total	368	22.28	557	20.94

Source: Women's Institute, based on data provided by the Ministry of Public Administration.

(1) As of 2006, the total for ministers includes positions of similar rank.

(2) This group includes senior positions in public entities appointed by the government, even if they have no specific administrative rank.

98. In the Congress of Deputies, women are much better represented in the latest legislature than they were in the previous one:

<i>Legislature</i>	<i>N° seats</i>	<i>% women elected</i>
2000-2004	350	28.29
2004-2008	350	36.00

Source Women's Institute, based on data from the Congress of Deputies.

99. For the current legislature, women have also increased their representation in the Senate.

<i>Legislature</i>	<i>N° seats</i>	<i>% women elected</i>
2000-2004	259	24.32
2004-2008	259	25.10

Source: Women's Institute, based on data from the Congress of Deputies.

100. Autonomous parliaments

<i>Year</i>	<i>N° seats</i>	<i>% women elected</i>
2004	1,226	35.97
2005	1,226	37.03
2006	1,226	37.77
2007	1,260	41.11

Source: Women's Institute, using data supplied by the Autonomous Parliaments.

101. The representation of women in the autonomous governments has also increased.

	<i>2004</i>		<i>2006</i>		<i>2007</i>	
	<i>N° positions</i>	<i>% women</i>	<i>N° positions</i>	<i>% women</i>	<i>N° positions</i>	<i>% women</i>
Presidents	19	5.26	19	5.26	19	5.26
Councillors	203	28.57	206	35.44	206	39.32

Source: Women's Institute, using data from the senior positions file, F.I.C.E.S.A.

102. At the local level, the percentage of female mayors and municipal councillors has increased.

	<i>Year</i>	<i>Total</i>	<i>% women</i>
Mayors	1999	8,105	9.61
	2003	8,073	12.56
	2007*	8,075	14.60
Councillors	1999	63,731	21.10
	2003	62,443	25.53
	2007	-	31%

Source: Women's Institute, using data supplied by the Ministry of Public Administration.

* Provisional data.

103. In the European Parliament, 33.3% of Spain's seats in 2004 were held by women; this percentage declined slightly in 2007, with 32.07%, but in any case the Spanish rate is higher than the European Union average (30.3%).

<i>Year</i>	<i>N° seats</i>	<i>% women elected</i>
2004	54	33.3
2007	53	32.07

Source: Women's Institute, using data supplied by the European Parliament Office in Spain.

104. Women's representation in the judiciary has also been rising.

	<i>1995</i>	<i>2004</i>	<i>2005</i>
TOTAL	3,385	4,454	4,695
President of the Supreme Court	1	1	1
Magistrates of the Supreme Court	93	93	79
Magistrates	2,549	3,443	3,610
Judges	549	691	761
Total officials on active duty	3,192	4,228	4,451
Supreme Court Magistrates on leave of absence	6	3	1
Magistrates on leave of absence	35	62	65
Judges on leave of absence	152	161	178
Total officials on leave of absence	193	226	244
TOTAL	31.02	41.89	44.75
President of the Supreme Court	0	0	0
Magistrates of the Supreme Court	0	1.08	5.06
Magistrates	27.85	38.16	41.61
Judges	50.09	67.00	64.13
Total officials on active duty	30.86	42.05	44.80
Supreme Court Magistrates on leave of absence	0	0	0
Magistrates on leave of absence	5.71	14.52	20.00
Judges on leave of absence	41.45	49.07	52.81
Total officials on leave of absence	33.68	38.94	43.85

Source: Women's Institute, using data from the General Council of the Judiciary.

105. The representation of women in other constitutional bodies has also been slowly increasing

	1992	2000	2003	2004	2006	2007
Council of State				28	30	30
General Council of the Judiciary				20	19	18
Court of Accounts	14	14	14	14	14	14
Ombudsman's Office	1	1	1	1	1	1
Central Elections Board				14	14	14
Economic and Social Council	61	61	61	61	61	61
Council of State				0	0.00	6.67
General Council of the Judiciary				10.00	10.53	11.11
Court of Accounts	7.14	7.14	7.14	7.14	7.14	7.14
Ombudsman's Office	0	0	0	0	0	0
Central Elections Board				7.14	7.14	7.14
Economic and Social Council	4.92	9.84	11.48	14.75	14.75	15.25

Source: Women's Institute, using data from the senior positions file, F.I.C.E.S.A.

106. For the business world, the following data show the percentage of women among presidents and boards of directors of companies in the "IBEX 35" index.

	2004		2006	
	N° positions	% women	N° positions	% women
Presidents	37	5.41	35	2.86
Vice Presidents	39	2.56	41	2.44
Board members	417	2.88	379	3.69
Secretaries	10	0.00	8	0.00

Source: Women's Institute, using data from the CNMV [National Securities Market Commission].

II. Legal and regulatory developments

107. The LOIE enshrines and defines the principle of balanced presence or membership to mean that neither sex shall account for more than 60% or less than 40% of the total in the context in question.

108. Organic Law 5/1985 of 19 June, on the General Elections System, is amended to require that the list of candidates for elections to the Congress of Deputies, Municipal Councils, European Parliament and Legislative Assemblies of the Autonomous Communities must have a balanced gender composition, with each sex accounting for at least 40% of names, for every five names in the list. When the number of positions to be filled is fewer than five, the number of women and men must be as close as possible to numeric balance. This obligation does not apply to candidates in municipalities with 3,000 inhabitants or fewer; until 2011, it will be mandatory only for municipalities with more than 5,000 inhabitants. Pursuant to this law, the Autonomous Communities will have to update their voters' lists within one year after its publication, and they may take measures to encourage a greater presence of women in their respective electoral systems.

109. The law stipulates observance of the principle of gender balance:

- The public authorities will attempt to abide by the principle of gender balance in their appointments and designations for positions of responsibility.
- Where appointment is incumbent upon the government, it will honour the principle of gender balance in the overall membership of the management bodies of the central government and its associated or subordinate public bodies.
- The central government and its associated or subordinate public bodies will designate their representatives on professional bodies and national or international expert or advisory boards in accordance with the principle of gender balance.
- The central government will also observe this principle in appointments to boards of directors of companies in which the State has a holding.
- The General Council of the Judiciary shall, by 3/5 majority, elect the five members of its Equality Committee, which shall advise the plenary on measures needed or appropriate for active integration of the principle of gender equality in the exercise of the powers of the General Council of the Judiciary, and in particular it shall prepare prior reports on the gender impact of regulations and improve the equality parameters of the Judiciary in general.

110. The Law provides that the rules governing armed forces and law enforcement personnel shall give effect to the principle of gender equality, in particular with respect to access, training, promotion, stationing and administrative status. The rules on equality, prevention of gender violence and reconciliation of personal, family and working life applicable to government employees will also be applicable to the Armed Forces, with the necessary adaptations. Regulations will be issued to determine the makeup, incompatibilities and operating rules of the personnel evaluation bodies of the Armed Forces, observing to the extent possible the principle of balanced composition between women and men.

111. In the business world, the law requires that companies obliged to present unabridged financial statements of income must endeavour to include a sufficient number of women on their boards of directors to reach gender balance within eight years after the law comes into effect.

III. Policies and programmes

112. An effort is under way to promote women's access to positions of responsibility in the national administration and in government agencies and enterprises, with a view to achieving parity. As a result, the proportion of senior positions held by women has risen by two percentage points, to 26%. Some ministries, such as those of Health and Culture, are fully compliant with the parity principle, while others are observing this criterion in their new appointments. In public enterprises, women account for 19% of seats on boards of directors; however, the EFE Agency, SEFI (the State Company for Industrial Holdings), the Labour Services Foundation, and SEGITUR have achieved parity.

113. During this period a number of steps have been taken to promote women's role in politics:

- In 2006 the “Clara Campoamor” Women and Parliament Prize was established. It is awarded annually by the Ministry of the Presidency, in cooperation with the Cortes Generales, in recognition of works or studies that contribute knowledge or highlight the significance of women's participation in political life, and especially in parliament.
- A debating forum was established in 2006, on the topic "Women Decide: from Voting Rights to Democratic Parity", at the Círculo de Bellas Artes de Madrid, in commemoration of 8 March.
- In 2007 the Ministry of the Presidency and the Cortes Generales published a book entitled "Parliamentary Women in the Constituent Legislature", to recognize the role played by the 27 female members of the 1977 Legislature in political debates.

114. The 75th anniversary of the female franchise in Spain was celebrated in 2006 with an exhibition organized by the Women's Institute, comprising 63 panels with photographs and text tracing the history of the female franchise in Spain and other Western countries from the days of the first suffragettes to the final achievement of voting rights. On this occasion the Congress also adopted a vote of homage to Clara Campoamor, a play entitled “*Olimpia o la pasión de existir*” (“Olympia or the passion of being”) was performed, and a revised version of the book, “*Clara Campoamor, la sufragista española*” (“Clara Campoamor, Spanish Suffragette”), was published.

115. In February 2006, the Union of Spanish NGOs, *Mujer Siglo XXI*, awarded the *Mujer 2005* (“Woman 2005”) prize to the land army, recognizing the exemplary manner in which female and male military personnel have pursued the objective of equal opportunities for women and men in their personal and professional careers.

116. The National Securities Market Commission has prepared a code of good governance that gives greater independence to the governing bodies of listed companies and devotes special attention to promoting the role of women in corporate governance. In addition, it has instituted a Master’ degree course in management training, in cooperation with the Autonomous University of Madrid.

117. With respect to women's participation in civil society, the Women's Institute is providing support to NGOs working to achieve equal opportunities between women and men and to promote women's participation in all areas. It provides ongoing technical support and facilities to women's NGOs, including premises for their headquarters, and meeting rooms for their activities. The Institute provides grants in support of activities to promote equal opportunities between women and men and to encourage women's participation in political, cultural, economic and social life, as well as to strengthen women's associations. During the 2006 round, grants amounting to €1,890,420 were awarded through competition.

118. During 2005 the Institute also worked with the Equal Opportunities Department of the Government of Italy, a partner country in the “Europe for Women” project. The project focused on case studies of good practices and on researching the presence of women in decision-making positions in the economic and social spheres.

119. Female participation in decision-making is one of the priority research topics for the award of women's studies grants under the National Plan for Scientific

Research, Development and Technological Innovation. Studies financed during this period include: "Political recruitment, parliamentary activity and political leadership styles in legislatures: towards parity in a multilevel context? A comparative study of female national deputies, regional deputies and Spanish Euro-deputies", "Gender, participation and local welfare systems", and "The differential contribution of women in business performance: a study of explanatory factors and causal relations between gender diversity on boards of directors and senior management and business performance."

Article 8. International representation and participation

I. Current situation

120. The participation of women in political life has gradually increased, but there is still an obvious imbalance in terms of quantity and quality. This is even more evident in the sphere of international relations, particularly as regards positions of responsibility.

Women in positions of responsibility in the Ministry of Foreign Affairs and Cooperation in 2006

	<i>Both Sexes</i>	<i>Women</i>	<i>% women</i>
Ambassadors	116	14	12
Ambassadors on Special Mission	-	3	-
Secretaries of State	4	2	50
Directors General	18	4	22.2
Deputy Directors General	64	8	12.5

Source: Ministry of Foreign Affairs and Cooperation.

121. The last two years have seen an increase in the percentage of women holding senior positions in international agencies.

122. In 2007, the Ministry of Foreign Affairs and Cooperation created a new position of Ambassador on Special Mission for the Promotion of Gender Equality Policies.

Permanent Representatives of Spain, by position, in international agencies

	2004		2006		2007	
	Both sexes	% women	Both sexes	% women	Both sexes	% women
Total	93	9.68	102	12.75	94	17.02
Permanent Representatives	18	5.56	18	0.00	18	5.56
Deputy permanent Representative	20	10.00	19	10.53	17	11.76
Counsellors	28	7.14	37	13.51	34	26.47
Permanent delegates	8	0.00	8	0.00	8	0.00
Deputy permanent delegates	7	42.86	7	57.14	7	42.86
Others	12	8.33	13	15.38	10	10.00

Source: Prepared by the Women's Institute, using data from the Senior Positions File.

123. There are currently 3,485 Spanish citizens serving in international agencies, of whom 1,648, or 47.29%, are women. However, only 1.52% hold a senior position, and most women working in international organizations are in administrative or professional positions.

Representation of women in international organizations in 2006

	Both sexes	% women	% women in senior positions
Total	3,485	47.29	1.52%
United Nations System	760	58.68	4.26
European Union	2,365	45.41	0.28
Other international organizations	360	35.56	2.34

Source: Ministry of Foreign Affairs and Cooperation.

II. Legal and regulatory developments

124. The LOIE requires the national government to appoint its representatives to professional bodies, committees of experts, or international advisory committees in accordance with the principle of balanced presence or composition of women and men.

III. Policies and programmes

125. In recent years, the Ministry of Foreign Affairs and Cooperation, in collaboration with other government departments and institutions, has been promoting a systematic policy to place Spanish citizens in international organizations and institutions.

126. Activities to this end continued under the Plan of Action to Promote the Spanish Presence in International Institutions and Organizations, launched in 2003. That plan called for establishment of an International Positions Unit (USI), responsible for pursuing the plan. The action plan requires Spanish embassies and permanent missions accredited to such agencies to submit an annual report to the

USI on the status of Spanish citizens, male and female, at the different levels and categories.

127. In November 2007, Spain approved a national plan for the application of UN Security Council Resolution 1325 on women, peace and security, covering the following objectives:

- To increase the presence of women in peacekeeping operations and in their decision-making bodies.
- To encourage inclusion of a gender perspective in all phases of peacekeeping operations, from planning through to conclusion, including the reconstruction process.
- To ensure specific training in gender equity matters and the various aspects of Resolution 1325 for personnel engaged in peacekeeping operations.
- To guarantee full enjoyment of human rights for women and girls in conflict and post-conflict zones and to encourage women's participation in the negotiation and enforcement of peace agreements.
- To mainstream the gender equality principle in the planning and execution of Disarmament, Demobilization and Reintegration (DDR) activities.
- To encourage participation by Spanish civil society.

128. Spain is also working with the United Nations Peace Building Commission (PBC). The inclusion of a gender perspective in the concept and activities of this new body takes account of the mandate to bring together all interested agents to pool resources and propose comprehensive strategies for consolidating peace and for post-conflict recovery.

129. In the European Union and other international organizations such as OSCE, Spain is working for the adoption of concrete measures to increase women's representation at all levels of conflict prevention, management and resolution.

130. The Spanish International Cooperation Agency (AECI), in collaboration with NGOs, is pursuing programmes and projects in the area of conflict prevention and resolution and peace building, from a gender perspective. It is currently working primarily with the African Union, Sudan, Afghanistan, Mindanao and Colombia, where the direct or indirect beneficiaries include the entire population affected by the conflict, and in particular women and children.

IV. Development cooperation

131. The LOIE requires that all development cooperation policies and plans, strategic planning documents and tools must include the principle of gender equity as a substantial element, and must provide for concrete measures to monitor and assess progress towards effective equality in Spain's development cooperation. Pursuant to the Law, a "Gender in Development" strategy has been approved, and this will be a key element of coordination and coherence for policies on gender in development.

132. The Spanish Cooperation Agency's Strategy for Promoting Equal Opportunities between Women and Men, of 2004, includes the gender focus as a horizontal component of Spanish cooperation, and as an element in each sector of

activity, and provides the necessary instruments to this end. It also establishes the role of the different players in Spanish cooperation: the national government, the Autonomous Communities, and civil society organizations.

133. The master plan for Spanish cooperation (2005-2008) includes the principles of equality and non-discrimination and calls for enhancing the capacity and autonomy of women as a strategic development objective. Spanish international cooperation policy reflects a dual strategy: on one hand, the implementation of mechanisms to institutionalize and integrate the gender perspective in all programmes, projects and interventions, and on the other hand, the promotion of strategic lines of action for equity, such as:

- Promoting greater representation for women and equal participation in all social and political activities.
- Strengthening national policies and mechanisms for gender equality.
- Improving opportunities for women in the economic sphere, and providing citizenship training.

134. The master plan contains mechanisms such as training, awareness raising and dissemination, research and information, inclusion of the gender perspective in government procurement and grants, as well as in the processes of diagnosis, identification, formulation, monitoring and evaluation.

135. All policy and strategic planning documents relating to Spain's development cooperation encourage the principles of equality and non-discrimination as well as the gender focus in development:

- The annual international cooperation plans.
- The country strategy documents.
- The strategic planning tools, both in the diagnostics and in the frames of reference and intervention.
- Some special action plans include specific objectives for eliminating gender violence, improving sexual and reproductive health, and reducing maternal mortality.

136. With respect to the Spanish International Development Cooperation Agency (AECID), its principal activities in the gender area are:

- Awareness raising and training in gender issues.

137. Courses and workshops have been held on gender equality issues, targeted primarily at project managers, in many technical offices abroad as well as at headquarters. Regional meetings have been held in Nicaragua, in San Jose (Costa Rica), and in Antigua (Guatemala), to coordinate and exchange experiences. Meetings have also been held in Tunis for various local development NGOs.

138. In 2005, an official was appointed as the focal point for gender issues. Gender experts have also been hired as external advisors for project management and monitoring, at headquarters and in several technical cooperation offices that AECID maintains abroad.

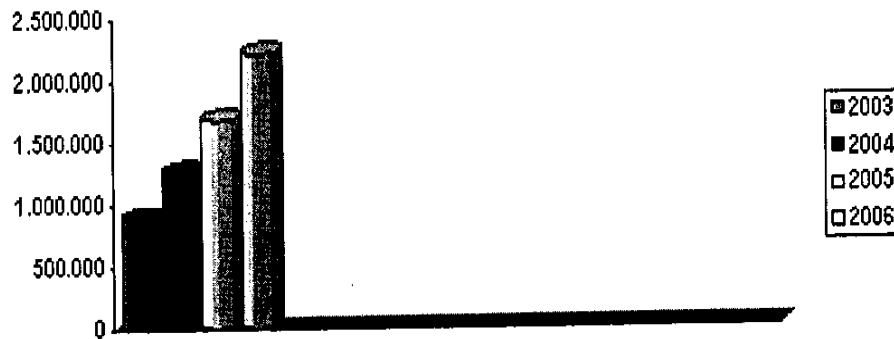
139. There are currently "gender units" in Central America (Costa Rica, Honduras, El Salvador, Nicaragua and Guatemala), in the Dominican Republic and Panama,

and in South America (Argentina, Bolivia, Brazil, Colombia, Ecuador, Peru and Uruguay), as well as in Africa (Morocco, Mozambique and Tunisia).

140. Mention should also be made of the participation and cooperation of development NGOs working with the government in international cooperation under special agreements for this purpose. Budgets have been increased for projects, activities and programmes in support of gender equality and the advancement of women. These cooperation projects are concentrated in Latin America, in Arab and Mediterranean countries, and in Africa. The most significant activities are underway in Bolivia, El Salvador, Guatemala, Morocco, Nicaragua, Peru, Dominican Republic and Tunisia.

141. During 2005, AECID channelled assistance to gender projects in the amount of €1,680,000, and in 2006 such funding amounted to €2,221,000.

AECID. Gender Project funding, 2003-2006. Amounts in euros



142. Most of these projects are designed to strengthen national equality organizations (ministries, secretariats and women's institutes in recipient countries) for developing public policies with a gender focus. Other interventions address the issues of preventing and combating gender violence, from a human rights focus.

143. A number of projects relate to productive activities, microenterprise development, and vocational education and training for women to help improve their employment opportunities. Other projects deal with sexual and reproductive health and strengthening public health systems. Funding is also provided for projects to promote greater representation of women and equal participation in all social and political spheres.

144. The Women's Institute is continuing its two lines of work in the field of international cooperation: a programme of grants to finance development projects, with priority to projects that will promote women's rights in Latin America, and the Master's degree programme in gender and development, "*Mujeres y Desarrollo*", for which applications are invited annually. In the last round, 25 European women and four from Latin America benefited from this programme.

145. In 2005, Spain signed a framework agreement with the United Nations Development Fund for Women (UNIFEM), to establish a programme of media support for the status and rights of Iraqi women, as well as three projects in Latin

America: democratic governance and peace with gender justice in Colombia and Guatemala; eradication of violence against women in urban security policies in Argentina, Colombia and Peru; and combating poverty in Bolivia, Brazil, Guatemala and Paraguay. The Spanish contribution to UNIFEM in 2007 amounted to €9 million, of which €3 million was earmarked for the fund to eliminate violence against women. With this contribution, Spain has become the largest donor to the fund.

146. In 2007, Spain contributed \$83,436 to the operating budget of INSTRAW and \$504,970 to that agency's projects on women's political participation and remittances, gender and development.

147. Spain recently signed an agreement to contribute €528 million to UNDP over the next three years, representing the largest voluntary contribution by this country to a UN agency. It will be used to promote implementation of the Millennium Development Goals in seven general areas, including gender equality.

Article 9. Nationality

148. There have been no changes with respect to this matter in the period covered by this report.

Article 10. Education

1. Current situation

149. With completion in 2000 of the process of transferring education responsibilities from the State to the Autonomous Communities, it was necessary to revise the existing legal and regulatory provisions for non-university education. Organic Law 2/2006 of 3 May on Education guarantees the necessary basic uniformity in the education system. Currently, education in Spain is compulsory to age 16.

150. The Active Population Survey of the National Statistics Institute provides the following data on the population aged 16 and older, by level of studies completed:

	2004		2006	
	Both sexes (000)	% women	Both sexes (000)	% women
Total	36,038	51.13	37,236	50.97
No schooling	1,045	67.96	833	68.44
Primary education	12,018	54.32	11,327	54.72
Secondary education, first level	8,917	46.98	9,259	46.59
Secondary education, second level	6,574	49.61	7,442	50.04
Vocational training with secondary diploma	36	43.94	32	44.55
Higher education, except doctorate	7,345	50.18	8,174	50.22
Dr.	105	35.15	169	32.86

Source: Women's Institute, using data from the *Encuesta de Población Activa*, INE. (Sample-based statistics).

Education enrolment, by sex

	2003-04		2005-06	
	Both sexes	% women	Both sexes	% women
Total	8,460,551	50.02	8,479,238	49.86
Infant/preschool	1,353,460	48.53	1,487,547	48.65
Primary	2,479,631	48.42	2,483,364	48.36
Special education	27,799	40.19	28,665	37.99
Compulsory secondary education (CSE)	1,871,430	48.86	1,844,953	48.70
Baccalaureate	657,400	55.15	640,028	54.73
Vocational training	513,343	46.66	498,980	47.01
Social Guarantee Programmes	45,899	32.77	44,927	32.72
University (first cycle)				
-technical engineering, architecture	229,118	26.39	217,512	25.05
-degrees	342,059	70.43	347,656	70.30
University (first and second cycles)				
- Licenciaturas	687,807	60.63	640,423	60.09
- Ingenierías	156,802	31.03	149,750	30.95
University (second cycle only)				
- Licenciaturas	54,624	71.31	54,349	69.05
- Ingenierías	9,639	20.24	8,955	22.57
University third cycle (doctorate)	77,439	50.59	77,056	51.00

Source: *Estadística de la Enseñanza en España* (MEC) and *Estadística de la Enseñanza Superior en España* (INE).

151. The coverage of day care services for children between the ages of 3 and 6 years is now around 98%, while in the under-3 years age group it is only 12%.

152. From 14 to 16 years, which marks the end of compulsory secondary education (CSE), Spanish girls have a higher success rate in obtaining secondary school diplomas, reflecting the fact that their "school failure" rate is lower. Around 90% of women in the twelve Autonomous Communities have a secondary school diploma. Only in Ceuta and Melilla and the Balearics do girls fall below the national success rate (75%).

153. With respect to vocational training at the middle and higher levels, there has been a steady increase in enrolment in recent years, while enrolment in the baccalaureate stream has declined. There is gender balance in the overall proportions, but there is a sharp horizontal segregation: some fields of study are purely "feminized" and others are clearly "masculinized", indicating the persistence of cultural stereotypes. The Organic Law on Education introduces greater flexibility in access and in the relationships among the different subsystems of vocational training, with a view to establishing greater linkages between general education and vocational training.

Enrolment by field and sex (middle-level vocational training)

	2004-05		2005-06	
	Both sexes	% women	Both sexes	% women
Total	231,317	45.82	230,174	45.92
Agriculture	4,582	17.98	4,429	17.20
Phys Ed and sports	3,076	38.13	3,399	33.95
Marine fisheries	1,145	7.07	1,124	8.01
Administration	48,944	73.04	46,344	75.09
Graphic arts	2,848	35.81	2,629	37.66
Commerce and marketing	12,928	71.61	11,673	71.26
Communication, audiovisual	2,795	49.48	2,574	50.62
Electricity and electronics	34,260	6.39	32,145	6.66
Construction and civil works	704	2.07	706	2.18
Mechanical production	11,902	2.08	10,970	2.32
Hospitality and tourism	12,270	46.50	12,206	45.40
Hairdressing and beautician trades	17,074	97.18	17,178	97.26
Food industries	1,300	44.92	1,208	45.20
Computer science	7,571	16.89	12,607	14.75
Woodworking and furniture	3,141	5.44	2,919	4.66
Maintenance and production services	9,939	1.62	9,920	1.94
Vehicle maintenance	21,837	1.36	21,915	1.58
Chemicals	2,762	61.30	2,495	62.12
Health	29,794	90.02	29,731	89.96
Social and community services	1,758	92.04	3,4596	90.28
Textiles, clothing and leather	588	88.10	454	91.63
Glass and ceramics	99	47.47%	78	37.18

Source: Women's Institute, using data from the *Estadística de la Educación en España*, Ministry of Education, Culture and Sports.

154. At the university level, the proportion of women is rising, and reached 54.25% in the academic year 2005-06. However, a closer look reveals that there is horizontal segregation here as well. The former deficit in university access has been replaced by differentiated enrolment, where women account for 80% of those enrolled in "pedagogy" or "translation and interpretation", but only 15% in some of the engineering specialties.

University enrolment, by sex

	2004- 05		2005- 06	
	Both sexes	% women	Both sexes	% women
All fields of study	1,435,695	54.15	1,418,645	54.25
Humanities	136,909	63.06	132,119	62.64
Social sciences and law	694,206	62.93	693,369	63.07
Experimental sciences	100,286	59.31	95,853	59.29
Health sciences	120,137	74.48	121,087	74.20
Technical	384,157	27.42	376,217	27.34

Source: Women's Institute, using data from *Estadística de la Enseñanza Superior en España*. INE.

155. One issue of concern raised by the CEDAW committee in its review of the Fifth Report of Spain was the fact that women account for 51% of enrolment at the doctoral level but only 47% of the dissertations completed.

Enrolment in doctoral courses

	2004- 05		2005 06	
	Both sexes	% women	Both sexes	% women
All fields of study	76,251	51.22	77,056	51.00
Experimental sciences and health	23,816	58.49	23,564	58.84
Humanities	15,439	56.10	14,597	56.67
Engineering and technology	10,430	27.45	9,135	27.59
Social sciences and law	21,105	51.68	21,325	51.00
Field not recorded	5,461	49.33	8,435	44.66

Source: Women's Institute, using data from *Estadística de la Enseñanza en España*. MEC.

156. Doctoral dissertations approved, by field of study:

	2004- 05		2005- 06	
	Both sexes	% women	Both sexes	% women
All fields of study	6,902	46.67	7,159	46.75
Experimental sciences and health	3,085	52.06	3,358	51.70
Humanities	1,093	48.67	1,064	48.40
Engineering and technology	954	25.05	851	25.85
Social sciences and law	1,556	48.65	1,612	47.39
Field not recorded	214	40.65	274	40.88

Source: Women's Institute, using data from *Estadística de la Enseñanza en España*. MEC.

157. The participation rate of female Spanish students in the Erasmus programme, at 57.88% in 2004-05, is currently higher than that for males.

158. The analysis of data on the teaching body combines horizontal and vertical segregation. Data for the 2005-2006 academic year show women in the majority in the teaching body (65.50%). Only in the case of CSE, baccalaureate and vocational

training are the proportions roughly equal (55.72% women). At the preschool and primary level, the female rate is 77.67%, and at the university level it is 42.12%. Only 18.11% of university teaching chairs are held by women.

II. Legal and regulatory developments

159. With Law 27/2005 of 30 November on the promotion of education and the culture of peace, in the context of the United Nations International Decade for the Culture of Peace, the Spanish Government has committed itself to the peaceful settlement of potential disputes by promoting peace-oriented education, horizontally, and the actions necessary to eliminate all forms of discrimination.

160. Organic Law 2/2006 of 3 May on Education declares the purposes of education to be the full development of the personality and the affective capacities of the student body, the respect of fundamental rights and freedoms, and effective equality of opportunities between men and women, recognition of the diversity of sexual orientation, as well as the critical appreciation of inequalities, so as to overcome sexist behaviour.

161. The LOIE speaks in general terms of integrating the principle of equality in education policy, guaranteeing real equality of opportunity through the following actions:

- Special attention in curricula and in all stages of education to the principle of equality between women and men.
- Elimination and rejection of behaviour with a sexist content and stereotypes that entail discrimination between women and men, particularly in textbooks and other teaching materials.
- Study and application of the principle of equality in courses and programmes for initial and continuing teacher training.
- Balanced presence of women and men in school management and supervisory bodies.
- Cooperation with other educational authorities to implement projects and programmes for fostering understanding and dissemination of the principle of coeducation and effective equality between women and men throughout the education community.

162. As well, in higher education teaching and research will be encouraged on the significance and scope of equality between women and men. In particular, the curriculum will include teaching of equality between women and men, the creation of specific postgraduate courses, and specialized studies and research in the field.

III. Policies and programmes

163. The Women's Institute has been preparing teaching materials aimed at teachers, parents and students, for use in teacher training courses and classrooms at different levels. These include:

- *"Tomar en serio a las niñas"* ("Taking girls seriously").
- *"Créeme y páralo"* ("Believe me and stop it"), with respect to sexual abuse of children.

- “*Por preguntar que no quede. Nosotras creamos mundo*”: material for the celebration of International Women's Day, recalling women's contribution to history.
- Selection of texts on sexual differences: didactic materials on feminist thinking and practice.
- The "True History" project: a compilation of texts by male and female writers who approach history and the interpretation of events from a gender focus.
- “*Las Adolescentes y el deporte: Chicas en movimiento*”: encouraging girls not to abandon physical exercise and sports in adolescence.
- “*Contar cuentos cuenta*”: a brochure that fosters a critical attitude in the use and purchase of children's stories.
- "Atlas of women in world development", on the situation of women in the present-day world and their impact in producing changes in many sectors, beyond what is revealed by the statistics.
- Parents' Guide on sexual education in primary school.

164. The *Proyecto Intercambio* ("Exchange Project"), launched in 2005 in collaboration with the education authorities of the Autonomous Communities, is designed to share information and sponsor an analysis of teaching materials for equal opportunity and prevention of violence through education.

165. In collaboration with the Ministry of Education and Science, a research project has been published on the inclusion and performance of Roma girls in CSE, and research has been completed for "building the masculine identity in today's boys" and "analysis of the transmission and reception of information on sexual education in adolescence".

166. In collaboration with CEAPA (Confederation of Parent-Teacher Associations), the following activities have been conducted to encourage parents to participate in initiatives to assure equal opportunities for boys and girls in education:

- A training course for instructors on "learning in the family", dealing with the prevention of family conflicts.
- A campaign to promote the integration of immigrant women into parent-teacher associations.
- Publication of materials to encourage democracy in family life (reconciling family and working life, co-responsibility, and sharing of domestic chores).

167. In the period 2004-2006, funding was provided from the General Fund of the Women's Institute and the 0.52% allocation from the individual income tax (IRPF) to entities and programmes in the following amounts:

IRPF

	2004	2005	2006
N° entities	9	8	6
N° programmes	9	8	6
Total amount of grants	€1,033,786	€20,463	€17,369

General Fund

	2004	2005	2006
N° entities	13	11	13
N° programmes	14	12	14
Total amount of grants	€175,795	€184,352	€208,179

168. The *SINDICADAS* project is working to promote changes in education, in collaboration with the women's affairs and education sections of the major labour federations (FE-CC.OO., FETE-UGT and STES-i). The most important activities involve training teachers to participate in the School Boards and to ensure equality of opportunity between women and men applying for the Citizenship Education training programme, which includes teacher training and teaching materials, as well as training sessions for unionized female teachers.

169. Research on feminism and gender studies has traditionally been addressed through doctoral courses or voluntary training. For this reason, the University Association of Women's Studies (AUDEM) has signed a report demanding full integration of women's, feminist and gender studies into the new university curriculum that Spain is now designing to adapt to European guidelines.

170. The First Congress of Women's, Gender and Feminist Studies, dealing with graduate and postgraduate education in the European Higher Education Area, was held in November 2006. Its main purpose was to define the gender contents of degree courses that may be introduced in the Spanish higher education system in the future, and to establish a strategy to promote the inclusion of feminist, gender and women's studies in the design of the new higher education system.

171. The Women's Institute has signed cooperation agreements with the Universidad Complutense de Madrid covering various training activities in feminism, equality policies, and gender violence, and with the Universidad Autónoma de Madrid for the offer of interdisciplinary gender studies at the Master's level.

172. The Ministry of Education has created a "Women and Science Unit", to pursue affirmative action measures in the scientific, technological and academic areas. The unit is to ensure that the data published by public research and education institutions specify the status of women in each field and to encourage the organization of scientific and teaching work in ways that will reconcile vocational and personal life.

Article 11. Employment**I. Current situation**

173. Employment is one of the areas in which the authorities are devoting special attention to equality policies, because of its key importance to the status of women in Spain. There are still notable differences between women and men in the labour market, as the CEDAW committee indicated, although the pace of employment creation in recent years has been sufficient to benefit women as well.

	2004		2006		2007 (Q2)	
	Both sexes	% women	Both sexes	% women	Both sexes	% women
Total population over 16 years (000)	36,038.3	51.13	37,235.5	50.97	37,591.9	50.93
Active population	20,447.5	41.27	21,812.4	42.26	22,127.3	42.21
Employed population	18,288.1	39.43	20,001.8	40.85	20,367.3	41.04
Unemployed population	2,159.4	56.86	1,810.6	57.82	1,760.0	55.64
Inactive population	15,590.8	64.07	15,423.1	63.30	15,464.6	63.41

Source: Women's Institute, using quarterly data from the *Encuesta de Población Activa*.

174. In recent years, the participation and employment rates for women have risen sharply, and the gap with males has declined, although it still exceeds 20 percentage points. The female participation and employment rates have traditionally been lower than the European average.

Participation, employment and unemployment rates

		2004	2005	2006	2007
Both sexes	Participation rate	56.74	57.72	58.58	59.12
	Employment rate	50.75	52.70	53.72	54.03
	Unemployment rate	10.56	8.70	8.30	8.60
Women	Participation rate	45.79	46.95	48.56	49.37
	Employment rate	39.13	41.50	43.05	43.94
	Unemployment rate	14.55	11.61	11.36	11.00
Men	Participation rate	68.19	68.95	69.00	69.23
	Employment rate	62.90	64.37	64.81	64.51
	Unemployment rate	7.76	6.64	6.06	6.83

Source: Women's Institute, using quarterly data from the *Encuesta de Población Activa*.

175. The unemployment rate has shown a significant decline recently, but the unemployment rate for women is nearly twice that for men, at all levels of education, and is slightly higher than the female unemployment rate of the European Union (9.10%)

Unemployment rate by level of education, by sex

	2004		2006		2007 (Q2)	
	Women	Men	Women	Men	Women	Men
Total	14.55	7.76	11.36	6.06	10.50	6.10
No schooling	33.40	17.42	23.00	10.77	30.10	21.40
Primary education	17.02	8.87	14.43	7.77	14.50	8.10
Secondary education, first level	17.56	8.66	15.48	7.21	14.20	6.80

	2004		2006		2007 (Q2)	
	Women	Men	Women	Men	Women	Men
Secondary education, second level	15.55	7.26	11.34	5.37	10.60	5.80
Vocational training with secondary diploma	24.17	10.98	9.33	3.60	27.50	15.00
Higher education, accept doctorate	10.36	5.99	7.38	4.26	6.20	4.10
Dr.	4.13	2.29	3.05	3.20	3.60	2.30

Source: Women's Institute, using quarterly data from the *Encuesta de Población Activa*.

176. One of the most notable features during this period was the increase in immigrants, who now account for 10% of contributors to the Spanish Social Security system. Further information on this topic is provided in the section on social exclusion.

177. Horizontal segregation persists, in the sense that women are concentrated in the services sector, and in certain economic activities in particular (administration, education, health, social services, hospitality and personal care).

Employed population by sector of activity

	2004		2006		2007 (Q2)	
	Both sexes (000)	% women	Both sexes (000)	% women	Both sexes (000)	% women
Total	18,288	39.43	20,002	40.85	20,367	41.04
Agriculture	980	27.76	922	27.19	921	26.55
Industry	3,247	24.76	3,320	24.68	3,244	24.97
Construction	2,331	5.30	2,623	5.39	2,714	5.66
Services	11,730	51.30	13,137	52.97	13,489	53.02

Source: Women's Institute, using data from the *Encuesta de Población Activa*.

178. Recent years have seen increased numbers of women in professional and technical occupations and in management positions, but it appears difficult to reduce their prominence in service and administrative jobs, or to raise their very low proportion as workers in agriculture, mining, fishing, industry and construction, or in trades such as machinery operators and installers, or in the armed forces, all of which are traditionally masculine occupations.

Persons employed by type of occupation, by sex

	2004		2006		2007 (Q2)	
	Both sexes (000)	% Women	Both sexes (000)	% Women	Both sexes (000)	% Women
Total	18.288	39.43	20.001,8	40.85	20.367	41.04
Corporate managers and senior government officials	1,362	32.99	1,467	31.76	1,501	31.59
Technician/professionals	2,278	50.74	2,460	52.90	2,539	52.34
Technicians and associate professionals	1,937	44.22	2,305	44.51	2,447	44.79
Administrative staff	1,623	64.94	1,870	64.49	1,867	65.30
Restaurant, personal and protective services and salespersons	2,664	62.34	3,097	63.36	3,144	63.92
Skilled agricultural and fishery workers	614	22.04	523	22.49	501	21.98
Craft workers and skilled workers in the manufacturing, construction and mining industries	3,146	7.16	3,314	7.01	3,349	5.99
Plant and machinery operators and assemblers	1,769	12.95	1,859	12.90	1,873	13.55
Unskilled workers	2,806	51.08	3,020	53.34	3,060	54.16
Armed forces	89	12.20	86	9.29	87	11.14

Source: Women's Institute, using quarterly data from the *Encuesta de Población Activa*.

179. However, vertical segregation persists in women's participation in the work force, with a decreasing proportion of women at the higher levels of responsibility.

% women employed in management positions	2004		2006		2007 (Q2)
Corporate managers and senior government officials		32.99	31.76	31.59	
Senior government officials and managers in firms with 10 or more employees		19.83	24.20	23.31	
Managers of firms with fewer than 10 employees		27.19	27.14	27.81	
Managers of firms with no employees		49.25	45.06	44.41	

Source: INE. *Encuesta de Población Activa* (EPA). (Quarterly data).

180. While women represent 40% of the working population, this proportion drops to 31% in the case of independent workers, but it rises to 42% in the case of employed workers. Women account for 51% of all persons employed in the public sector.

181. One of the greatest differences between men and women is the pay gap. The Labour Inspection Office is the responsible supervisory agency, and it can impose sanctions for this difference in pay, particularly for work of equal or similar value.

	2005		2006	
	Employed persons	Average annual earnings	Employed persons	Average annual earnings
Total	18,359,870	16,018	19,070,349	16,849
Women	7,660,844	12,800	8,082,441	13,497
Men	10,699,026	18,321	10,987,908	19,314

Source: Agencia Tributaria (*Mercado de Trabajo y pensiones: 2006*).

182. With respect to contracts registered by the Public Employment Service of the National Government and the Employment Services of the Autonomous Communities, the following table shows the data by age group and sex:

<i>Contract registered by type and duration</i>	<i>2004</i>		<i>2006</i>	
	<i>Both sexes</i>	<i>% women</i>	<i>Both sexes</i>	<i>% women</i>
Total	16,350,784	44.43	18,526,772	44.85
Indefinite	1,419,718	45.37	2,177,245	44.71
Temporary	14,931,066	44.34	16,349,527	44.87

Source: Women's Institute, using data from the Ministry of Labour and Social Services, *Anuario de Estadísticas Laborales y de Asuntos Sociales. Movimiento Laboral Registrado*.

183. The Spanish labour market has in recent years been characterized by a high index of temporary work contracts, well above the European average.

<i>Working population, by occupational situation and type of contract</i>	<i>2004</i>		<i>2006</i>		<i>2007 (Q2)</i>	
	<i>Both sexes (in 000)</i>	<i>% women</i>	<i>Both sexes (in 000)</i>	<i>% women</i>	<i>Both sexes (in 000)</i>	<i>% women</i>
TOTAL	18,288.10	39.43	20,002	40.85	20,367	41.04
Independent workers	3,246.90	31.36	3,524.20	31.33	3,578.70	31.42
Full-time	3,023.50	28.70	3,160.60	27.22	3,211.90	27.79
Part-time	223.30	67.35	363.60	67.05	366.80	63.17
Part-time because of family obligations	30.70	98.05				
Employees	15,022.40	41.15	16,466.20	42.89	16,779.40	43.09
Full-time	13,654.50	37.06	14,458.30	37.50	14,708.20	37.66
Part-time	1,367.90	82.03	2,007.80	81.73	2,071.20	81.66
Part-time because of family obligations	126.30	99.05				
Other situations	18.80	52.66	11.50	34.78	9.30	46.24

Source: Women's Institute, using data from the *Encuesta de Población Activa, IV Trimestres*.

184. Women account for a very high proportion (81%) of persons employed under part-time contracts.

Employment in the armed forces

185. Among European countries, Spain has the highest proportion of women in its armed forces, according to 2006 data from the *Observatorio de la Mujer en las Fuerzas Armadas* ("Women's Observatory for the Armed Forces"). The Spanish Armed Forces (FAS) currently have 125,155 members, of whom 15,046 (or 12%) are women. The following table shows the trend in women's presence in the armed forces:

<i>Year</i>	<i>1991</i>	<i>1995</i>	<i>2000</i>	<i>2005</i>
%	0.1	0.7	8.9	11.5

Source: *Observatorio de la Mujer en las Fuerzas Armadas*.

186. The following table shows the distribution of women in the various forces and the common corps.

	<i>Land Army</i>	<i>Navy</i>	<i>Air</i>	<i>Common corps</i>
Total	79,977	20,044	21,599	3,535
% Women	12.0	10.8	12.2	17.9

Source: *Observatorio de la Mujer en las Fuerzas Armadas*.

187. There have been other significant instances of progress in the armed forces:

- The *Observatorio de la Mujer en las FAS* has been created as a centre of study to analyze selection processes and the integration and permanence of women in the Armed Forces (FAS), and to conduct gender impact studies.
- A programme has been approved to create 25 day schools at military bases in some of the Autonomous Communities.
- In 2005, €33 million was earmarked for projects to adapt accommodations to allow for greater privacy and improve the quality of life for women in the FAS.
- The "*Soldado Idoia Rodríguez*" prize has been established to recognize the efforts of individuals or legal persons whose exemplary work has helped to enhance the role of women or to support gender equality and equal opportunities in the FAS.

188. To increase women's participation in the national law enforcement institutions, a minimum of 5% of positions is reserved for women and steps have been taken both within the National Police Corps and in the Civil Guard to reduce the minimum height requirement for female recruits.

II. Legal and regulatory developments

189. Royal Decrees 205/2005 of 25 February and 393/2006 of 31 March governed the 2005 and 2006 provisions of the *Renta activa de inserción* ("Minimum income") programme for unemployed persons with special economic needs and difficulties in finding employment, which provides a stipend to unemployed persons who promise to look actively for a job, to work and to participate in activities sponsored by the public employment services. The programme, originally targeted at juveniles who encounter special difficulty in finding work, has now been extended to persons over 45 years of age who have been unemployed for more than 12 months, even if they had not previously received benefits, or to anyone of any age who is handicapped, a returning emigrant or a victim of gender violence.

190. Royal Decree 1369/2006 of 24 November regulates the minimum income programme for unemployed persons with special economic needs and difficulties in finding work.

191. Law 43/2006 of 29 December, on the promotion of growth and employment through social dialogue, establishes new incentives for permanent, full-time work contracts, with special encouragement for hiring women, as well as women with disabilities or victims of gender violence.

192. The LOIE pays special attention to overcoming inequality in the field of labour relations. The right to work under conditions of equal opportunity incorporates measures to guarantee equality between women and men in access to employment, in training and occupational promotion, and in working conditions. The law seeks to promote the adoption of concrete measures in favour of equality in

businesses, within the context of collective bargaining. The priority objectives of employment policy include improved training, employability for women, and their retention in the workforce.

193. Recognition of the right to reconciliation of personal, family and working life and the encouragement of greater co-responsibility between women and men in the assumption of family duties. Specifically:

- The right of workers to adjust the length and distribution of their work day, and the right of women to accumulate breast-feeding time into full days of leave, by agreement with the employer or through collective bargaining.
- Proportional increase in breast-feeding absence in the case of multiple births.
- The right to reduce the working day by between one-eighth and one-half to care for children under eight years of age or persons with disabilities.
- The right to take annual vacations outside the vacation schedule when this coincides with disability on grounds of pregnancy, childbirth, breast-feeding or maternity.
- Voluntary leave of absence is permitted for a period of four months to five years.
- Voluntary leave of absence may be extended to two years to care for family members, and may be divided into shorter intervals.
- The father is eligible to take maternity leave if the mother dies, even if she was not working.
- The father may take leave transferred by the mother when she is unable to work.
- If a child born, adopted or fostered has a disability, the leave may be extended by two weeks.
- Maternity leave may be extended by up to 13 weeks in the case of premature birth, or where the newborn requires hospitalization.
- Regardless of the mother's maternity leave status, the father is entitled to 13 days of paternity leave for the birth, adoption or fostering of a child (which may be added to the two days already allowed, or any longer allowance under a collective agreement). This leave may be extended by two days for each additional child in the event of multiple childbirth, adoption or fostering. The father may exercise this right full-time or part-time, by agreement with the employer, and during the entire period of the maternity leave, or when it is terminated. (Six years after entry into force of the law, the paternity leave will be four weeks.)
- Any person who is on maternity or paternity leave is entitled to any improvement in working conditions during that time.

194. The LOIE also requires employers to respect equality of opportunities and of treatment, and firms with more than 250 employees are obliged to negotiate "equality plans" with their workers' legal representatives. Small and medium-sized enterprises may adopt affirmative action measures for equality, which must also be negotiated.

195. The LOIE defines the "equality plan" as a set of agreed measures, based on a diagnosis of the situation, designed to achieve equality in the firm.

196. To encourage the adoption of plans and measures, the government will reward those firms that are most egalitarian, by awarding them the right to use a distinctive mark of corporate equality.

197. The law also covers voluntary actions of corporate social responsibility, consisting in economic, commercial, labour, health care or other measures designed to further equality between women and men within the firm or its social environment, and the workers' representatives will be so informed and invited to participate. The law also governs the participation of women in the boards of directors of business corporations, establishing a term of eight years to achieve balanced makeup in all companies required to present financial statements.

198. The law also provides that for purposes of central government procurement, the contracting bodies may establish conditions in the tender documents that will give preference in the award of contracts to proposal submitted by companies that are promoting effective equality between women and men. As well, governments may determine those fields where, given the existence of a situation of unequal opportunities between women and men, the regulations governing subsidies may include provisions crediting applicants for action to achieve effective equality.

199. The law also adapts provisions relating to violations and sanctions and control mechanisms over non-compliance with non-discrimination rules, and it reinforces the role of the Labour and Social Security Inspection Service. An innovative feature here is the possibility of commuting accessory penalties for the establishment of equality plans.

200. Government employment. The LOIE also makes provisions in this area.

201. The central, regional and local governments, within their respective areas of competence and in application of the principle of equality between women and men, must:

- Remove the obstacles that entail the subsistence of any manner of discrimination, in order to offer conditions of effectively equal access by women and men to public employment and career development in the civil service.
- Promote training on an equal footing both for recruitment to public employment and throughout employees' careers.
- Foster a balanced presence of women and men in the selection and evaluation bodies.
- Establish effective protection measures against sexual harassment and harassment on the grounds of sex.
- Establish effective measures to eliminate any manner of direct or indirect gender discrimination in remuneration.
- Periodically evaluate the effectiveness of the principle of equality in the different fields of activity.

202. The specific measures required in the area of central government employment are the following:

- Approval of an equality plan for women and men at the beginning of each legislature, compliance with which is to be assessed yearly by the Council of Ministers.
- The adoption of a protocol for handling cases of sexual harassment or harassment on the grounds of sex.
- The obligation to prepare a gender impact report prior to approving the announcement of competitive examinations for public employment.
- The adoption of affirmative action measures in training activities: for example, for one year after returning to active service from maternity or paternity leave or from leave of absence for reasons of legal guardianship or care for dependent seniors or persons with disabilities, employees will be given preference to participate in training courses, and at least 40% of the places in training courses will be reserved to female employees in order to facilitate their career advancement and access to management positions.
- All competitive examinations for public employment must include the study and application of the principle of gender equality.
- Training courses dealing with equality of treatment and opportunities for women and men and on the prevention of gender violence must be provided to all personnel.
- All ministerial departments must submit annually to the Ministry of Labour and Social Affairs and the Ministry of Public Administration information on the effective application of the principle of equality, with gender-disaggregated data specifying staff distribution, occupational category, location bonuses and average remuneration.

203. Law 7/2000 of 12 April, the Basic Statute of Public Employees, repeats the measures established for reconciling family and working life as well as the 54 measures for gender equality of 2005 established for public administrations, and all the measures contained in the LOIE.

204. Law 20/2007 of 11 July, the Independent Work Statute, establishes measures of a different kind:

- Reduction in Social Security premiums (30% during 30 months) for young men up to 30 years and women up to 35 years who start their own business.
- Encouragement of an entrepreneurial culture.
- Support in the financing of investment projects.
- Assistance with technological and organizational innovation.
- Access to vocational training.
- Tax adjustments to promote independent work.

205. Law 46/2007 of 13 December, amending Law 42/1999 of 25 November on the Civil Guard personnel regime, establishes the leaves of absence approved in the LOIE, as well as special measures for victims of gender violence.

III. Policies and programmes

206. The 2004 Social Dialogue Declaration on competitiveness, stable employment and social cohesion, signed by the government and the social partners, laid the agreed basis for seeking solutions to promote the integration of women into the workforce, to improve their working conditions, and to include measures for reconciling personal and working life. For the first time, the issue of gender equality was dealt with in a crosscutting manner.

207. A National Plan of Reforms (PNR 2005-2010), the Spanish strategy for achieving the European objectives of Lisbon, calls for increasing the female employment rate (to 57%) and reducing female unemployment.

208. With respect to occupational training for women, the 2004 National Employment Plan reserves 60% of training slots for women.

<i>Enrolment in vocational training courses</i>	<i>2004</i>		<i>2006</i>	
	<i>Both sexes (000)</i>	<i>% Women</i>	<i>Both sexes (000)</i>	<i>% Women</i>
TOTAL	252,578	60.25	275.835	61.54
Professional and vocational training courses	234,066	60.67	263,195	61.74
Workshop schools	8,053	39.25	4,029	33.83
Trade schools	1,341	53.17	478	42.05
Employment workshops	9,118	68.85	8,133	69.9

Source: Women's Institute, using data from the *Anuario de Estadísticas laborales*.

209. The Agreement on Vocational Training for Employment (7 February 2006) focuses on improving the real employability of people, especially women, young people, immigrants, and persons with disabilities, in order to meet the requirements of the labour market.

210. In this context, the Women's Institute has pursued the programmes co-financed by the European Social Fund: INNOVA, Project C-TEST, and Entrepreneurial Support for Women (PAEM), in cooperation with the High Council of Chambers of Commerce, Industry and Navigation of Spain and local chambers of commerce. In 2006 alone assistance was provided to 10,748 women, and a total of 2,313 enterprises were created, most of them small or micro-enterprises, and primarily in the services sector, especially retail trade. These enterprises generated paid employment to the extent of 633 jobs during the year.

211. The Institute's online advisory service, "e-empresarias.net", has a maximum response time of 48 hours. It answered 12,981 consultations in 2006, from 5,233 women.

212. The Microcredit Advisory Programme is continuing, in collaboration with various female business organizations, the Ministry of Industry, Tourism and Trade, and the savings and loans institutions. It has established a line of credit of €6 million. Loan ceilings varied from €12,000 in 2004 to €15,000 in 2005 and 2006, with very favourable conditions, no need for collateral, and a guarantee for the business project endorsed by one of the collaborating entities. From 2004 until October 2006, 450 microcredits were granted, involving investments of €640,000.

213. Under the "business coaching" programme, technical advisory services are tailored to beneficiaries of the microcredit programme, to lower the casualty rate among enterprises, particularly at start-up. As well, monitoring and coaching activities were launched in 2005 to help consolidate new businesses and improve their competitiveness: 170 women participated in these activities, which ran for at least eight months, covering part of 2005 and all of 2006.

214. The Female Entrepreneur programme (*Emprender en Femenino*) has increased the subsidy for female entrepreneurs, which now ranges from a minimum of €6,000 to a maximum of €12,000. In 2004, eligible activities were supposed to fall within the so-called "new wellsprings of employment" or to involve professions or occupations in which women are underrepresented, while in subsequent years priority was given to the following sectors: industry, construction, environment, reconciling family and working life, and new technologies.

215. The Women's Institute has signed an agreement with the *Fundación del Instituto Cameral para la Creación y Desarrollo de la Empresa* (INCYDE) and with the *Fundación Escuela de Organización Industrial* (EOI) to promote the entrepreneurial spirit of women who have a business idea, offering them specific training and a customized coaching programme for their projects. In 2006, the two programmes had 339 female participants.

216. A "virtual centre for female entrepreneurs", "Soyempresaria.com", was introduced in July 2005 as a technical tool that also allows for the exchange of experience. It has established "permanent entrepreneurial pavilions" for showing and marketing products and services, training facilities such as the virtual classroom, online consultation, and the Palacio de Congresos, space for holding seminars, conferences and meetings. The number of portal users in 2006 was 4,921.

217. In 2007, the Women's Institute launched the "Virtual School in Equality", which offers online courses at different levels and issues relating to equality of opportunity, targeted at men and women with no previous training, and also professionals working in social and employment services, and business organizations. In its first year, 2,500 people have participated.

218. The "*Optima*" programme, as well as the award for entities that cooperate in promoting equal opportunities for women and men, were forerunners of the "equality plans" in businesses and the "equality mark of distinction" governed by the LOIE. Sixty-two firms from different sectors are still participating in this programme, most of them multinationals, implying a total of 178,000 workers.

219. The Labour and Social Security Inspection Service. Section 2.3.3 of the Fourth Plan for Equal Opportunities between Women and Men 2003-2006 called for the Labour and Social Security Inspection Service to give priority to activities designed to "eradicate any direct or indirect discrimination on grounds of sex, with particular attention to pay discrimination and sexual harassment."

220. In implementing this measure, the General Directorate of Labour and Social Security Inspection has prepared a National Plan of Action for Labour and Social Security Inspection to Counter Occupational Discrimination against Women, which includes measures to combat pay discrimination.

221. Among the measures included in that plan are the following:

- Inspections in this area are of a mandatory and priority nature: the processing of complaints is to begin within 24 hours after receipt, and a maximum of two months is allowed for proving the facts.
- Specialized training for Labour and Social Security Inspectors.
- Those Provincial Labour Inspection Offices with 20 or more staff must have one person who is an expert in equality matters. That number will be increased as necessary in provincial inspection offices with 40 staff or more.

222. The concrete activities of the Labour and Social Security Inspection Service dealing with gender-based discrimination in 2004 and 2005 are summarized in the following table:

<i>Discrimination on grounds of sex</i>	<i>2004</i>	<i>2005</i>
Number of complaints	195	170
Number of actions	637	621
Number of violations confirmed	35	28
Amount of fines imposed (euros)	280,435	217,127
Number of workers affected by violations	84	1.410
Number of summonses issued	39	55

Source: *Dirección General de la Inspección de Trabajo y Seguridad Social.*

Article 12. Health

I. Current situation

223. Data from the "Women and Health Observatory" of the Ministry of Health and Consumer Affairs published in the "Health and Gender Report" for 2006 show the life expectancy of women to be 83.8 years, and that of men 77.2 years, which is to say that women live on average 6.6 years longer than men.

224. According to advance results from the 2006 National Health Survey, 56% of persons with limitations on their daily activity are women. In fact, the disability rate for women is nearly 10 percentage points higher than that for men.

225. The principal causes of male and female mortality are tumours (breast cancer in women, lung cancer in men) and diseases of the circulatory system. Cancer death rates among men are twice those among women, and the death rate from circulatory disease is three times that for women.

Mortality rates by cause, sex and age group (per 100,000 inhabitants)

<i>Causes</i>	<i>45 to 49 years</i>		<i>50 to 54 years</i>		<i>55 to 59 years</i>		<i>60 to 64 years</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Tumours								
-breast cancer	0.06	22.81	0.07	30.29	0.252	39.56	0.49	47.52
-cervical cancer	-	3.30	-	4.47	-	3.20	-	4.12
-ovarian cancer	-	5.68	-	8.73	-	10.81	-	17.30

Causes	45 to 49 years		50 to 54 years		55 to 59 years		60 to 64 years	
	Men	Women	Men	Women	Men	Women	Men	Women
Diseases of the circulatory system	70.26	21.23	113.11	31.05	181.41	50.71	281.67	91.19
-acute myocardial infarction	27.59	4.69	43.02	6.98	66.7	11.85	97.07	21.33
-other ischemic diseases of the heart	8.24	1.72	17.44	2.2	27.27	3.76	43.37	9.79
-cerebrovascular diseases	13.03	7.01	17.59	9.94	31.38	15.3	53.99	24.53
Diseases of the respiratory system	13.43	4.89	23.95	8.04	42.2	11.53	78.48	21.51
Diseases of the digestive system	31.91	7.93	45.82	10.249	58.06	16.02	76.91	23.6
Cirrhosis and other chronic liver diseases	21.34	5.09	31.16	6.3	33.01	8.81	50.65	12.06

Source: *Encuesta de Mortalidad*. 2005 INE. Ministry of Health and Consumer Affairs.

226. Tobacco consumption. According to the 2005 Report of the Ministry of Health and Consumer Affairs, 38% of Spanish men and 24.1% of Spanish women were daily or occasional tobacco users. However, the figures for women are approaching those for men, particularly in the 25 to 44 year age group.

227. Alcohol consumption. According to the same source, there has been a clearly declining trend over the last decade. The percentage of the adult population, male and female alike, that abstains from alcohol rose by more than 6% between 1993 and 2003. 55.9% of women and 31.3% of men were non-drinkers in this last year. However, it must be noted that of the man who had consumed alcohol in the last 12 months, 40% did so daily, compared to 18.56% in the case of women.

228. Spain ranks fourth among EU countries in the consumption of cannabis, amphetamines and ecstasy, and it is the country with the highest consumption of cocaine. Consumption of cannabis and cocaine showed a rising trend from 1994 to 2004. According to the 2004 report of the Spanish Drugs Observatory, the average age of initiation to drug use is lower for males than for females, but women seek treatment for the first time at a much younger age than men.

229. The contraceptive methods most widely used by women (bearing in mind that the same woman may use more than one method) are the condom (45.93%) and the pill (21.53%).

230. According to INE data on sexual health and habits in 2004, 41% of persons maintaining casual sexual relations during the last year did not use a condom. Among persons younger than 30 years, there were no differences by sex in the frequency of condom use with occasional partners. On the other hand, condom use is less frequent among older persons, and this difference is particularly pronounced in the case of women. Women and men both say that the woman does not take the initiative in ensuring that a condom is available: nearly 3 times out of four, it is the man who brings the condom.

231. Voluntary termination of pregnancy, according to data from the Ministry of Health and Consumer Affairs, has risen from a total of 51,002 interventions in 1996 to 84,985 in 2004. Pregnancy terminations among adolescents (15 to 19 years) amounted to 7,211 in 1996 and a total of 11,677 in 2004.

232. Although the data suggest a declining trend, the percentage of women in diagnosed cases of HIV/AIDS rose to 24.46% in 2004, and their average age at

diagnosis was 30.9 years. Persons infected through unprotected heterosexual relations accounted for 29.2% of cases. This category of transmission is very important, representing 52% of AIDS diagnoses reported in 2004.

II. Legal and regulatory developments

233. Law 14/2006 of 26 May, on assisted reproduction techniques, updates and improves previous legislation and regulates specific aspects relating to filiation, including cases of marriage between persons of the same sex.

234. Law 14/2007 3 July on biomedical research regulates the donation and use of human embryos and fetuses. It prohibits abortion for the purpose of donation and bans members of the medical team conducting the abortion from intervening in the use of the aborted embryo or foetus. As well, it establishes that, for a donation to be valid, there must be a concurrence of the informed consent of the donor and the expulsion in the gestating women of the embryos and fetuses without possibility of maintaining their vital autonomy.

235. The LOIE requires the central, regional and local governments to integrate the principle of equality in health policy through the adoption of initiatives designed to:

- Favour the specific promotion of women's health.
- Encourage scientific research on the differences between women and men in connection with protection of their health.
- Include sexual harassment and harassment on the grounds of sex in their schemes for the protection, furtherance and improvement of occupational health.
- Integrate the principle of equality in training for staff working in health institutions, especially to ensure their ability to detect and handle gender violence situations
- Ensure the balanced presence of women and men in management and positions of professional responsibility in the National Health System as a whole.
- Gather and process data in records, surveys, statistics and other systems of medical and health information, disaggregated by sex wherever possible.

III. Policies and programmes

236. The National Health System Quality Plan prepared by the Ministry of Health and Consumer Affairs is intended to pursue six broad strategies, one of which is to foster equity. The Women's Health Observatory, created in 2004 under the Director General of the Quality Agency of the SNS (National Health System), is intended to collect and publish information on gender inequalities in health.

237. The promotion of equality focuses on two broad areas:

- Promoting health policies based on best practices.
- Analyzing health policies and proposing steps to reduce gender inequalities.

238. Health policies must be based on gender-disaggregated data for monitoring and evaluation purposes.

239. In the second area, the following activities are being pursued:

- Production and publication of an Annual Report on Health and Gender.
- Making reliable information available on gender and health at the webpage of the Ministry of Health and Consumer Affairs.
- Promoting inclusion of the gender perspective in health information systems and health strategies.
- Providing training for health workers in gender inequality in health, both through university education and in ongoing training.
- Paying particular attention to the prevention of unwanted pregnancies.
- Improving understanding of the magnitude and trends of gender violence as a health problem, and promoting sources of information and indicators.
- Improving prevention, detection and care for women at risk or victims of gender violence.
- Health studies of older women (the "double shift", informal care, medical treatment for aging) and reporting on the resources available for improving their lifestyle and self-perception of their health.
- Studies of gender differences in alcohol and drug consumption patterns among young people.
- Development of indicators on sexual and reproductive health care, and the dissemination of good practices.
- Reports and studies to improve the accessibility of health services for at-risk groups and to develop strategies to promote a multicultural approach to health care.

240. In 2007, the Ministry of Health and Consumer Affairs signed a voluntary agreement with the country's leading clothing manufacturers to promote "healthy beauty" standards among Spanish women. Size 46 will no longer be considered a "special size", show-window mannequins will reflect the reality of Spanish women's bodies, with size 38 as a minimum, and sizes will be standardized. All these measures will be introduced gradually under a four-year agreement, renewable annually, which calls for a monitoring committee to oversee compliance.

241. The Women's Institute has signed the following agreements:

(a) With the Ministry of Health and Consumer Affairs to promote research, activities and programmes of health information for women, to prepare statistics that include the gender variable, and to strengthen the analysis of data from the gender perspective. HIV/AIDS prevention programmes reflect general recommendation 15 of the CEDAW committee.

- A programme of psychosocial assistance for victims of breast cancer to help them deal with the diagnosis and treatment.
- A programme of HIV/AIDS prevention for women, in cooperation with the Secretariat of the National AIDS Plan and the health services and equality bodies of the Autonomous Communities, to train and sensitize health workers.

A protocol has been prepared and published on the prevention of heterosexual transmission of HIV with a gender focus in primary care.

- A programme for the prevention of pregnancies, sexually transmitted diseases and HIV/AIDS among youth, to train primary health care personnel in giving special attention to young people, in collaboration with the participating Autonomous Communities and the Secretariat of the National AIDS Plan of the Ministry of Health and Consumer Affairs.

(b) With the Government Representative for the National Drugs Plan: this agreement has produced a gender-differentiated analysis of the results of the study of drug consumption among the prison population, a meeting targeted at professionals in the sector, and a re-issue of the professional manual on Women and Drugs.

(c) With the Carlos III Health Institute for training and research work on prevention and early detection in the area of women's health.

(d) With the Fundación Universidad Alcalá de Henares to sponsor postgraduate training and sensitization for health workers in efforts to improve the promotion of health, prevention and care for women from a gender perspective.

(e) With the Universidad Europea de Madrid for a Master's degree programme in integral women's health.

242. The Ministry of Health and Consumer Affairs, through the Institute for Health Information and the Women's Health Observatory, has revised the National Health Survey to reflect women's health and gender inequalities, with the addition of specific questions on gender violence.

243. Other activities

- International Symposium on Women and Tobacco.
- Programme for dealing with women's concerns in the primary care services and in family medicine training programmes.

244. With respect to the funding programmes, during the years covered by this report the following health programmes have received financial support:

IRPF Funding

	<i>2004</i>	<i>2005</i>	<i>2006</i>
N° entities	4	4	4
N° programmes	4	4	4
Total funding	€581,609	€611,047	€614,555

General Fund

	<i>2004</i>	<i>2005</i>	<i>2006</i>
N° entities	9	8	4
N° programmes	12	9	6
Total funding	€122,165	€89,804	€63,715

Article 13. Social and economic benefits

Article 13a. Family economic support

245. In the Social Security provisions for needy families, there are differences in the kind of services offered to women and men: women tend to receive widow's pensions or allowances for family members, while men are more likely to draw benefits for disability or retirement, as can be seen from the following data on contributory and non-contributory pensions:

<i>Contributory pensions and average amounts</i>	2004				2005			
	<i>Both sexes</i>	<i>% Women</i>	<i>Average amounts for women</i>	<i>Average amounts for men</i>	<i>Both sexes</i>	<i>% women</i>	<i>Average amounts for Women</i>	<i>Average amounts for men</i>
Total	7,887,961	50.34	447.53	717.41	8,107,268	51.01	469.10	761.02
Permanent disability	795,361	31.34	537.85	732.08	845,667	32.77	567.58	768.56
Retirement	4,634,658	33.59	460.56	753.18	4,777,953	34.77	479.68	800.07
Widowhood	2,153,557	93.27	440.02	354.96	2,183,358	93.28	461.07	369.15
Family members	40,502	79.47	338.26	304.64	39,570	79.48	362.04	326.70
Orphans	263,883	49.31	254.48	250.10	260,720	49.25	273.16	269.62

Source: National Social Security Institute and Women's Institute.

<i>Non-contributory pensions</i>	2004		2005		2006	
	<i>Both sexes</i>	<i>% Women</i>	<i>Both sexes</i>	<i>% Women</i>	<i>Both sexes</i>	<i>% Women</i>
Disability	207,025	58.62	205,319	57.23	204,844	57.20
Retirement	281,447	83.77	279,189	81.71	276,920	82.35

Source: National Social Security Institute.

246. With respect to unemployment allowances, the following table shows data on beneficiaries by type of allowance:

	2004		2005		2006	
	<i>Both sexes</i>	<i>% Women</i>	<i>Both sexes</i>	<i>% Women</i>	<i>Both sexes</i>	<i>% Women</i>
Total	1,262,391	50.59	1,295,201	51.90	1,330,432	53.22
Contribution level	663,154	45.65	687,033	46.57	720,384	47.76
Assistance level	559,984	54.83	558,501	56.33	558,702	58.02
Renta Activa de Inserción (Minimum income)	39,253	73.79	49,666	75.79	51,346	77.44

Source: Women's Institute, using data from the MTAS *Anuario de Estadísticas Laboral*.

I. Legal and regulatory developments

247. Law 8/2005 of 6 June, on reconciling non-contributory disability pensions with paid work, responds to a unanimous demand of groups representing disabled persons. It allows the orphans' pension, on the grounds of disability for any type of work, to be compatible with the dependent child allowance, under specified circumstances relating to the degree of disability.

248. Law 9/2005 of 6 June makes the mandatory old-age and disability insurance (SOVI) pension compatible with Social Security Widow's pension system. This move reflects the residual nature of the SOVI pensions and the fact that they are the principal means of support for a significant number of older women.

249. Royal Decree 1335/2005 of 11 November, regulating family allowances under the Social Security system, is intended to implement the new family protection features of Law 52/2003 of 10 December, and specific provisions relating to Social Security, and to systematize family allowances for the first time in a single regulatory text. Moreover, this decree relaxes the grounds for cancellation of the orphan's pension on grounds of disability, and allows the other parent to receive maternity benefits if the mother dies during or after childbirth.

250. Royal Decree 1621/2005 of 30 December makes further provisions for the protection of large families. It establishes the conditions for recognition as a large family, and the social benefits applicable in different spheres, such as education, transportation and housing.

251. There is a maternity tax credit under the individual income tax (IRPF) amounting to €1200 annually or €100 monthly, for each child under the age of three years, applicable to mothers who are employed or working for their own account, with right to the minimum allowance per child, regulated in Royal Decree 1775/2004 of 30 July.

252. Law 35/2007 of 15 November establishes the IRPF tax credit and a one-time Social Security payment for the birth or adoption of a child, after 1 July 2007:

- The one-time tax credit for birth or adoption amounts to €2500 for each child, and may be applied for by persons employed or working for their own account at the time of birth or adoption, or persons who during the previous tax year have earned income or capital gains subject to withholding tax or prepayment, or income from economic activities in respect of which instalment payments have been made. This tax credit is compatible with the maternity tax credit.
- A one-time non-contributory benefit of €2500 applies for the birth or adoption of each child, for persons who do not work or receive the income cited above. This benefit may be compatible with other family benefits under the Social Security programme, but it is incompatible with the above-mentioned tax credit.

253. Law 39/2006 of 14 December, on the promotion of personal independence and care for dependent persons, establishes services and economic benefits that are explained in greater detail in the chapter of this report on "social exclusion".

254. The LOIE also introduces a series of amendments to the General Social Security Law:

- Recognition of paternity and breast-feeding risk benefits.
- The maternity or paternity leave subsisting on the date on which an employment contract ends or beginning while unemployment benefits are being drawn will be considered to be effective contribution time.
- The period during which a person must have contributed for 180 days to be eligible for the maternity allowance is extended to seven years (this right also applies to a person who has contributed for one year over his or her entire

working life). Workers under 21 years of age do not have to prove any previous period of contribution (although they must be registered in the Social Security system) to be eligible for the maternity benefit; workers between 21 and 26 years must only demonstrate a contribution period of 90 days to be eligible.

- A new maternity grant for employed women who do not have the minimum contribution period for eligibility for the maternity allowance. The amount of this grant will be 100% of the IPREM, and it will run for 42 calendar days after birth.
- Social Security contributions made for working days that are reduced in order to care for a child (during the first two years) or relative (during the first year) will be deemed as contributions for a full day's work.
- When leaves of absence to care for children or family members are preceded by a period of shortened working hours, Social Security contributions made during that time will be treated as full-time contributions.
- The benefit for risk during pregnancy is increased up to 100%.
- Maternity and paternity leave will not be deducted for purposes of the unemployment benefit, and protection of paternity will be included in training contracts.
- Independent workers will be eligible for the maternity benefit and for paternity leave, and contributions paid to Social Security by Independent workers during their maternity leave will be subject to 100% relief.

255. The LOIE also proclaims equality of treatment in access to goods and services, stipulating that, in general, insurance companies may not treat sex as a factor in calculating premiums and benefits, nor may they inquire as to whether a woman is pregnant.

256. Law 18/2007 of 4 July, on the integration of independent workers into the special agrarian regime of the Social Security system, allows a 30% reduction in contributions for five years for persons enrolled in that regime as of 1 January 2008, who were 40 years of age or less at the time of their enrolment and who are spouses or descendants of farm owners registered in the system.

257. Law 20/2007 of 11 July, on the status of independent workers, establishes a series of measures to enhance social protection, including: extension to all independent persons of protection in case of illness, establishment of an allowance for independent persons who cease their activity for reasons beyond their control, the possibility of paternity leave, and improved protection for maternity and risk during pregnancy or breast-feeding.

258. Royal Decree 1618/2007 of 7 December, on the Alimony Payment Guarantee Fund, provides for the payment of minimum amounts for court-ordered child support in case of default by the obligated person. These benefits apply to children who are minors as well as to adult children who are more than 65% disabled. The amounts granted are treated as repayable advances, and are limited to 18 months with a ceiling of €100 for each child.

259. Law 41/2007 of 7 December, amending Law 2/1981 of 25 March, regulating the mortgage market, provides for automatic subrogation of the State if the Alimony

Guarantee Fund is activated. It also gives the State preference deriving from alimony obligations for periods previous to those covered by the advance.

260. Law 40/2007 of 4 December, on social security measures, introduces some important changes:

- The widow's pension applies to de facto couples who have lived together for five years, and where the person is economically dependent.
- It creates a temporary (two years) widow's allowance for exceptional circumstances in which the person dies of a common disease, there are no children in common, and one year of cohabitation cannot be proven.
- Widowhood pension eligibility for persons legally separated or divorced is conditional upon extinction of the compensatory pension referred to in Article 97 of the civil code, through the death of the recipient.
- In case of concurrent beneficiaries with pension rights, 40% of the regulatory base of the pension will be paid to the surviving spouse or person who, while not a spouse, was living with the recipient, and meets the established requirements.
- Any person convicted of a crime of homicide in any form loses the status of beneficiary for the widowhood pension. In this case, the pension that should have been awarded will be added to the orphans' pensions.

Article 13b. Sports, art and culture

I. Current situation

261. Statistics on time use show that men have more time to devote to leisure and sporting activities.

Percentage of persons engaging in recreational activities during the day, and average time devoted to such activities*

	2003			
	% Women	Average daily duration	% Men	Average daily duration
Personal care	100	11:20	100	11:24
Work	26.0	6:51	43.5	8:18
Study	15.2	5:19	14.9	5:32
Home and family	92.7	4:50	70.1	2:06
Voluntary work and meetings	15.2	1:42	9.9	1:51
Social life and entertainment	64.5	1:58	64.3	2:08
Sports and outdoors activities	35.4	1:36	40.6	2:11
Games and hobbies	12.7	1:30	22.5	1:55
Communications media	87.5	2:31	88.0	2:54
Trips and unspecified use of time	82.2	1:21	87.3	1:27

(*) Total for the week.

Source: INE. Encuesta de Empleo del Tiempo (EET).

Sports and outdoors activities

	2003			
	% Women	Average daily duration	% Men	Average daily duration
Total	38.1	1:43	42.7	2:12
Physical exercise	37.9	1:43	42	2:08
Unspecified physical Exercise	0.4	1:10	1.4	1:24
Walking, hiking	32.1	1:41	31.5	2:05
Running	0.3	1:05	1.1	1:01
Cycling, skiing and skating	0.3	1:37	1.5	1:59
Ball sports	0.7	1:33	4.7	1:47
Gymnastics	3	1:06	1.9	1:07
Fitness and training	0.6	0:59	1.4	1:20
Aquatic sports	2.6	1:18	2.7	1:25
Other specified physical activities	0.5	1:41	0.8	2:16
Productive exercise*	0.1	2:14	1	3:55
Sports-related activities	0.6	0:25	1.1	0:28

* Productive exercise includes hunting and fishing, mushroom gathering, berry picking, etc.

Source: INE. *Encuesta de Empleo del Tiempo*.

262. The study of sporting attitudes and practices among Spanish women (1990-2005), undertaken by the Women's Institute, arrived at the following conclusions: women show less interest in sports than men, but over the last 15 years that interest has increased, primarily because of changes in mentality, gender equality, more leisure time, and the increase in sporting facilities.

People who regularly engage in activities, by sex and cultural area

% for each sex	Women	Men
Museum visits	31.3	31.0
Library visits	19.5	15.6
Reading		
newspapers	68.1	79.8
books related to a profession or studies	22.5	27.9
books not related to a profession or studies	56.7	48.1
magazines	47.4	33.6
Stage arts (attendance)		
Theatre	21.0	17.0
Opera	2.8	2.6
Zarzuela	2.1	1.7
Ballet/ dance	6.2	4.0
Musical arts (attendance)		
classical music concerts	8.0	8.7
popular music concerts	24.0	28.9

<i>% for each sex</i>	<i>Women</i>	<i>Men</i>
Listening to music	85.3	88.6
Cinema	50.1	54.3
Audiovisual (watching or listening)		
Radio	78.9	84.3
Video	47.5	56.5
Television	98.0	98.1
Using new technologies		
computer	39.7	50.7
Internet	34.5	44.7

Source: Ministry of Culture. Encuestas de Hábitos y Prácticas culturales en España 2006- 2007.

263. When it comes to accessing new technologies, it must be noted that while computer and Internet use rates are fairly similar among women and men, Internet use is greater among men.

<i>(% for each sex)</i>	<i>2004</i>		<i>2006 (second half)</i>	
	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>
Persons who have used a computer in the last three months	40.31	50.86	50.90	57.40
Persons who have used the Internet in the last three months	32.86	42.27	45.2	52
Persons who have used the Internet at least once a week during the last three months			36	44.6
Persons who have made purchases via Internet in the last three months	3.36	6.71	9.5	13.80
Persons using mobile telephones			83.4	86.30

Source: INE: Encuesta de Tecnologías de la Información en los Hogares.

II. Legal and regulatory developments

264. The LOIE provides for mainstreaming the principle of equal treatment and opportunities in the area of artistic and intellectual creation and production, as well as in sports, and calls for various activities, including the following:

- Initiatives to promote women in culture and to combat structural discrimination.
- Active policies of financial assistance for artistic and intellectual creation and production.
- Balanced presence of women and men in government-sponsored artistic and cultural offerings.
- Balanced representation in artistic and cultural governing bodies.
- Encouragement of female sports and opening sporting disciplines to women.

III. Policies and programmes

265. Since 2005, International Women's Day has been celebrated with a cultural festival, "Ellas crean" ("Women Create"), in which new works dealing with women's lives, in music, literature, cinema, painting and photography, are presented

jointly by women from different countries and areas who have made their mark, professionally and personally, and have demonstrated their commitment and contribution to feminism.

266. The Women's Institute launched this exhibition on the occasion of the 75th anniversary of female suffrage in Spain, along with an exhibition about women's achievements in sports ("*Siempre Adelante. Mujeres Deportistas*").

267. To encourage the writing of literary and dramatic works by women, the Women's Institute, in collaboration with the *Fundación Autor de la Sociedad General de Autores y Editores*, awarded the first "Maria Teresa Leon" prize for female playwrights.

268. The "*Ingenio 2010*" ("Ingenuity 2010") programme is a strategy for economic development based on an understanding of information and communication technologies and their extension to society as a whole. In this context, the *Plan Avanza* has assigned a budget of 37 million to promote gender equality and women's inclusion in the information society, and a further 40 million to promote broadband and rural access centres.

269. The High Council of Sports has approved a plan of activities to promote gender equality, including:

- Measures to promote gender equality in sports.
- Measures to promote gender equality through the image of the High Council on Sports and
- Measures to promote research for fostering gender equality.

270. In 2005, the Women and Sports Commission of the Spanish Olympic Committee, with the support of the Women's Institute and the High Council on Sports, prepared a study on women in the governance bodies of Spanish sporting organizations, highlighting the situation of women in sports and in the field of sports management in Spain.

Article 14. Rural women

I. Current situation

271. Recent years have seen a slowing of the process of rural depopulation that was very pronounced in Spain for the previous four decades. According to data from the 2005 municipal census, the rural population (living in municipalities with fewer than 2,000 inhabitants) was 2,892,154, representing 6.6% of the total national population. Women represent 48.4% of this figure, while in urban areas they account for more than 51% of the population, which implies a decrease in the number of women as the size of the community declines.

272. Women have traditionally been relegated to secondary roles in the countryside, or treated simply as helpers in the tasks performed by men, and they have very little social and economic recognition. There are a great many women involved in running family farms as wives, as daughters or in other capacities, and they do not usually contribute to the Social Security system, which means that their role in agriculture is not fully reflected.

273. According to data from the last agrarian census (1999), fewer than 30% of farms are owned by women.

	<i>Farm owners both sexes</i>	<i>% women</i>
Farms with land ownership	1,697,214	29.68
Farms without land ownership	23,364	24.97

Source: INE. *Censo Agrario* 1999.

274. The following table shows employment in agriculture, by sex:

	<i>2004</i>		<i>2006</i>		<i>2007 (Q2)</i>	
	<i>Both sexes (000)</i>	<i>%Women</i>	<i>Both sexes (000)</i>	<i>%Women</i>	<i>Both sexes (000)</i>	<i>%Women</i>
Total	18,288	39.43	20,002	40.85	20,367	41.04
Agriculture	980	27.76	922	27.19	921	26.55

Source: Women's Institute, using data from the *Encuesta de Población Activa*.

275. The greatest number of female farmers are engaged in livestock raising (particularly dairy farming) and in irrigated horticulture.

276. A great many women work as employees in the agri-food industry (31%) and agriculture in the process of rural development, although these tend to be casual workers. While they generally come from family farms, there has been a sharp increase in immigrant female workers.

277. The female contingent is generally highest in intensive agriculture, such as intensive horticulture and floriculture, and in processing warehouses, i.e. activities where it is easier to reconcile family and working life. There has been an observable increase in casual as opposed to formal employment, replacing family labour, particularly in the most dynamic branches of agriculture.

278. Work of this kind is directly dependent on the seasonal nature of crops: for many women the only opportunities for employment are in low-skilled seasonal work (harvesting olives, grapes, citrus, fruits and vegetables).

279. Another group of women is able to work at different tasks, regardless of the season, in the cultivation of greenhouse crops or long-maturing fruits and vegetables.

280. Increasing numbers of women, particularly the younger ones, are employed in non-agricultural occupations that they have developed themselves through entrepreneurial initiatives, such as rural tourism, handicrafts, and firms processing agricultural products.

II. Legal and regulatory developments

281. Royal Decree 620/2005 of 27 May, approving the plan for restructuring the dairy industry, gives priority to women working on a dairy farm, whether or not they own it. In farms where ownership falls to one person but the two spouses do the work, the quota is divided between the two in determining the dimension needed for qualification as a preferred operation. As well, female-owned farms are awarded an additional point on the scale.

282. The LOIE requires the Ministry of Agriculture, Fisheries and Food and the Ministry of Labour and Social Affairs to prepare legal arrangements for shared ownership, so that farm women will enjoy full exercise of their rights, social security protection, and recognition for their work.

283. The LOIE also requires that rural development efforts must include measures to enhance women's educational level and training, and in particular their employability and their inclusion in management bodies of companies and associations. The central, regional and local governments are to promote new occupational activities that facilitate rural women's employment, and the development of a network of social services to care for children, seniors and other dependents so that rural men and women can reconcile working and family life. The authorities will foster equal opportunities and access to information and communication technologies through policies and activities geared to rural women, and the implementation of alternative technological solutions in areas where coverage by such technologies is not feasible.

284. Law 45/2007 of 13 December, on sustainable rural development, responds to the principle of equal treatment and opportunities between women and men through priority social attention to various population groups, designed to foster socially fair and viable rural development, especially for women and young people. It opens the way to affirmative action in favour of rural women, to address and overcome situations of de facto discrimination on grounds of sex.

III. Policies and programmes

285. The Ministry of Agriculture, Fisheries and Food (MAPA) is sponsoring training and development of women's entrepreneurial capacity as well as their leadership capacity in order to prevent occupational diversification.

286. The plan to promote gender equality in the countryside establishes the principle of transversality in rural development policies, encouraging active participation by women in positions of responsibility, and affirmative action. It also calls for raising the profile of women's work and their participation as owners or co-owners of farms, the retention or incorporation of women in agriculture, female employment and diversification of activities, training, reconciliation, and access to new technologies.

287. Efforts to encourage women to become farm owners are continuing, through interest-rate subsidies and operating bonuses. For the period 2000-2005, the number of beneficiaries was as follows:

<i>Autonomous Community</i>	<i>Total</i>	<i>N° Women</i>	<i>% Women</i>
Andalucía	3,049	938	31
Aragón	1,372	285	21
Asturias	882	310	35
Baleares	227	64	28
Canarias	431	172	40
Cantabria	353	151	43
Castilla y León	2,548	353	14
Castilla- La Mancha	2,478	364	15

<i>Autonomous Community</i>	<i>Total</i>	<i>N° Women</i>	<i>% Women</i>
Cataluña	2,442	640	26
Extremadura	2,288	426	19
Galicia	3,026	1,239	41
Madrid	124	33	27
Murcia	459	114	25
La Rioja	276	43	16
Valencia	1,507	341	23
Spain	21,462	5,473	24

Source: Subdirección General de Igualdad y Modernización. MAPA.

288. The *Leader Plus* Community initiative for the period 2000-2006, in continuation of the Leader I and Leader II programmes, is designed to foster and support high-quality integrated strategies for rural development, with the general objective of mitigating the problems such as population ageing and rural exodus that affect rural towns by draining them of high-quality jobs. The priority is given to proposals submitted by women or by associations in which at least 25% of the membership are women.

289. The *Proder 2* programme for the period 2000-2006 is financed from Community funds, the central government and the Autonomous Communities, as well as local entities and private investment, and represents a set of programmes for rural development that apply endogenous development measures. In the selection of projects, priority is given to proposals submitted by women or by associations in which at least 25% of the membership are women.

290. During the period covered by this report, the most important subsidies programmes provided by the Ministry of Agriculture, Fisheries and Food were the following:

- Encouragement of farming associations and cooperatives on a scale beyond that of the Autonomous Communities, with priority to applications that include the promotion of women's participation.
- Training for agri-food and rural professionals: 20% of grant funds are reserved for activities sponsored by women's organizations with statutory linkages to professional agrarian organizations. Priority is also given to training programmes led by or incorporating a majority of women.
- Promotion of cooperative integration at the national level, with the promotion of women's participation as a priority.
- Technological innovation in rural areas, where the amount of assistance and the selection criteria will depend, among other things, on the offer of technological applications for groups facing employment difficulties (women, youth and the disabled).
- Projects that will contribute to promoting rural women by creating enterprises that offer employment for women.
- The Combined Agrarian Insurance Plan, as an additional subsidy for young female farmers.

- Renewal of agricultural machinery: an increase of €10/hp in the amount of assistance and an increase in the maximum amount of the total investment.

291. The Women's Institute has subsidized programmes to support women in rural areas and in the marine fishery, through the encouragement of entrepreneurship, training and employment programmes, product marketing, creation and management of cooperatives, and natural resource management.

IRPF funding:

	2004	2005	2006
Nº entities	9	6	6
Nº programmes	10	6	6
Total grants	€720,942	€609,000	€715,500

General Fund

	2004	2005	2006
Nº entities	5	6	6
Nº programmes	9	10	10
Total grants	€148,628	€208,536	€220,965

292. In the context of the MAPA prize for the "best Spanish food enterprise", a new award was introduced in 2005, recognizing "women in the business world", aimed at women who through their efforts have set an example of equality in the agri-food business. A new literary prize was also introduced, for "women in agriculture and fisheries", to encourage literary output highlighting the social and human importance of women in these fields.

293. In November 2007, the Spanish Strategy for Sustainable Development was approved, with the goal of achieving a society that is more coherent in the rational use of resources and one that is socially more equitable and includes mainstreaming of the gender perspective.

294. The Ministry of Environment is currently offering a course on gender equality policies, to analyze public management from the gender perspective for the elimination of inequalities. In its publication "*Medio Ambiente en España*" ("The Environment in Spain"), it has introduced a section on gender equality measures, reflecting the Ministry's activities in this area.

295. In the granting of subsidies for environmental projects involving scientific research, and development and technological innovation, additional points are awarded for those where the research team includes women.

296. The Women's Institute is continuing with its annual programme of subsidies for activities:

Entity	Name of activity	Year	Amount
Universidad de Salamanca	Seminar on gender and the environment in the special course on "Environment in the 21st Century: an Interdisciplinary Vision".	2005	€1,000
Universidad de Valladolid	Seminar on "Women and Sustainable Development".	2005	€1,500

Articles 15 and 16. Equality under Civil Law

I. Legal and regulatory developments

297. Law 13/2005 of 1 July, amending the Civil Code provisions governing matrimony, allows marriage between persons of the same sex, with full and equal rights and obligations vis-à-vis marriage between persons of different sex, including the possibility of adoption.

298. Law 15/2005 of 8 July, amending the Civil Code and the Civil Judgments Law with respect to separation and divorce, is intended to ensure that freedom, the highest value in our legal system, is adequately reflected in marriage. Accordingly, the law eliminates the causes legitimizing separation or divorce; provides direct access to divorce without the need to go through a judicial or de facto separation; encourages mutual agreement among the parties in these cases, and reinforces the freedom of the parties in exercising their family responsibilities, bearing in mind in all cases the interest of the child, and regulating shared custody specifically for these purposes.

299. Royal Decree 820/2005 of 8 July, amending the civil registry, approved by decree of 14 November 1958, has introduced changes with three objectives:

- To establish a special procedure that omits reference to original filiation in cases of adoption.
- To allow registration of birth when there is only one filiation; in these cases, the obligation of the mother or father to invent a false parent solely for identification purposes is eliminated.
- To broaden the grounds for cancellation of an award and its total transfer to another, in cases of rectification or modification of sex or filiation.

Social exclusion

I. Current situation

300. Social exclusion is a multidimensional phenomenon that embraces problems such as monetary poverty, problems of labour force entry and access to education, lack of decent housing, poor health, psychophysical capacity and health care, absence or inadequacy of family or community support, and problems of access to new technologies.

301. Prisons are deemed to be at risk of poverty if they live in households where total income is less than 60% of the equivalent national average income. The following table shows relative poverty rates for Spain and the European Union:

Year	Spain		EU average	
	2000	2005	2000	2005
Women	19 %	21 %	17 %	17 %
Men	17 %	19 %	15 %	15 %
Total	18 %	20 %	16 %	16 %

Source: Eurostat.

302. The publication "*Hombres y Mujeres en España 2008*", produced by the National Statistics Institute in collaboration with the Women's Institute, shows the following data:

Relative poverty rates by age and sex (%)

	<i>Both sexes</i>	<i>Men</i>	<i>Women</i>
Total	19.9	18.5	21.2
Under 16 years	23.8	23.6	24.1
16 to 24 years	19.4	17.7	21.2
25 to 49 years	15.5	14.7	16.3
50 to 64 years	16.4	15.4	17.4
65 years and over	30.6	28.0	32.6

Source: *Encuesta de Condiciones de Vida 2006*, INE.

303. In all age groups, the relative poverty rate is higher for women than for men, especially among older women, where the difference exceeds four percentage points (32.6% for women and 28.0% for men).

Homeless persons by sex and distribution by income level

	<i>Both sexes</i>		<i>Men</i>		<i>Women</i>	
	<i>Persons</i>	<i>% of persons</i>	<i>Persons</i>	<i>% of persons</i>	<i>Persons</i>	<i>% of persons</i>
TOTAL	21,900	100.0	18,111	100.0	3,790	100.0
1 to 300 euros	10,872	49.6	9,373	51.8	1,499	39.6
301 to 450 euros	2,392	10.9	1,742	9.6	650	17.2
451 to 600 euros	1,947	8.9	1,490	8.2	457	12.1
Over 600 euros	1,406	6.4	1,174	6.5	232	6.1
Don't know/no answer	5,283	24.1	4,331	23.9	952	25.1

Source: *Encuesta sobre las Personas sin Hogar 2005*. INE.

304. This same publication highlights the fact that 83% of homeless persons in 2005 were men. The average income of these persons is around €300 a month, and is slightly higher in the case of women than in the case of men. Nevertheless, the figures must be analyzed with caution, given the high level of non-response to the income variable.

305. The long-term unemployed are persons who have had no employment for at least one year. Women account for a much larger share of this group than men.

	<i>2004</i>		<i>2006</i>		<i>2007 (Q2)</i>	
	<i>Both sexes (000)</i>	<i>% Women</i>	<i>Both sexes (000)</i>	<i>% Women</i>	<i>Both sexes (000)</i>	<i>% Women</i>
Total	749.1	61.02	452	64.09	433.7	62.53
Age 16 to 19	20.7	53.14	15	52.67	12.9	62.02
20 to 24	101.6	55.51	52.9	62.76	42.3	64.07
25 to 29	125.4	61.24	62.5	65.28	54	66.67
30 to 34	103.9	67.37	52.2	62.84	53	68.49

	2004		2006		2007 (Q2)	
	Both sexes (000)	% Women	Both sexes (000)	% Women	Both sexes (000)	% Women
35 to 39	106.7	70.1	58.5	68.55	49	65.71
40 to 44	80.3	70.73	55.5	71.89	53.4	62.92
45 to 49	79.8	64.16	45.6	63.16	52	69.81
50 to 54	58.4	51.54	50.5	67.72	49.1	59.06
55 to 59	49.1	43.79	39.5	55.44	44	47.73
60 to 64	22.6	35.4	19.1	50.26	22.6	50.44
65 to 69	0.8	62.5	0.3	0	1.0	30
70 and older	0	0	0.2	0	0.3	0

Source: Women's Institute, using data from the *Encuesta de Población Activa* INE.

306. In interpreting data on annual household income in 2004 in relation to age and sex of the person of reference, it must be recalled that the 10,383,000 households where the head of family is a male include most of the households with married or cohabiting partners.

	Total	Up to 9,000 euros	9,000 to 14,000 euros	14,000 to 19,000 euros	19,000 to 25,000 euros	25,000 to 35,000 euros	Over 35,000 euros	No answer
Both sexes	15,141.3	18.3	16.2	14.9	16.0	17.5	16.8	0.4
Men	10,383.0	13.2	15.2	15.5	17.1	19.3	19.2	0.4
Women	4,758.3	29.4	18.2	13.7	13.5	13.6	11.4	0.4

Source: *Encuesta de Condiciones de Vida 2005*, INE.

307. The same differences between households headed by women and households headed by men can be seen by analysing households that cannot afford various expenditures, by age and sex of the person of reference:

	Total	At least one week's vacation per year	Consumption of meat, chicken or fish at least every two days	Keeping the dwelling at proper temperature	Capacity to cope with unexpected expenses
Both sexes	15,141.3	40.4	2.5	9.0	33.8
Men	10,383.0	37.3	2.0	8.2	29.8
Women	4,758.3	47.2	3.4	10.8	42.5

Source: *Encuesta de Condiciones de Vida 2005*, INE.

308. Any attempt to quantify the Roma population must take account of the fact that data on membership of an ethnic group are constitutionally protected, and consequently these variables do not appear in official statistics on population, employment, education, family or social protection. In any case, the Ministry of Labour and Social Affairs estimates the figure for the Roma population in Spain at between 600,000 and 650,000 persons, representing 1.5% of the total Spanish population.

309. According to the National Statistics Institute, in 2004 there were 3,034,326 foreign individuals registered in Spain, of whom 47.08% were women. In 2007, of the 4,519,554 registered foreigners, 46.99% were women.

310. Of the 3,536,347 foreigners with a valid residency card or permit on 30 June 2007, 45.75% were women. The following table shows detailed data with information on age and place of origin of immigrants in this situation.

<i>Continent/Nationality</i>	<i>Total</i>	<i>% Women</i>	<i>Age group</i>				<i>No answer</i>	<i>Average age</i>
			<i>To 15 years</i>	<i>16 to 64 years</i>	<i>Over 64 years</i>			
Total	3,536,347	45.75	446,241	2,939,694	150,231	181	33	
European Community	1,234,217	45.47	87,594	1,034,035	112,574	14	38	
Rest of Europe	109,046	55.11	13,091	94,604	1,351	0	34	
Africa	786,279	34.26	167,043	610,477	8,758	1	28	
Latin America	1,166,810	53.84	141,172	1,006,106	19,528	4	32	
North America	18,801	48.70	1,274	14,252	3,275	0	45	
Asia	218,075	40.64	35,550	177,975	4,550	0	31	
Oceania	1,962	44.16	253	1,552	157	0	38	
Stateless/no answer	1,157	32.83	264	693	38	162	29	

Source: Secretaría de Estado y de Inmigración.

311. It is important to mention the occupational normalization of foreigners that took place in 2005, with a view to granting residency and work permits to foreigners who had been in Spain for at least six months, had a firm offer of employment for six or more months, and met certain conditions. As a result of that process, 573,270 permits were issued, and 550,136 persons were subsequently registered in Social Security. Of those persons, 44.1% were women.

312. The workforce participation rate is higher among the foreign population, especially the non-EU group, than among the Spanish population.

<i>2006</i>	<i>Foreign</i>						
	<i>Total</i>	<i>Spanish</i>	<i>Total</i>	<i>European Union</i>	<i>Rest of Europe</i>	<i>Latin America</i>	<i>Rest of world</i>
Both sexes	58.32	56.17	77.14	57.13	83.92	83.41	73.34
Women	47.95	45.62	68.38	47.91	77.10	78.79	46.36
Men	69.12	67.18	85.89	65.96	91.45	89.13	89.66

Source: Encuesta de Población Activa 2006, INE.

313. It is also important to note the data on foreign workers affiliated with Social Security. Although immigrant women accounted for 46.54% of registered foreigners in 2006, they represented only 39.41% of foreigners affiliated with Social Security.

	2004		2006	
	Both sexes	%Women	Both sexes	%Women
Total	1,076,744	36.71	1,823,973	39.41
Agriculture	125,658	21.46	175,512	25.20
Industry	96,972	22.21	148,029	23.96
Construction	190,536	3.84	377,900	4.19
Services	663,236	51.15	1,122,529	55.53
Noanswer	342	35.38	3	0

Source: *Anuario de Estadísticas Laborales*. Ministry of Labour and Social Affairs.

314. Like Spanish women, immigrant women suffer horizontal and vertical segregation: they frequently hold positions below their vocational qualification, essentially in the services sector, and especially in domestic and hospitality work, sometimes under precarious conditions and contracts.

315. With respect to the health of immigrant women, voluntary abortion rates are high, reflecting difficulties in accessing contraceptive methods and sexual and reproductive health services, because of the lack of information on those services, as well as cultural barriers.

316. According to data from the Plan of Action for Women with Disabilities 2007, women account for 58% of all persons with disabilities. Beyond the age of 65, women are in the majority, and after 80 years they account for 69% of disabled persons. In addition:

- 74.79% of women with disabilities have no education or only primary schooling.
- 6.74% of women with disabilities, compared to 3.66% of men, are illiterate for reasons other than strictly physical or mental problems.
- The activity rate for women with disabilities (21.7%) is lower than that for men with disabilities (34%).
- The unemployment rate among women with disabilities (19.70%) is higher than that for men in this situation (12.8%).
- Only 29.54% of the 43,088 disabled persons who have benefited from employment creation measures are women.

317. In Spain, the population over 65 years of age is 7,484,392: women constitute the majority in this age group.

	2004		2006	
	Both sexes	% Women	Both sexes	% Women
Total	43,197,684	50.73	44,708,964	50.57
65 to 69 years	1,985,775	53.19	1,907,893	53.02
70 to 74 years	1,957,443	54.92	1,978,398	54.65
75 to 79 years	1,538,219	58.09	1,623,278	57.73
80 to 84 years	1,026,585	62.44	1,123,199	61.83
Over 85 years	792,987	70.07	851,624	69.92

Source: Women's Institute, using data from the revised *Padron*. INE.

318. According to data from the White Paper on Dependency, Spain is calculated to have more than 1,125,000 dependent persons, a population that is forecast to rise in coming years. 80% of dependent persons in Spain are over the age of 65.

319. The majority of single-parent families are headed by women. While the number has increased, it should be noted that the percentage of households headed by women has declined slightly, with a consequent increase in the proportion headed by men.

	2000	2006
Total	273.00	382.18
% men	12.23	13.12
% women	87.77	86.87

Source: *Encuesta de Población Activa* (EPA). INE.

Single-parent families, by economic activity of the person of reference

	2004		2006		2007 (second quarter)	
	Both sexes (000)	% Women	Both sexes (000)	% Women	Both sexes (000)	% Women
Total	307.20	88.93	393.30	88.33	405.50	86.86
Active	257.50	87.61	328.50	87.40	341.20	86.25
Employed	217.60	86.17	288.80	86.46	304.80	85.70
Unemployed	39.90	95.49	39.70	94.21	36.40	90.93
Inactive	49.70	95.77	64.80	93.06	64.30	90.05

Source: based on figures from the *Encuesta de Población Activa*. INE.

320. Women account for a very small percentage of the prison population.

	2004		2006	
	Both sexes (000)	% Women	Both sexes (000)	% Women
Total	59,375	7.70	64,021	7.98
Pending trial	13,112	8.76	15,065	9.94
Convicted	45,384	7.44	48,073	7.42
Security measures	520	5.38	612	6.21
Weekend arrests	90	7.78	71	4.23
Unpaid fines	73	8.22	85	1.18
Transit	196	1.02	115	3.48

Source: Women's Institute, using data supplied by the General Directorate of Penitentiary Institutions.

II. Legal and regulatory developments

321. Law 39/2006 of 14 December, on promoting personal autonomy and care for dependent persons, creates a new right for Spanish citizens: the right of persons who cannot look after themselves, in particular the elderly and persons with disabilities, to receive the necessary care from the public authorities.

322. The Law constitutes the System of Autonomy and Dependency Care (SAAD), to promote personal autonomy and to guarantee care and protection for dependent persons throughout Spain, with the collaboration and participation of all levels of government within their area of responsibility. The system is established as a public, diversified network that provides for the coordinated integration of duly accredited public and private centres and services.

323. It creates the Territorial Council of the System of Autonomy and Dependency Care as the cooperation instrument for managing the system.

324. One of the most important new features is the introduction of new financial benefits:

- A financial allowance that people can use to pay for private services; its amount depends on the degree of dependency and the financial capacity of the beneficiary.
- Economic compensation for care provided at home.

325. The LOIE establishes, as a general criterion, that the authorities must consider the specific difficulties encountered by women who are members of particularly vulnerable communities, such as minorities or immigrant groups, girls, women with disabilities and elderly women, widows and victims of gender violence, for whom the authorities may also adopt affirmative action measures.

326. It calls for specific government programmes for the full integration of women into the Information Society, in particular those belonging to excluded groups.

327. It provides that government policies and plans respecting access to housing must include measures to give effect to the principle of equality between women and men, and that urban planning and land-use policies must take account of the needs of different social groups and varying family structures, favouring equal access to all urban services and infrastructure. This article adds that the government will promote access to housing for women in need or at risk of exclusion, and victims of gender violence, particularly when in either case they have children under their exclusive care.

328. Royal Decree 870/2007 of 2 July regulates the assisted employment programme as a means of promoting employment for disabled persons in the regular labour market. This consists of individualized guidance and coaching for disabled persons who have special difficulties in joining the labour market, and must also serve as an instrument to encourage the transition to regular employment.

III. Policies and programmes

329. The Third National Plan of Action for Social Inclusion of the Kingdom of Spain 2005-2006, with a 2005 budget of €21,253,606,604 [sic], addresses the situation of groups or individuals facing difficulties in social integration, such as the elderly, the disabled, vulnerable families, infants, youth, drug addicts, AIDS sufferers, immigrants, asylum-seekers and refugees, the prison population, the Roma population, women and homeless persons. Gender is a constant factor throughout the document. The intent is to secure equal opportunities and to combat discrimination in employment, working conditions, health and the distribution of family chores, and to take decisive action against gender violence, as well as to encourage cultural recognition and social participation, especially for women.

330. The CEDAW committee expressed special concern, in its examination of the previous report, over discrimination against immigrant women. In 2005, for the first time, the general budget included a Support Fund for the Reception and Integration of Immigrants, as well as educational support.

331. In fiscal year 2006, with a budget of €182,400,000, priority was given to integral programmes targeted at immigrant women (adult education, vocational training, social skills, employment, and health education) and the training of social workers for incorporating the gender perspective into their work with immigrants.

332. The Strategic Plan for Civic Integration 2007-2010 incorporates the principle of gender mainstreaming, and includes three objectives as specific measures of intervention targeted at immigrant women:

- Incorporate the gender perspective into all phases of immigration policies.
- Promote normal access for immigrant women to programmes targeted at women.
- Facilitate the social integration of immigrant women who are in a situation of particular vulnerability, through the programme to combat gender violence and through social measures and coaching for immigrant women who are prostitutes or victims of trafficking for purposes of sexual exploitation.

333. The Women's Institute has launched a number of initiatives to eliminate discrimination against immigrant women and to guarantee their access to services and resources.

334. The Microcredit Programme shows a notable increase in female immigrant beneficiaries, demonstrating that this form of financing can help excluded groups to join the labour market. Similarly, the priority groups for the "*Emprender en Femenino*" self-employment subsidies have been expanded to include immigrant women, along with women with disabilities, unemployed women over 45 years of age, and long-term unemployed women, female heads of household, and victims of violence.

335. Under the Equal Community Initiative, the "*Bembea*" Project is designed generally to help immigrants find work and to enhance their employability. It analyzes the scope and characteristics of gender violence against immigrant women, developing protocols for intervention, improving occupational skills, and creating and consolidating meeting forums and civic participation bodies.

336. The "*Sara*" Programme, targeted at immigrant women, is designing employment strategies from a gender and intercultural perspective, adapted to the needs and characteristics of each woman, and is working to motivate and coach women to help them integrate and participate. This project is being pursued through agreements with non-profit voluntary humanitarian institutions. During 2006, 123 women participated in the programme.

337. Under the programme for physical, psychological and social care for immigrant women, a Health Guide for Immigrant Women has been published and distributed to immigrant women and to health and social workers, with a view to highlighting the factors that affect the health of immigrant woman and that are directly related to building their identity, and it offers suggestions for amending harmful conduct and patterns of behaviour as they relate to health and well-being. In

the context of this programme, two courses on immigrant women's health were conducted in 2006 for primary healthcare professionals, and a webpage is being developed for the programme.

338. In 2005, a special event was held on the sexual and reproductive rights of immigrant women, and health promotion and care. It was attended by 30 health professionals, NGOs and immigrant women's associations, and institutions active in health and immigration issues.

339. The Action Plan for Older Persons 2003-2007 includes special programmes and activities for older women, such as:

- Awareness campaigns on the social value of women.
- Encouragement for older women to participate in associations, NGOs, and the running of gerontology centres.
- These campaigns include messages about the rational distribution of care responsibilities within the family.
- Programmes to inform older women about specific health issues.

340. The Second Plan of Action for Persons with Disabilities 2003-2007 includes active and preventive measures in favour of women with disabilities, who face discrimination of many kinds because of their disability and their gender.

341. The Plan of Action for Women with Disabilities 2007 includes measures of two kinds: affirmative action, to reduce the gap between men and women with disabilities, and crosscutting measures that involve policies targeted at the general public as well as specific sectoral policies.

342. The Women's Institute has published and distributed a health guide for women with disabilities.

343. The *Estancias de Tiempo Libre* programme, run by the Women's Institute in cooperation with the Autonomous Communities, is continuing to assist women with children in their exclusive care who are also in a situation of economic and social vulnerability. In 2006, 748 women and 1,238 children participated in the programme, the cost of which was €461,256.75.

344. One of the CEDAW committee's recommendations to Spain during presentation of the fifth report was to promote and protect the rights of Roma women, in particular with respect to education, employment, housing and health.

345. The *Consejo Estatal del Pueblo Gitano* has been created as a national council to promote participation and cooperate with Roma associations in the development of general policies, and to encourage equal opportunities and treatment for the Roma population. In 2006, the *Fundación Instituto de Cultura Gitana* was created, sponsored by the Ministry of Culture, for the purpose, among others, of promoting social harmony, with particular attention to equality of opportunity, treatment and gender, and non-discrimination against the Roma population.

346. The Women's Institute has conducted the following activities under the cooperation agreement with the *Fundación Secretariado General Gitano*:

- A special annual event for Roma women (*Jornadas Estatales Mujer Gitana*) focusing on participation, generational change and social image, as an opportunity for Roma women to meet and exchange experiences.
- Seminars for professionals working with Roma people: in 2005 these seminars focused on "the new cultural and gender identity of Roma women in the 21st century", while in 2006 the theme was "Roma women building networks".
- Preparation of teaching materials on working with Roma women in providing care for victims of violence and on "Roma women and new technologies".

347. Female prisoners were also the object of concern in presentation of the last Spanish report to the CEDAW committee. Under the cooperation agreement with the General Directorate of Penitentiary Institutions, the following activities were pursued in 2005 and 2006:

- Health care programme from a gender focus for women in prison.
- Workshops with female inmates in penitentiaries, addressing such issues as self-esteem, violence, healthy habits, STD prevention, sex/gender system, communication and relationships: 111 women took part in 2006.
- Programming and Evaluation Courses, the object of which is to upgrade the training and work of professional penitentiary staff. In 2006, 33 penitentiary professionals participated.
- Preparation of a programme manual and practical guide to help professional staff design and conduct workshops. In 2006, 28 penitentiary professionals participated.
- Creation of a webpage for the programme.
- Legal workshops in penitentiaries, designed to provide female inmates with practical knowledge about their rights and duties. Five such workshops were held in 2006, and approximately 110 female inmates took part.
- Health workshop for interned mothers, designed to improve the overall health of women living in prison with their children. In 2006, 26 women took part.

348. The *Asociación Horizontes Abiertos* ("Open Horizons Association") is cosponsoring the "Galilea Therapeutic Centre" programme in the Centro Penitenciario Madrid II (Alcalá Meco), which offers the resources of a support unit to help women overcome addictions. The objective is to promote the social reintegration of drug-addicted female inmates by providing a suitable environment for their personal development and self-knowledge. The unit worked with 53 women during the year.

349. In 2005 the Ministry of the Interior created the "Victoria Kent National Prize", to be awarded annually, to promote multidisciplinary research in penitentiary matters, with a primary focus on issues relating to women and drugs, open prison regimes, and motivation in penitentiaries.

350. The Women's Institute is pursuing various programmes and initiatives for women at risk of exclusion. For women who have special difficulties in entering the labour market, there is the *CLARA* Programme to enhance their employability. During 2005 and 2006, the programme operated in 20 territories, and involved 603 women.

351. The General Fund has provided grants to institutions and NGOs for programmes or activities to promote the social integration of women in particularly vulnerable situations. It is targeted mainly at immigrant women and prostitutes. Between 2004 and 2006, 14 programmes were approved for a total amount of €186,462.

352. Under the IRPF facility, grants and subsidies amounting to €1,678,388 were provided between 2004 and 2006 for cooperation programmes and social volunteer activities. These funds supported 31 programmes for the social integration of women suffering or at risk of social exclusion.

353. Under the National Scientific Research, Development and Technological Innovation Plan (R+D+I), the programme of grants for research and studies on women includes a study of groups of women at risk of social exclusion. Following are some examples of the studies supported in 2005 and 2006: "Women, immigration and the labour market: are immigrant and national women different?", "The media portrayal of disabled female athletes: an analysis of the images published in the Spanish press", and "Social careers of non-EU immigrant women in Spain. Factors explaining the diversity of intergenerational labour mobility."

354. In addition, the Women's Institute produced the following publications in 2006: "Immigrant women in adult education", "The schooling of daughters of immigrant families", "Women, disabilities and violence", "Health Guide XVII. The health of women with disabilities", and "Incorporation and performance of Roma girls in compulsory secondary education".

Violence against women

I. Current situation

355. In the context of policies for equality of opportunity and treatment between women and men, combating violence against women constitutes a priority area of action. This section of the report covers the different kinds of violence, with the exception of trafficking in women for purposes of sexual exploitation, which is dealt with in the section on prostitution (Article 6). With the approval of Organic Law 1/2004 of 28 December on measures of integral protection against gender violence, policies during this period have focused almost exclusively on combating violence against women committed by men who are or have been their spouse or partner, even if they did not cohabit.

Complaints filed over domestic abuse, by relationship with the perpetrator

		2004	2005	2006	2007
Women. Absolute data (crimes + misdemeanours)	Partner or former partner (1)	57,527	59,758	62,170	63,347
	Mothers	4,867	5,324	5,058	5,111
	Daughters	3,964	4,303	3,954	3,742
	Other relatives	7,786	8,871	8,702	8,373
	TOTAL	74,144	78,256	79,884	80,573
Men. Absolute data (crimes + misdemeanours)	Partner or former partner (1)	9,518	11,080	10,801	10,902
	Fathers	2,646	2,826	2,625	2,528
	Sons	2,796	2,886	2,695	2,480
	Other relatives	6,151	6,919	6,754	6,545
	TOTAL	21,111	23,711	22,875	22,455

Source: Women's Institute, using data supplied by the Ministry of the Interior.

(1) includes all cases where the perpetrator is the spouse, former spouse (including separated/divorced), partner or former partner, fiancé/fiancée or former fiancé/fiancée.

Nota 1: In the Basque Country and in Catalonia the data include only those cases reported to the police and the Civil Guard.

Nota 2: in January 2004, new offences were defined, as a result of legal amendments approved during 2003.

Consequently, the crimes of "genital mutilation" and "abduction of minors" were added. The new wording of Article 153 removes the reference to "habitual abuse", and places it in Article 173, which now reads: "Habitual Abuse in the Family Environment". Finally, the crime of "coercion to prostitution" is expanded in scope to "Coercions/Avails of Prostitution". As well, many offences that were until now treated as misdemeanours are now classified as "crimes".

356. According to information from the Ministry of the Interior, in 2007 a total of 80,573 women filed complaints with the police or the Civil Guard over domestic abuse (at the hands of their partner or former partner, father or mother, children or other relatives). The number of complaints filed by men on the same grounds was much lower, at 22,455.

357. With respect to the cases in which the aggressor is the partner or former partner (gender violence), the number of complaints filed by women in 2007 was 63,347, while the number of complaints filed by men on the same grounds was 10,902.

358. In the case of women, domestic abuse is periodically analyzed in the Macro-Survey on Violence against Women, conducted by the Women's Institute. The results are now available from the years 1999, 2002 and 2006. The survey covers two types of abuse: the so-called "declared abuse", i.e. those cases where women aged 18 years and older consider themselves as having been abused, and "technical abuse", covering cases where, regardless of whether the woman considers herself abused, the responses to key questions in the survey suggest that she may have been the victim of abuse.

	1999	2002	2006
Women considered technically as abused	12.4	11.1	9.6
Women classifying themselves as abused during the last year	4.2	4	3.6

Source: Women's Institute. *III Macroencuesta sobre Violencia contra las Mujeres*.

359. According to the foregoing, 3.6% of the women surveyed in 2006 declared themselves victims of abuse, while the proportion rose to 9.6% under the concept of "technical abuse". The trend since 1999 shows a slow but steady decline: "technical abuse" affected 12.4% of women surveyed in 1999, dropping to 9.6% in 2006. "Declared abuse" also declined, from 4.2% to 3.6% over the same period. The incidence of abuse is greater among foreign women living in Spain (18 years and older) than among Spanish women of the same age: 7% of foreign women declared that they had been victims of abuse during the last year, double the figure for Spanish women (3.5%). In the case of "technical abuse", these differences again appear (17.3% versus 9.3%).

Reported cases of sexual abuse, harassment and assault:

	2004	2005	2006	2007
TOTAL	6,825	7,207	6,798	6,845
Sexual abuse	2,179	2,350	2,182	2,320
Sexual abuse with penetration	219	251	258	262
Sexual harassment	419	402	409	431
Sexual assault	2,521	2,605	2,468	2,259
Sexual assault with penetration	1,487	1,599	1,481	1,573

Source: Women's Institute, using data supplied by the Ministry of the Interior.

Complaints of abuse by a partner or former partner, by age groups

		2002	2003	2004	2005	2006	2007
Women. Absolute data (crimes + misdemeanours)	Under 16	168	250	323	356	380	389
	16-17	345	462	607	771	838	960
	18-20	1,659	2,037	2,583	2,911	3,122	3,336
	21-30	13,601	16,091	18,776	19,831	20,734	21,338
	31-40	16,017	18,290	20,487	20,742	21,433	21,567
	41-50	7,831	8,869	10,125	10,448	10,978	11,055
	51-64	2,955	3,277	3,658	3,680	3,725	3,734
	Over 64	737	814	969	1,019	960	968
	TOTAL	43,313	50,090	57,527	59,758	62,170	63,347
Men. Absolute data (crimes + misdemeanours)	Under 16	48	64	68	88	63	59
	16-17	27	25	33	36	43	45
	18-20	155	141	190	177	196	213
	21-30	1,824	1,889	2,115	2,629	2,652	2,690
	31-40	3,181	3,539	3,695	4,177	4,111	4,154
	41-50	1,837	1,980	2,157	2,542	2,409	2,443
	51-64	922	957	986	1,136	1,044	1,039
	Over 64	222	246	273	295	283	259
	TOTAL	8,216	8,841	9,517	11,080	10,801	10,902

Source: Women's Institute, using data supplied by the Ministry of the Interior.

(1) includes all cases where the perpetrator is the spouse, former spouse (including separated/divorced), partner or former partner, fiancé/fiancée or former fiancé/fiancée.

Nota: In the Basque Country, Girona and Lleida the data include only cases reported to the police and the Civil Guard.

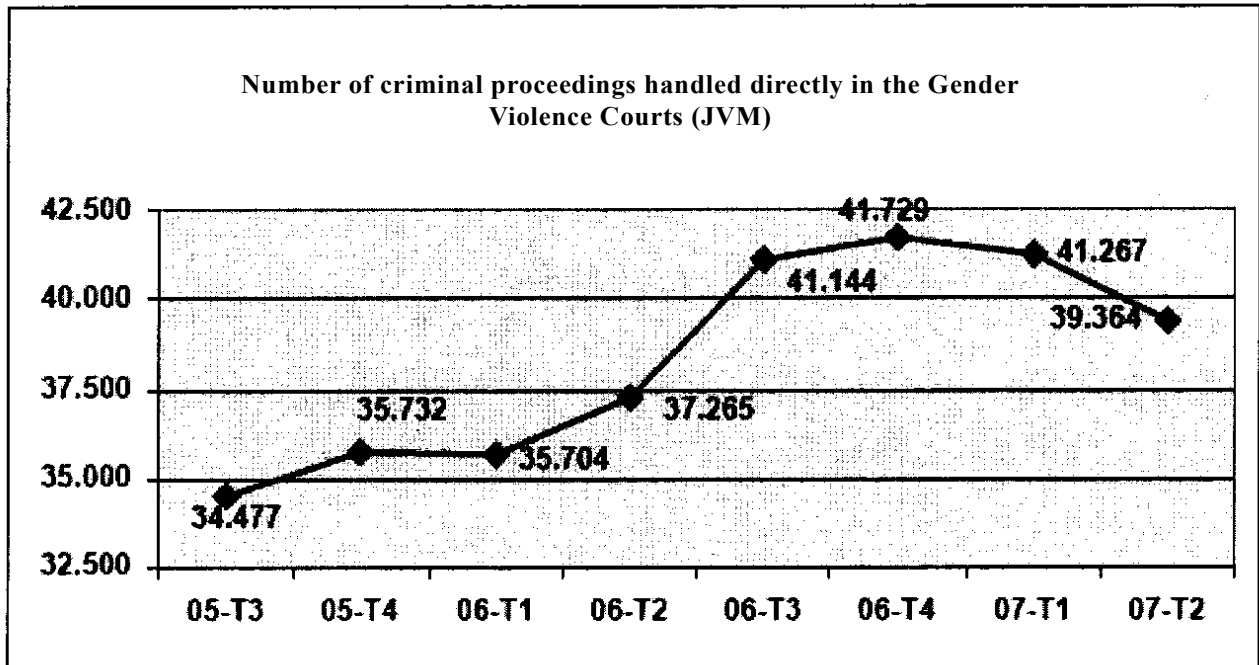
360. Statistics on the most extreme form of gender violence, i.e. those showing the number of women killed through violence, are compiled continuously and systematically by the Special Delegation for Combating Gender Violence.

Women killed by their partner or former partner, by relationship with the perpetrator (Couples in crisis)

	2004	2005	2006	2007
Relationship to assailant	72	58	68	71
Spouse	34	21	31	29
Former spouse	5	3	4	4
Partner	14	11	15	20
Former partner	6	6	9	9
Fiancée	8	12	4	6
Former fiancée	5	5	5	3
In "breakup" phase (1)	12	1	12	7
In "breakup" phase + former partners	28	15	30	23
% "In breakup" as % of total deaths	38.89	25.86	44.12	32.39

361. The year 2007 saw three deaths more than in 2006, and 13 more than in 2005, placing the number of women killed at levels similar to those in 2003 and 2004, before Organic Law 1/2004 came into force. In 2004, the number of women killed by their partner or former partner was 72.

362. The Domestic and Gender Violence Observatory of the General Council of the Judiciary presents the following data in its report:



(From Q3 2005 to Q2 2007)

363. The number of Protection Orders issued from 29 June 2005 to 31 August 2007 was as follows, according to the State Observatory on Violence against Women.

<i>Period</i>	<i>Protection orders</i>					
	<i>Requested</i>		<i>Granted</i>		<i>Denied</i>	
	<i>Total</i>	<i>Monthly average</i>	<i>Total</i>	<i>Monthly average</i>	<i>Total</i>	<i>Monthly average</i>
Total	110,936	4,267	90,242	3,471	20,694	796
29 June to 31 Dec. 2005	23,643	3,941	20,152	3,359	3,491	582
2006	50,815	4,235	41,342	3,445	9,473	789
1 Jan. to 31 Aug. 2007	36,478	4,560	28,748	3,594	7,730	966

- The total number of requests for protection orders against gender violence from 29 June 2005 to 31 August 2007 was 110,936. Of those requests, 90,242 were granted and 20,694 were denied.
- The average monthly number of requests was 4,267 during the entire period, and this figure has been rising gradually since the end of June 2005. The monthly average of requests during the first eight months of 2007 (4,560) was 15.7% higher than the monthly average in the last half of 2005 (3,941).
- Judicial decisions granting protection orders represented 81.35% of all requests submitted since 29 June 2005, while 18.65% were denied. The monthly average of requests granted rose from 3,359 in the second half of 2005 to 3,594 in the first eight months of 2007.

364. As of 31 August 2007, there were 33,841 active precautionary measures of a criminal nature issued. This represents the number of victims and complaints affected by those measures. Precautionary measures were ordered in 5,898 proceedings, and protection measures were ordered in 27,943 cases.

365. As of 31 December 2007, the Gender Violence Courts (JVM) had 83 full-time judges, and 375 judges dealing with such issues as part of their criminal caseload.

II. Legal and regulatory developments

366. Organic Law 11/2003 of 29 September on public safety, domestic violence and the social integration of foreigners introduced into the Criminal Code the crime of genital mutilation in any of its forms.

367. Organic Law 3/2005 of 8 July, amending Organic Law 6/1985 of 1 July, on the Judiciary, approved extraterritorial prosecution of female genital mutilation.

368. Royal Decree 2393/2004 of 11 January on the rights and freedoms of foreigners in Spain and their social integration allows victims to request temporary residence if they have a protection order. As well, in case of nullification of marriage, divorce, legal separation or cancellation of registration as a partner of a national of the European Union or the European Economic Space with a national of a State outside those perimeters, the latter person retains the right to residency if he or she can demonstrate especially severe circumstances, such as having been the victim of violence during the marriage or partnership.

369. Organic Law 1/2004 of 28 December on measures of integral protection against gender violence, which was approved by unanimous vote of all parliamentary factions, demonstrates the concern of political groups to do away with this social scourge.

370. The Law treats as "gender violence" any act of physical and psychological violence, including assaults on sexual freedom, threats, coercion or arbitrary detention, committed by men against women who are or have been their spouse or partner of similar standing, even if they were not cohabiting.

371. The Law establishes measures of integral protection to prevent, punish and eradicate such violence and to provide assistance to its victims, regardless of their origin, religion or any other personal or social condition or circumstance. It contains measures in pursuit of the following goals:

- Strengthening awareness in the fields of education, assistance, health, and advertising in the media.
- Recognition of a series of personal rights guaranteeing prompt, transparent and effective access to social services.
- Strengthening and coordination of social services relating to information, care, crisis support, and integral recovery of the victims.
- Establishment of a series of rights that allow female workers and civil servants to reconcile their occupational needs with their personal circumstances.
- Recognition of economic rights to facilitate women's social integration.
- Creation of a Special Government Delegation on Violence against Women and the State Observatory on Violence against Women to coordinate and promote public policies, and creation of the Special Prosecutor's Office for Violence against Women and the Gender Violence Courts.
- Strengthening the criminal and procedural framework.
- Promoting collaboration and involvement of civil entities, associations and organizations.
- Encouraging the specialization of professional groups providing information, care and protection to victims.

372. Among the rights recognized for female victims of gender violence are the following:

- The right to information and free legal assistance.
- Reduction of working hours, geographical mobility, suspension of employment with their position reserved, termination of their employment contract with unemployment rights, with the period of suspension counted as contribution time for social benefits.
- Priority access to subsidized housing.

373. The Law defines the penalties for threats and coercion and establishes specific programmes of re-education and psychological therapy for persons convicted of such crimes. As well, a person convicted of homicide in any of its forms, where the victim was a spouse or former spouse, is ineligible for the widowhood pension and

the orphans' pension for any children, unless there is subsequent reconciliation. Nor shall such person be eligible for the assistance provided by Law 35/1995 of 11 December on aid and assistance to victims of violent crimes and crimes against sexual freedom.

374. Royal Decree 237/2005 of 4 March creates the Special Delegation of Government on Violence against Women, with the rank of General Directorate, within the Equality Policy Secretariat of the Ministry of Labour and Social Affairs. Its purpose is to formulate public policies regarding gender violence, and to take steps to guarantee the rights of female victims of such violence, working in collaboration and coordination with other government entities. The Special Delegate is also empowered to intervene before the courts to defend the rights and interests enshrined in the Organic Law.

375. Royal Decree 513/2005 of 9 May, amending Royal Decree 355/2004 of 5 March, regulates the central registry for protection of victims of domestic violence, so that the criminal and civil courts hearing family cases, the gender violence courts, the public prosecutor, the judicial police, and the competent government agencies will have the information necessary to fulfill their duties and to provide services for the protection of victims.

376. The State Observatory on Violence against Women is regulated by Royal Decree 253/2006 of 3 March. It is a professional inter-ministerial body reporting to the Ministry of Labour and Social Affairs through the Special Delegation of Government on Violence against Women, and is responsible for advice, evaluation, institutional collaboration, preparation of reports and studies and proposals for dealing with gender violence.

377. Organic Law 2/2006 of 3 May, on education, repeats all the provisions of the Organic Law on Integral Protection against Gender Violence. The principles enshrined in that law include quality education for all students, regardless of their conditions and circumstances; equity, which guarantees equal opportunity, educational inclusion and non-discrimination, and transmission of values that favour personal freedom, responsibility, democratic citizenship, solidarity, tolerance, equality, respect and justice; joint efforts by the student body, families, teachers, centres, administrations, institutions and society as a whole; education in conflict prevention and peaceful settlement of disputes, as well as non-violence in all spheres of personal, family and social life; development of equal rights and opportunities, and effective equality between men and women.

378. During this period, institutional mechanisms of protection were established in the Autonomous Communities: examples are those of Cantabria (Law 1/2004 of 1 April on integral prevention of violence against women and protection of victims), the Community of Madrid (Law 5/2005 of 20 December, on gender violence) and Aragon (Law 4/2007 of 22 March on prevention and integral protection of female victims of violence).

379. Royal Decree 660/2007 of 25 May, amending Royal Decree 355/2004 of 5 March, governing the central registry for the protection of victims of domestic violence: with respect to access to the information contained in the central registry, it reinforces this protection by adopting the measures necessary to avoid this type of action and preventing the assailant from obtaining direct or indirect benefit from his action, and making him ineligible for benefits and assistance.

380. Royal Decree 255/2006 of 3 March, amending the General Regulations governing the terms and conditions of employment in the central government, approved by Royal Decree 365/1995 of 10 March, accords a preferential right to a female employee who is the victim of gender violence to obtain another position within her rank or pay scale, with analogous characteristics, if such position is vacant and must be filled, in order to give her effective protection or to fulfill her right to integral social assistance.

381. Royal Decree 1369/2006 of 24 November, regulating the minimum income programme for the unemployed (*Programa de Renta Activa de Inserción*) includes among its beneficiaries the victims of gender violence and the victims of domestic violence. The programme covers affirmative action measures to enhance women's opportunities for employment, and it provides economic support in the form of a minimum income, in combination with affirmative action measures for employment that do not involve paid compensation.

382. Law 40/2006 of 14 December, on the status of Spanish citizens abroad, requires the authorities to take steps to facilitate the protection and return of Spanish women residing abroad, and their children if any, who are victims of gender violence, if the country of residence does not provide sufficient protection for them.

383. The LOIE includes as one of its general criteria the requirement that the public authorities must take the necessary steps to eradicate gender violence, family violence, and all forms of sexual harassment and harassment on grounds of sex.

384. The LOIE introduces into Spanish legislation the definitions of sexual harassment and harassment on the grounds of sex, which are deemed in all cases to constitute discrimination:

1. *"Without prejudice to the provisions of the Criminal Code, for the intents and purposes of this Law sexual harassment is any form of verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of the person, in particular when creating an intimidating, degrading, or offensive environment.*

2. *"Harassment on the grounds of sex is any behaviour prompted by a person's sex with the purpose or effect of violating his or her dignity, creating an intimidating, degrading or offensive environment."*

385. The law also provides that the equality plans adopted by employers, and the measures adopted by small and medium-sized enterprises, must include negotiation of specific measures to prevent sexual harassment in the workplace.

386. The LOIE amends Law 5/1984 of 26 March, governing the right of asylum and the status of refugees, by extending the right of asylum to foreign women who are fleeing their countries of origin because of justified fear of persecution on the grounds of gender.

III. Policies and programmes

387. Since the approval of the Organic Law, the government has given priority to combating this type of violence, as can be seen in the fact that 40 meetings of the Council of Ministers have adopted measures in this regard.

388. All these measures are reflected in the corresponding budgets. Thus, the 2007 budget for action against gender violence exceeded €150 million.

389. The international campaign of the Council of Europe to combat violence against women, which has been extended to 2008, was presented in Spain on 27 November 2006 at a meeting in which the President of the Spanish Government took part.

390. The Commission on Gender Violence, within the Inter-Territorial Council of the National Health System, is pursuing its efforts through specialized working groups dealing with: information systems and epidemiological surveillance of gender violence; ethical and legal aspects; evaluation of actions and establishment of criteria for evaluating the work of the Commission; and protocols on guidelines relating to health. An annual report is prepared for submission to the Observatory on Violence against Women.

391. The number of professional training courses has been increased for all sectors involved: the law enforcement authorities, health and social workers, primary care medical personnel, personnel of the violence courts (essentially the psychological teams and social workers), and professionals of the judiciary, the prosecution, the judicial secretariat, the bar, etc..

392. The specialized staff of the national law enforcement agencies, numbering 742 in December 2004, has been increased to 1,426 as of December 2006, and is expected to rise to 1,848 by December 2008, for an increase of 149% over four years.

393. The General Directorate of Penitentiary Institutions assigned 145 professionals to the rehabilitation programme for offenders in 2007: 130 of those professionals (80 social workers and 50 psychologists) are assigned to the "open regime" rehabilitation programmes, and 15 social workers to inmates who are receiving rehabilitation treatment in prison.

394. The Mobile Tele-Help Service was established in 2004, as a free service that provides permanent (24 hours a day), prompt and appropriate response to emergency situations. In addition, the service will be made locatable via GPS (Global Positioning System) and GSM (Global System for Mobile Communications). 150,000 brochures have been distributed, and collaboration protocols have been signed with the General Council of the Judiciary, the Spanish Bar Foundation (*Fundación del Consejo General de la Abogacía Española*), the Prosecutor General's office, the Ministry of Justice and the Ministry of the Interior. Protocols of collaboration are being signed as well with the Autonomous Communities. Since the service was created, 660 local governments have signed up, and some 8,000 women have been served.

395. The Observatory on Domestic and Gender Violence of the General Council of the Judiciary examines court judgments on domestic and gender violence in order to suggest legislative changes. In 2005 it presented its conclusions from the analysis of 14,000 judgments. Since 2004 an annual prize has been awarded in recognition of outstanding efforts to eradicate domestic and gender violence.

396. Twenty-three comprehensive forensic units have been established in the Legal Medicine Institutes of the Ministry of Justice, in order to help judges assess the

situation of violence and enhance their appreciation of risk. These units dealt with more than 4,700 cases in 2005, and more than 2,500 cases in the first half of 2006.

397. The Protocol for Comprehensive Forensic Processing and Action has been approved, and offers a rigorous and reliable technical study that addresses the entire situation of the victims and allows for statistical monitoring of interventions.

398. The Women's Institute is continuing its work in this area: anti-violence awards, and the *Relaciona* project for publishing education materials.

399. In the teacher training area, specific activities are planned on equality between men and women in general and, more specifically, on the early prevention of gender violence.

400. Among the activities targeted at the education community as a whole are the "Irene prizes", awarded under the slogan "Peace begins at home": these are awarded to teachers who develop innovative educational experiences that will contribute to preventing and eradicating violent conduct and promoting equality and the culture of peace.

401. In terms of cooperation with autonomous entities and NGOs, during 2005 the Women's Institute signed specific agreements with the Autonomous Communities of Aragón, Asturias, Baleares, Canarias, Cantabria, Castilla-La Mancha, Castilla y León, Cataluña, Extremadura, Galicia, Madrid, Murcia, La Rioja and Comunidad Valenciana and the Cities of Ceuta and Melilla. To meet these new commitments, the Women's Institute has transferred €1 million for joint activities, and €188,900 for investing in the rehabilitation or equipping of women's centres.

402. Grants to NGOs and nonprofit entities under the General Fund of the Women's Institute and the "0.52" facility of the IRPF are targeted at programmes to prevent and eradicate gender violence and crimes against sexual freedom.

	<i>Year 2004</i>	<i>Year 2005</i>	<i>Year 2006</i>
IRPF			
Nº entities	25	33	21
Nº programmes	32	31	29
Total grants provided	€3,075,302	€3,354,126	€3,472,818
General fund			
Nº entities	13	12	13
Nº programmes	14	13	16
Total grants provided	€308,760	€223,168	€265,715

403. The Women's Institute manages the Daphne II Programme on preventive measures to combat violence against children, young people and women, including sexual abuse, domestic violence, commercial exploitation, bullying at school, trafficking and violence based on discrimination against persons with disabilities, minorities, immigrants and other vulnerable persons. It supports activities such as the establishment of contacts between organizations, the exchange of good practices, and awareness raising activities. The Daphne II programme is open to participation by public and private nonprofit organizations and institutions, and its

budget for the period 2004-2008 is €50 million. In 2006, the European Commission financed five Spanish projects submitted under the programme.

404. In December 2006, the National Plan for Awareness and Prevention of Gender Violence was approved, with a budget of €14,687,660. It covers 102 measures distributed in 12 areas of activity, including:

- Preparation of a protocol for improving 24-hour legal assistance to victims of gender violence.
- Promotion of innovative projects in the Autonomous Communities and at the local level to guarantee the right to comprehensive social assistance, taking into account the situation of women with disabilities, immigrant women, older women, rural women, and members of ethnic minorities, as well as attention to juveniles.
- Constitution of working groups in the Educational Inspection Offices to review the contents of textbooks and teaching materials in order to eliminate sexist or discriminatory stereotypes and to foster equality between men and women.
- Permanent information and awareness campaigns as well as specific campaigns targeted at women with disabilities or rural women.
- Activities targeted at media professionals to improve the treatment of news items relating to gender violence.
- Coordination protocols with the Autonomous Communities and local governments to ensure a comprehensive and integral approach by the services involved in situations of violence.
- Preparation of annual reports evaluating compliance with measures in the plan and progress in achieving its strategic objectives.
- Installation of a free telephone hotline offering specialized responses 24 hours a day.
- Signature of cooperation agreements with companies to encourage the hiring of female victims of gender violence.
- Creation of units dealing with violence against women, in the government's regional and local offices, to coordinate information and resources for protecting women at risk and allowing individualized monitoring.
- Creation of the Advisory Commission on the Image of Women in Advertising and the Media, with the participation of public agencies, advertisers, advertising agencies, the media and consumers, through the most representative associations in each case. This commission encourages self-regulation in the advertising and media industry, and proposes campaigns for inclusion in submissions for the "*Crea Igualdad*" prize.
- Implementation of a risk assessment protocol to help determine protection and surveillance measures to be adopted in each concrete case.
- Distribution of information materials to all municipalities with fewer than 5000 inhabitants, dealing with protective measures and the rights of female victims of gender violence.

405. In September 2007, at the initiative of the Special Delegation of Government on Violence against Women, a legal information and advisory service (*El 016*) was introduced. From 3 September to 14 November it answered 6,897 calls, involving a total of 11,658 consultations (most of the calls implied more than one query).

406. One of the most interesting media campaigns was one broadcast under the heading "*Antes*" ("Before"), dealing with the process of abuse in its different phases, and another called "*Contra los malos tratos, gana la Ley*" ("In the face of abuse, the law prevails").

407. In 2005 and 2006, campaigns against gender violence were sponsored in collaboration with the Professional Football League, aimed at the world of sports and featuring well-known football players.

408. The exhibition "18 Seconds", sponsored by the Women's Institute, featured 18 women from the world of culture, sports and the arts, who allowed their image to be used to represent the social dimension of violence against women.

409. The Special Delegation of Government on Violence against Women, in collaboration with the Fundación General de la Universidad de Alcalá, organized an exhibition, "*Por una vida sin malos tratos*" ("For a life free of abuse"), intended to enlist graphic humorists and cartoonists in the work of sensitizing the public.

410. The Women's Institute, in collaboration with the Institute of Migrations and Social Services, has published a brochure in English and Spanish on the regulation of female genital mutilation in Spain. As well, the Spanish Agency for International Development Cooperation (AECID) and the General Directorate of Immigration and Development Cooperation of the Autonomous Community of Madrid financed an event to mark the "International Day of Zero Tolerance of Female Genital Mutilation", sponsored by the VITA programme for Development Cooperation in Health for Africa and the African Studies Group of the Autonomous University of Madrid.
