



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

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**Committee on the Elimination of Discrimination  
against Women**  
**Thirty-first session**

**Summary record of the 649th meeting**

Held at Headquarters, New York, on Wednesday, 7 July 2004, at 10 a.m.

*Chairperson:* Ms. Açar

**Contents**

Consideration of reports submitted by States parties under article 18 of the  
Convention (*continued*)

*Fifth periodic report of Spain*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*)

*Fifth periodic report of Spain* (CEDAW/C/ESP/5, CEDAW/PSWG/2004/II/CRP.1/Add.4, CEDAW/PSWG/2004/II/CRP.2/Add.3)

1. *At the invitation of the Chairperson, the delegation of Spain took places at the Committee table.*

2. **Ms. Murillo-de-la-Vega** (Spain) introduced the State party's fifth periodic report, which had been prepared by the Institute for Women's Issues, with the support of the Human Rights Office of the Ministry of Foreign Affairs and the participation of the autonomous communities and non-governmental organizations (NGOs). The report reviewed progress achieved in implementing the commitments relating to the Convention, the Beijing Platform for Action and the results of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", within the framework of European Union legislation and policies. The report, which covered the period from 1999 to 2001 and set out future commitments, stressed that equal opportunities for men and women was a cross-cutting theme in Spanish legislation, programmes and policies. At the beginning, it contained annexes on legislation and jurisprudence pertaining to the articles of the Convention, a list of the autonomous communities, information on organizations participating in the Governing Council of the Institute for Women's Issues, Plans of Action and other publications.

3. The report focused on the obligation to eliminate all forms of discrimination, which it defined in terms of a number of articles from the Spanish Constitution of 1978. The equality of all Spaniards, both male and female, before the law was enshrined, in particular, in article 14 of the Constitution, which also contained provisions with regard to the burden of proof in respect of actions that could be detrimental to women's rights. On the basis of that Constitutional mandate to guarantee equality and non-discrimination, the organs of State were encouraged to promote equality. A number of institutions at the national, provincial and municipal levels and in the autonomous communities not only promoted but also evaluated progress in the

implementation of equal opportunity policies through, inter alia, cooperation agreements with both public and private entities, local governments and the autonomous communities.

4. A General Secretariat for Equal Opportunities Policy accountable to the executive branch was responsible for evaluation, coordination and promotion of policies at the national level. The Governing Council of the Institute for Women's Issues maintained a dialogue between civil society and equality agencies of the executive branch of Government. Through the Mixed Commission on Women's Rights, a standing Parliamentary Commission, the legislative branch kept track of progress and commitments concerning equal opportunities.

5. Women's human rights were promoted by three equal opportunity plans, yearly plans of action on employment, two plans of action on violence against women, the Comprehensive Family Support Plan and the National Plan of Social Participation. The first Plan on Action on Equal Opportunities for Women and Men (1988-1990) had called for the reform of discriminatory legislation; the second Plan (1993-1995) had stressed the integration of women in training programmes and employment; the third Plan (1997-2000) had been aimed at integrating women in government decision- and policy-making processes; and the fourth Plan, entitled Community Framework Strategy on gender equality (2001-2005), was designed to introduce the dimension of equal opportunity into all policies and actions carried out within the framework of the European Union.

6. Spain had ratified the Optional Protocol to the Convention on 29 June 2001, the Protocol Amending the European Social Charter on 5 May 1988, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The concept of equality presupposed equal access to resources and power, if necessary, through affirmative action. The legal basis for affirmative action was article 9.2 of the 1978 Constitution setting out the responsibilities of the public authorities to promote equality and to eliminate long-standing discrimination in Spanish society. Affirmative-action measures were provisional and either compensatory or remedial in nature (tax benefits, assistance to disabled persons or scholarships to the disadvantaged). They were carried out by the Institute

for Women's Issues and all the entities of the autonomous communities in the areas of labour, health and education, using methodology and indicators aimed at achieving effective equality.

7. The Government was attempting to eliminate stereotyping in the mass media through equal employment opportunities to ensure women's economic and financial independence and thereby change the perception that their role was purely domestic. The Monitoring Unit on Advertising was a forum for handling complaints about sexist advertising in the mass media that exacerbated inequality between men and women. By 2001, the number of complaints concerning unfair portrayal of women in the media had risen to 710 (up from 339 in 2000). Publicity campaigns against violence focused on the responsibility of democratic societies to guarantee the human rights of all their citizens.

8. The Institute for Women's Issues sponsored research to bolster the image of women as fully-fledged citizens and funded gender studies at Spanish universities under the National Scientific Research, Development and Technological Innovation Plan. Resources for such studies were also available through competitive government subsidies. The Observatory for Equal Opportunities, created in 2000 under the third Plan with the aim of providing a reliable measure of achievements in that area had developed special indicators on stereotypes and images.

9. The promotion of equal opportunities was a commitment and priority of the new Government. It had already made legislative strides in that area, was coordinating equal opportunity policies at the national and provincial levels and with the autonomous communities, and had created a General Secretariat for Equal Opportunities Policy and equal opportunity units in the various ministries (for example, the Institute for Women's Issues was accountable to her in the Ministry of Labour and Social Affairs). Since taking office in March, the new Government had drafted a law against gender violence, established an Observatory on Domestic and Gender Violence and set up a government delegation against gender violence. A Participation Council (Consejo de Participación) that would act as an information conduit between the Government and NGOs would soon be created.

10. The parity in the new Government — made up of eight male and eight female ministers (responsible for,

inter alia, budget, infrastructure and health) — reflected its strong commitment to parity in public office. Reforms in the electoral laws would ensure greater balance between the numbers of men and women elected at the provincial and municipal levels and in the autonomous communities. The Government was also calling for greater parity in the Spanish monarchy.

11. There was a need for a new culture of work that guaranteed equal opportunities for women. In that context, the Ministry of Labour and Social Affairs was formulating a Dependants' Plan to create 450,000 places in childcare centres over the next three years as an incentive for more equitable sharing of domestic responsibilities by mothers and fathers. Special recognition would be given to companies that achieved parity in decision-making bodies and whose training programmes included a gender perspective.

12. Caring for dependants also extended to the elderly — in Spain, two thirds of all dependants were over 65 years of age. Another priority was to provide care to women of other races or ethnic groups and facilitate the mainstreaming of immigrant women. Immigration was a growing phenomenon in Spain. The number of immigrants had risen from 748,000 in 1999 to over 2 million in 2003, 45 per cent of whom were women. As a consequence, the fertility rate in Spain — formerly one of the lowest in Europe — had increased to 12 per cent. All immigrants, whether legal or illegal, were guaranteed access to health care, including reproductive health, an education up to the age of 16 years and legal assistance in abuse cases.

13. Other vulnerable groups included caregivers exposed to health risks on the job, disabled women and victims of trafficking. She noted that cooperation with law enforcement officers was a first step in government intervention to assist the latter and stressed the need for preventive measures and social awareness-raising. An open debate that included both civil society and the relevant institutions must be held on the question of legalizing prostitution, an aspect of the problem of trafficking in women, without compromising the protection guaranteed to them.

14. Under the new Government's draft integral law against gender violence, seven ministries would provide a full-range of prevention and treatment measures to victims. The draft integral law placed special emphasis on the problem of violence within the

context of relationships, which accounted for 90 per cent of the deaths related to gender violence and heightened the risk of the perpetrator's impunity. The draft integral law would provide for cross-cutting action, including education that stressed the importance of equal treatment of and consideration for every individual, irrespective of gender, and the non-violent resolution of domestic disputes.

15. Other forms of violence, including trafficking and prostitution, were covered by article 9 of the Constitution. As to the question of whether public authorities should be allowed to regulate private life, she noted that such regulation was already taking place indirectly in gender training at the workplace, but that in any case the real challenge was to abolish the whole concept of relationships based on power and subordination. Work on the draft integral law, including broad consultations with civil society, would continue in July, and it would probably be adopted during the first quarter of 2005.

#### *Articles 1 to 6*

16. **Ms. Gaspard** asked for information about the measures that Spain had taken to spread awareness of the Convention. In particular, she wondered whether universities provided instruction in the Convention and whether relevant training was provided for civil servants, members of the judiciary and police officers. The Committee would also welcome more information about the process involved in preparing the State party's fifth periodic report, and wished to know whether the report had been submitted to Parliament for approval. The State party should explain how it planned to disseminate the contents of its dialogue with the Committee, as well as the Committee's concluding observations. Lastly, although women's strong participation in Spain's new Government indicated the political will to further women's advancement, that level of participation did not appear to be paralleled at the local level. She wondered whether the State party planned to take steps to address that situation.

17. **Ms. Tavares da Silva** noted that in some countries the mandate of the senior official on gender equality was too broad, in attempting to address all types of social equality. She therefore wondered whether the mandate of Spain's newly appointed Secretary-General for Equality covered all types of discrimination, or just gender equality. With respect to the State party's plans for ensuring equality, she wished

to know why there had been a three-year lapse between the third and fourth plans, during the period 2000-2003. The issue of gender stereotyping was mentioned many times in Spain's fifth periodic report, in reference to themes such as violence and women's situation in the labour market. Although the State party had given a complete answer to the Committee's question in that regard, in its responses to the list of issues and questions (CEDAW/PSWG/2004/II/CRP.2/Add.3), she wondered whether the answer reflected a welcome shift in focus since, unlike the report itself, it seemed rightly to imply that reconciliation of family and working life was a structural question for society as a whole, not just a problem to be addressed by women.

18. **Mr. Melander** asked whether, in the event of conflict, the Convention prevailed over Spain's domestic law, and whether there had been any cases in which the Convention had been directly invoked by the courts. Secondly, with respect to the status of refugees and gender-based persecution, he enquired whether there had been any cases in which women had been recognized as refugees under the 1951 Convention relating to the Status of Refugees, when they had feared persecution in their countries of origin.

19. **Ms. González Martínez**, referring to the section on violence against women in the first part of Spain's report, wondered whether the draft integral law on gender violence currently being developed implied a redefinition of the concept of violence which would exclude public violence.

20. **Ms. Schöpp-Schilling** said that she had been disturbed by the State party's response regarding acceptance of the amendment to Convention article 20, paragraph 1, as it appeared to indicate that the Committee needed somehow to prove itself before Spain could accept the amendment. With respect to Spain's institutional machinery, she wondered which institution had overall responsibility for gender mainstreaming. With regard to affirmative-action measures, there appeared to be some confusion regarding the distinction between general policies and genuine temporary special measures as mentioned in article 4, paragraph 1, of the Convention. Lastly, the State party should study the Committee's new recommendation concerning electoral laws, which provided a clear statement of the Committee's expectations in that regard.

21. **Ms. Morvai** said that she had been disappointed by the low level of participation by non-governmental organizations in the presentation of the report. On page 10 of its report, Spain had referred to the Ombudsman's most recent annual report, which had identified various forms of discrimination against women. The Committee would be grateful for information about the situation of women in prison, and how the Government planned to address that problem. It would also welcome more information about the Government's plans to deal with the problem of non-payment of alimony and child support. She wondered whether Spain had trained lawyers to bring cases to court under the Optional Protocol to the Convention, and wished to hear confirmation that, contrary to certain reports, Spain did not intend to legalize prostitution in contravention of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Trafficking Protocol to the Convention against Transnational Organized Crime.

22. **Mr. Flinterman** noted that Spain's constitutional system achieved an admirable balance between the powers of central Government and the autonomous communities, but asked how it was possible, within such a complex system, to ensure broad compliance with international human rights treaties. The Committee wished to know what instruments were at the Government's disposal to deal with cases in which autonomous territories either were reluctant to comply with binding treaty obligations or wished to adopt policies that were not in line with those obligations.

23. **Ms. Šimonović** wondered whether Spain's fifth periodic report had been formally adopted by the Government and whether the Committee's concluding observations would be forwarded to the Government for implementation. Although the report was comprehensive, it lacked statistical data disaggregated by gender and ethnicity, and she wondered why it had not proven possible to collect such data. She also asked whether, in accordance with article 2 of the Convention, the principle of gender equality was specifically mentioned, either in the Constitution or in another law.

24. **Ms. Shin** wished to know whether the Government's commitment to gender equality would be reflected in policies and programmes. More particularly, she wondered whether a real financial commitment had been made to a gender-sensitive

budget. With respect to the draft integral law on gender violence currently being considered by the legislature, she suggested that, unless the law was intended to cover all aspects of violence against women, the title should be changed. It was hoped that the consultation process regarding the new law would indeed include non-governmental organizations. As regards the content of the law, the Committee wished to know whether it included preventive measures, such as measures designed to change the attitudes of men and boys, and protective measures, such as those to protect women in disadvantaged positions, including women migrants and refugees. She also wondered whether the law would include a component on employment training for divorced women.

25. **Ms. Murillo-de-la-Vega** (Spain), responding to the questions put by Committee members, said that the new Government had been open to consultations on the draft integral law on gender violence with non-governmental organizations, but had not yet had much time for such consultations. Such organizations had been able to study the text and make suggestions, and that process was not yet over. She acknowledged that the title of the law was a problem, but said that it was the first draft law submitted to non-governmental organizations and women's associations, and that the title reflected a compromise between their suggestions and the original formulation. The Committee's suggestion that the title should follow the content of the law and should reflect all forms of violence — whether physical, emotional or sexual — would be conveyed to her Government.

26. Although Spain's administrative structure included autonomous States having powers in certain competences, legislation depended on the central Government. There was constant coordination between Government and the autonomous communities, which implemented social policy in accordance with the requirements of their local populations. Her office would, however, be devising new mechanisms to coordinate policies with the autonomous communities, civil society and international forums. The aim of the Government's plan of action was to create opportunities within the autonomous communities to use territorial diversity for more effective implementation of equal opportunity policy.

27. **Ms. Alvarado Ballesteros** (Spain), responding to the questions concerning the provision of training for officials in implementing the Convention, said that the

Ministry of the Interior was responsible for the specific training of the various security forces. There were specific training modules on minorities, such as abused women, the elderly, youth and children, and women from ethnic minorities, as well as on minors and women who were victims of violence or gender violence. There was still room for improvement, as reflected in the current efforts to develop a law on domestic violence. With respect to trafficking in women, she noted that Spain used the broader term “trafficking in human persons for sexual purposes,” as the central issue was the exploitation of women.

28. Unlike refugees, who had escaped to Spain for political reasons, undocumented aliens were normally subject to expulsion. Particularly in the case of women, they could, however, avoid expulsion if they could show that they had been victims of trafficking, coerced labour, forced prostitution and the like while in Spain, or could testify in court as witnesses to such crimes. The courts provided special services for those cooperating with the authorities, such as free legal aid and the assistance of interpreters. Subsequently, they could either choose repatriation or be granted Spanish residence and work permits. The Government could, furthermore, recall to Spain expelled aliens whose testimony was required in court, and they would be covered by the usual witness-protection guarantees.

29. **Mr. Fernández López** (Spain), noting that the Committee, like other treaty bodies, had criticized the lack of data disaggregated by race and ethnic origin, said that it was prohibited in Spain to request such information because it was considered discriminatory. Statistics could, however, distinguish between nationals and non-nationals. In keeping with its commitments pursuant to the Fourth World Conference on Women, the Government was seeking to have men and women share home and work responsibilities more equitably and had recently adopted legislation to help women to reconcile family life and work.

30. **Ms. Álvarez Álvarez** (Spain) said that heavy immigration into Spain was a recent phenomenon, since the 1990s. Currently, foreigners comprised approximately six per cent of the total population. Over 2,600,000 were living in Spain, 45 per cent of them women. Since 1999 their numbers had increased fourfold. In 2002 alone, the last year for which statistics were available, over 600,000 had immigrated into Spain. Where possible, statistics were disaggregated by nationality and gender.

31. Three of the autonomous communities had the highest population of immigrants: Madrid, Catalonia and Valencia. Ecuadorians — some 400,000 strong — formed the largest group of immigrants, followed by Moroccans and Colombians. Children born of foreign mothers, the majority of whom were Moroccan or Ecuadorian, made up approximately 12 per cent of the births in the country, and Spain’s birth rate, once one of the lowest in the world, had risen slightly as a result, to 1.3 per woman, with births now outnumbering deaths annually.

32. **Ms. Comas-d’Argemir Cendrá** (Spain) said that since 1978, international treaties had automatically been incorporated into domestic law, with binding effect on the Central Government, the autonomous communities and the judiciary. The Convention was generally well known in Spain, and judges were familiar with it. Its provisions were taught in the law schools, and optional annual training courses offered to all judges reviewed the Convention and the other human rights treaties. At the time of its accession to the Convention, Spain had brought its legislation into line with its provisions. In addition, any citizen could claim that a domestic law was inadequate and could demand that the Convention be invoked directly in court. She would try to obtain statistics on how often it had thus been invoked. If the laws passed by an autonomous community did not comply with the national legislation or if an autonomous parliament acted in contravention of the Convention, the Central Government could challenge it in either the Constitutional Court or a regular court.

33. Through the draft Organic Law on Comprehensive Protection Measures against Gender Violence currently before Parliament, article 1 of which dealt specifically with domestic violence, the Government was trying to eliminate that major social problem and offer greater protection to victims, while reviewing all legislation on the matter to better combat it. The draft Organic Law encompassed and improved upon earlier legislation providing for orders of protection for battered women. It should be noted, however, that the Penal Code had classified as crimes any acts of violence against women such as rape, genital mutilation, stalking, prostitution, sexual attacks, both psychological and physical, or threats of attack, and women thus already enjoyed protections.

34. In 2003, there had been 103 deaths as a result of domestic violence, 81 of them women and 65 of those

as a result of spousal violence. Domestic violence by domineering husbands was a problem in Spain as it was in most of the European Union countries and required a basic change of mentality. The draft Organic Law envisaged new measures involving education, publicity and prevention, and contained a new provision criminalizing threats by one spouse against the other, which would require the Penal Code to be amended accordingly.

35. **Ms. Durán y Lalaguna** (Spain) said, with reference to her country's position on the amendment of article 20.1 of the Convention, that Spain valued the Committee's work highly. It had hosted its session to prepare the Fourth World Conference on Women and had been the first country to publicize the adoption of the Optional Protocol and to publish the text of the Convention in Spanish and English. It had, moreover, sponsored all United Nations resolutions relating to the Convention and the special session of the Committee.

36. Spain, together with the other European Union countries, favoured a reform of the Committee's working methods that would involve greater coordination with the other human rights treaty bodies. It believed that the Committee's consideration of reports did indeed have to be facilitated. In the ongoing debate about how to achieve that, Spain felt that it would be useful for the Committee to prepare a brief review of the number of reports that it had received, communications submitted under the Optional Protocol, reports that it estimated it would receive in the coming years, and other helpful information.

37. **Mr. Alvaro Page** (Spain) said that approximately two years normally elapsed between the full execution of a given Plan on Equal Opportunities for Women and Men and the initiation of the following Plan. Over the course of each Plan, annual reports were made on the implementation of specified activities and on the target groups addressed. There were regular in-depth discussions with project directors. Also, the Institute for Women's Issues maintained a database on measurable progress in the fields of employment, health, social services, family life and political participation and on the evolution in accepted stereotypes and values. In the second year of a Plan, discussions were begun within the Government and with equal rights associations, non-governmental organizations and others, in order to begin to design the subsequent Plan.

38. The Institute for Women's Issues, directed by a woman and operating under the General Secretariat for Equal Opportunities Policy within the Ministry of Labour and Social Affairs, was responsible for setting equal rights policy. It comprised three units: a unit that gathered data on women and made studies that would serve as a basis for policy development, and maintained relations with equal rights organizations in the autonomous communities; a unit administering programmes for women in the various fields, in coordination with the autonomous communities; and a unit that administered the Institute's financial and human resources.

39. The Institute kept statistics on women in prison and on their detention status. In 1999, 8.4 per cent of the prison population of about 24,000 were women, and currently 8.2 per cent of the about 47,000 inmates were women. The Institute for Women's Issues had working groups monitoring four particular groups of women: the homeless, prostitutes, addicts and prison inmates. It was currently developing pilot programmes for women inmates, an especially vulnerable group.

40. The Institute held meetings at least once a year with the directors of equal rights programmes in the autonomous communities, at which information was exchanged and joint programmes — such as a recent paid family vacation programme — were planned. The meetings also dealt with domestic violence and had in recent years focused on topics such as institutional coordination as a tool to combat violence; a social services network for battered immigrant women; the use of electronic surveillance devices to protect battered women; the psychological treatment of both victims and aggressors; and the development of indicators for domestic violence.

#### *Articles 7 to 9*

41. **Mr. Flinterman** asked whether the Government planned to amend the General Election Law in order to ensure gender equality in the slate of political candidates presented for election. It was disappointing to note that the former Government had brought actions against the laws in the autonomous communities of Castilla la Mancha and the Balearic Islands under which political candidates were listed in alternating order according to gender. The former Government had suggested, inter alia, that the laws might be in violation of article 6 of the Constitution, which related to freedom of political parties. He asked

the delegation to explain the scope of that freedom and indicate whether an obligation could be imposed on political parties to include equal numbers of men and women on their electoral lists. Lastly, the Committee would like to know if the current Government of Spain considered the laws in the autonomous communities incompatible with article 7 of the Convention, as elaborated in the Committee's general recommendation 23 on women in public and political life.

42. **Ms. Belmihoub-Zerdani** said that Spain had emerged from its historical experience as a beacon of hope for social progress and had set a leading example for other countries. In that vein, she specifically referred to its efforts in establishing parity and gender equality in appointments to the executive branch. The Committee hoped the Government would extend that approach to include other areas such as the judiciary. Since treaties ratified by Spain had the force of law and formed an integral part of domestic legislation, it should be possible to amend the electoral law to oblige political parties to ensure gender equality among the candidates proposed for nomination. Lastly, she commended Spain on the adoption of Act 36/2002 of 8 October 2002, which amended the provisions on nationality in the Civil Code, to the effect that time and age limits had been eliminated, and that anyone whose father or mother was of Spanish origin and born in Spain could opt for Spanish nationality.

43. **Mr. Melander**, noting the fact that the State provided annual grants to political parties on the basis of the number of seats and votes obtained in the latest elections, wondered why the Government had not introduced gender parity as a condition of eligibility for such financing.

44. **Ms. Šimonović** welcomed the current Government's commitment to parity, and asked whether it would revert to the position held by the previous Government in that regard. She also pointed out that, under article 2 of the Convention, States parties had an obligation to take all appropriate measures to eliminate discrimination against women, and agreed with previous speakers that the Government should be in a position to enforce gender parity. The Committee also wished to know whether the Government planned to increase the number of women serving at the level of ambassador, and the number of women in the diplomatic service in general.

45. **Ms. Murillo-de-la-Vega** (Spain) said that a system of quotas had been established ensuring a minimum of 25 per cent representation of women on political lists. The adoption of affirmative action measures had provided a context for the reformulation of ideas, especially on issues relating to equal opportunity. With respect to the autonomy of political parties in terms of decision-making and equal representation of men and women, political parties enjoyed independence in decision making under the Constitution. In establishing commitments on the specific reform of electoral laws, the Government was currently discussing the challenges before the Constitutional Court.

46. **Ms. Comas-d'Argemir Cendrá** (Spain) said that the Government was competent to uphold or withdraw the challenge brought before the Constitutional Court by the previous Government with regard to the laws of the autonomous communities. If the current Government were to decide to withdraw the action, the Constitutional Court would not be able to examine the substance of the matter and the laws that had been challenged would remain in force in the autonomous communities.

47. Turning to the question of equality in the judiciary, she said that while it was true that the branch had been strongly feminized, it was far from having achieved gender parity. Citing a number of statistics which indicated that only few posts in the highest decision-making bodies and courts were occupied by women, she promised to convey the concerns of the Committee to the council responsible for appointments to the judiciary, with a view to resolving the issue of gender parity. She informed the Committee however that, for the first time, a woman had been recently appointed as the president of the Spanish Constitutional Court, the highest legal body in terms of fundamental rights. That appointment could be taken as a sign of modernity, democracy and progress for Spain.

48. **Ms. Durán y Lalaguna** (Spain), recalling the fact that women had been admitted for employment in the foreign service only since the late 1970s, agreed that the proportion of women serving at the ambassadorial level and in the Ministry of Foreign Affairs in general was still rather low, but said that their numbers were increasing. Women currently occupied ministerial posts and the highest administrative positions.



*Articles 10 to 14*

49. **Ms. Ferrer Gomez** said that despite the important commitments and steps Spain had undertaken in achieving parity and equality, women still lagged behind in the labour market, experiencing higher unemployment rates, lower pay levels and age discrimination. She therefore wished to know what the Government planned to do to remedy that situation and what the prospects were for complying with article 11 of the Convention. Lastly, the delegation should comment on the situation regarding women's access to health care services, medical treatment and screening procedures.

50. **Ms. Khan**, referring to the current National Employment Plan envisaged under the European employment strategy, wished to know how many and what types of jobs had been created, how many of those jobs specifically targeted women, and what measures had been taken to address the mind-set of men with regard to the role of women in family life. As for equal remuneration for work of equal value, the delegation should explain why there was not full compliance with Act 33/2002. The Committee's general recommendation 33 could offer useful guidance, and the Institute for Women's Affairs might consider the introduction of gender-neutral job evaluation policies.

51. The Committee would like to know whether Spanish legislation on asylum contained provisions for granting asylum to women on the grounds of gender violence. Noting the prevalence of mental illness and substance abuse among women, she asked whether studies had been conducted to determine the causes of such illnesses, how the comprehensive health care plan provided for women under those circumstances, and what role was attributed to gender-based violence as a factor in the onset of mental illness and dependence.

52. **Ms. Gabr**, referring to the status of refugee women, wished to know how the birth rate among refugee women was affected, and what efforts had been made to integrate them as active participants in Spanish society. She noted that, among the various human rights conventions to which Spain had acceded, no reference had been made to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and asked what the Government's position on that Convention was. Lastly, in view of the high percentage

of rural and ageing women, she wished to know what measures had been adopted to assist both groups, and how the Government intended to address the feminization of poverty, particularly in rural areas.

53. **Ms. Schöpp-Schilling** asked whether the Government had data indicating whether women working on a part-time or self-employed basis were able to earn a living wage. She shared the concern expressed by the previous speaker on the situation of women living in rural areas. In addition to enquiring about the overall status of such women, she asked specifically how many of them were unpaid family helpers, how the earnings of women in the agricultural sector compared with those of men doing similar work, and what the proportion of illegal and legal migrant workers in agriculture was. Lastly, the Committee also wished to know how the Government planned to improve the access of rural women to health care facilities.

*The meeting rose at 1 p.m.*