



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Forty-eighth session

### Summary record of the 13th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 8 May 2012, at 10 a.m.

*Chairperson:* Mr. Pillay

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*Fifth periodic report of Spain (continued)*

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

### **Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Fifth periodic report of Spain* (continued) (E/C.12/ESP/5; E/C.12/ESP/Q/5 and Add.1 (Spanish only); HRI/CORE/ESP/2010)

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

*Articles 6 to 9* (continued)

2. **Mr. Sadi** asked whether the need to guarantee workers a decent standard of living was one of the criteria taken into account by the State party when setting the inter-professional minimum wage. Drawing the attention of the Spanish delegation to the fact that many of the rights enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families also featured in the Covenant, he asked whether the State party intended to ratify that Convention. He would welcome further information on the minimum service required in the event of a strike and the legislative regime applicable to domestic workers, and particularly whether they were covered by the same labour legislation as other workers, especially with regard to the inter-professional minimum wage.

3. Noting that the State party had opted for the austerity plan recommended by the European Central Bank, rather than growth, in order to restore the country's economy, he said that in his view Spain could have compromised by implementing a temporary policy aimed at better combating poverty and unemployment.

4. **Mr. Salama Salama** (Spain) explained that the Government had chosen to place the burden of its budget-balancing policy on the highest income bracket. Thus, taxes on the highest earners had been increased, by between 0.5 per cent and 7 per cent, with the latter rate applicable to annual incomes of more than €300,000. In that way, the Government hoped to raise an additional €4.1 billion in 2012. Instead of increasing indirect taxes, it had increased company tax for large industrial groups, which should provide it with additional revenue of €5.3 billion. The Government had also increased real estate tax, from which small owners were exempt. In March 2012, the Government had launched a campaign to combat tax fraud, and had adopted a bill which stiffened the penalties imposed in fraud cases, made the obligation to declare hidden income imprescriptible and restricted cash transactions. According to the principle of social solidarity, the income derived from the implementation of that policy would be used to fund social benefits for the most deprived.

5. Under the Spanish Constitution, the State had sole competence for managing access to basic natural resources throughout the national territory, thus ensuring the equal enjoyment of those resources by all.

6. Since Spain was ranked third in the world in terms of the number of lawyers per 1,000 inhabitants, its citizens were fully aware of their rights, including the right to equality: between 2004 and 2012, the highest courts in the country had handled more than 5,000 cases relating to equality.

7. Human rights training constituted an integral part of the initial training provided to judges and magistrates. Within the framework of professional development programmes, many courses were organized on a variety of topics, such as the rights of foreigners or labour law, at the initiative of the European Court of Human Rights, the International

Criminal Court, and international institutions specializing in setting international labour standards. In 2012, lawyers and other justice officials would be able to attend training courses on femicide and access to justice for the most vulnerable groups and victims of violence against women.

8. The Office of the Ombudsman was a completely independent institution, responsible for defending and protecting fundamental rights. The Ombudsman had a five-year mandate, could not be removed from office and was answerable only to Parliament, for which he acted as high commissioner. Citizens could appeal directly to the Ombudsman, who was competent to investigate any case, even one directed against the public authorities.

9. **Mr. Coria** (Spain) assured the Committee that members of the Spanish law enforcement forces never resorted to ethnic or racial profiling, or carried out mass identity checks in order to arrest or detain illegal migrants. Moreover, identity checks were strictly regulated by articles 18 et seq. of Organic Act No. 11/2003 on specific measures relating to public safety, domestic violence and the social integration of foreigners. As they were responsible for preventing crime and improving public safety, the State security forces tended to carry out more identity checks in large gatherings, such as sports events, and in neighbourhoods where drug trafficking or delinquent behaviour were on the rise. According to the legislation in force, members of the law enforcement forces were obliged to be as impartial as possible, and to avoid discrimination on any grounds, such as race or religion.

10. **Ms. Marugán Zalba** (Spain) said that, in line with the principles established as part of the national strategy to combat racism, racial discrimination, xenophobia and related intolerance, the Ministry of the Interior and the Ministry of Employment and Social Security organized joint training and awareness-raising programmes for members of the security forces, including members of the national and local police forces or the road police. Those police officers also received training on registering and recording racist incidents.

11. **Mr. Álvarez Ossorio** (Spain) said that, under the provisions of Organic Act No. 2/2006 on education, human rights were taught as part of citizenship courses throughout the compulsory school system (from the age of 6 to 16). Since the above-mentioned legislation granted foreign minors (under 16 years of age) equal education rights and obligations, no budget cuts could impede migrants' access to education. Moreover, they could apply for scholarships on the same basis as their Spanish classmates, and thus gain access to higher education.

12. **Mr. Hermida Marina** (Spain) said that Spain would include more statistical information in its next periodic report, although it might be pointed out that the relevant data were available on the websites of competent ministries.

13. The number of occupational accidents had fallen in 2010 compared with 2009, and the accident rate had been one of the lowest on record since 1998. Similarly, the number of procedures initiated each month relating to temporary incapacity for work, due to occupational accidents or diseases, had fallen sharply since 2007, which showed that the prevention measures implemented by the National Institute for Safety and Health at Work, the training provided by the Institute to small and medium-sized enterprises in Spain, and the technical aid provided in that regard to public enterprises and trade unions, had yielded positive results, as had the very successful awareness-raising activities organized by the Foundation for Occupational Risk Prevention. Steps to improve safety at work had also included the introduction, in 2009, of a 10 per cent reduction in social security contributions for companies investing in reducing occupational risks on their premises.

14. Established in 2007, the Occupational Diseases Observatory had drawn up a new table of occupational diseases either caused or aggravated by work, making Spain, along with France, the country which recognized the largest number of such diseases.

Furthermore, a study carried out by the Observatory had ascertained the determining factors for those diseases.

15. **Mr. Garcia Matos** (Spain) said that, in line with the principle of non-discrimination, all labour contracts, or clauses therein, containing discriminatory provisions — on any grounds, including age — would be deemed to be null and void. The very high youth unemployment rate was not the result of discriminatory attitudes towards young people, but of the job shortage caused by the crisis. The fact was that many young people, attracted by the high pre-crisis salaries offered in the housing sector, and particularly in the construction industry, had quit their studies to work in that sector, and were therefore insufficiently qualified to re-enter the labour market. In order to facilitate their reintegration, the State had introduced training and apprenticeship contracts, which allowed young people to receive training leading to a diploma, while continuing to work part time (at 75 per cent during the first year and 85 per cent during the following two years), for which they were paid according to the number of hours worked, but at a rate not less than the minimum inter-professional hourly wage. In February 2012, in order to broaden their recruitment, the Government had decided to open up that on-the-job training option to all persons under the age of 30, for as long as the unemployment rate stood at over 15 per cent. The Government had also decided to reduce employers' social contributions for all companies recruiting long-term unemployed workers or apprentices trained under an apprenticeship contract, once they had completed their training. Furthermore, young unemployed persons (under the age of 30 for men and under 35 for women) who set up their own business could apply for advance payment of the unemployment benefits to which they would have been entitled, to help them start up their business.

16. Lastly, the legal duration of the probation period, which was the period during which employers could dismiss an employee without needing to justify their decision, was increased to one year, so that small and medium-sized enterprises which, owing to a lack of confidence in the economy, had not dared to offer their employees open-ended contracts, felt reassured and were more willing to offer such contracts from the start of the employment relationship.

17. In order to tackle long-term unemployment, defined as 12 months without work in any 18-month period, the Government had taken measures, such as reducing social security contributions and recruiting for the public sector, to support those experiencing most difficulty finding employment, including job seekers aged over 45. It had also extended the period during which unemployment benefits were paid to persons whose entitlement period was ending, provided that they followed an individually-tailored professional reinsertion and retraining programme. Those measures, first adopted in 2009, had regularly been extended.

18. Collective bargaining provided the most appropriate framework for identifying and tackling the factors behind wage inequalities between men and women. Spanish legislation was sufficiently well developed to enable the social partners to ensure equality in the workplace, including with regard to remuneration. As part of a reform introduced in 2012, the administration had recast occupational categories in order to eliminate possible sources of indirect discrimination. The Inspectorate of Labour and Social Security was also involved in combating direct and indirect discrimination. It could intervene on its own initiative or following a complaint, and if wage inequalities were identified, they were considered offences punishable by extremely dissuasive fines of up to €185,000 in the most serious cases. For example, as part of its activities, the labour inspectorate monitored any additional revenue received by male employees which was not covered by collective agreements, or non-wage benefits unrelated to work that were not granted to female employees. Sanctions could also lead to the withdrawal of financial assistance for the offending company. However, a company could avoid sanctions if it implemented an active

equality policy. It should also be noted that the Act on Public Sector Contracts prohibited the awarding of public contracts to companies found guilty of breaching the rules on equal treatment and opportunities. Union representatives were competent to monitor a company's compliance with those rules, and the measures it took in that regard. Article 85 of the Workers' Statute stipulated that collective bargaining must include negotiations on measures to promote equality between the sexes, and companies with more than 250 employees were also required to develop strategies to promote equality. Lastly, the legal validity of a collective agreement was monitored by the labour administration, which, if it detected any irregularities, could refer the collective agreement to the labour courts.

19. The inter-professional minimum wage was specifically designed to guarantee a level of income which ensured dignified living conditions. It was reviewed using three regulatory criteria: the consumer price index, average national productivity and the increase of labour's share of the total national income. Since 2004, that share had risen by an unprecedented 34.5 per cent.

20. The right to strike was a recognized constitutional right for all workers. Nevertheless, it was strictly regulated, and even prohibited for magistrates, judges, prosecutors, self-employed workers, military staff, police officers and members of the civil guard.

21. Royal Decree No. 1620/2011 aimed to harmonize the specific legislative provisions relating to domestic workers with those covering other types of workers, and to improve their working conditions: for example, by strengthening their rights with respect to remuneration, working hours and leave; by providing greater job stability by abolishing annual temporary contracts; by aiming for transparency in measures to prohibit discrimination, and by obliging employers to inform domestic workers of their terms of employment.

22. **Mr. Santos Cuenca** (Spain) explained that the social security allowance for the birth or adoption of a child, introduced in 2007 during the economic boom, had been withdrawn in 2010 as part of efforts to curb budgetary spending. However, Spain had maintained existing family benefits for the most vulnerable families.

23. Since widows' pensions were contributory, pension payments depended on the contributions paid. However, in the case of social security pensions, the State guaranteed a minimum benefit, which, in 2012, stood at between €715 per month for a widow or widower with dependents and €468 per month for a person under the age of 60. Those benefits were compatible with wage earnings or other types of pension.

24. **Mr. Barroso Barrero** (Spain) said that the Spanish labour market had changed significantly in recent years. Between 1999 and 2005, the economically active population had risen from 18 to 21 million workers, reaching 23 million in 2012, including a large number of immigrants. That increase had been accompanied by a rise in the employment rate and the number of persons covered by the social security system. It was important to bear in mind that, in order to be a net job creator, Spain needed to record annual GDP growth of 2.5 per cent. But in 2008, Spain had been hit hard by the financial and economic crisis.

25. Spanish indicators came from two sources: the labour force survey and the public employment service. According to the service's figures, in 2008, the number of job applicants had stood at 2,261,000, including 240,000 foreigners (10.64 per cent); by May 2012, the number had risen to 4,750,000, including 655,000 foreigners (13.79 per cent). Among those job applicants, certain groups posed particular problems, such as the long-term unemployed (those seeking employment for more than 12 months), who had numbered 900,000 in 2009 and 2,822,000 in the first quarter of 2012, and young people

(16–25 years of age) looking for work for more than a year, who had numbered 150,000 in 2009, and currently numbered more than 400,000.

26. The new employment policy, regulated by Royal Decree-Law No. 3/2012, would be implemented by the central Government and the administrative authorities of the autonomous communities, through the annual employment policy plan. The 2012 annual plan, to be adopted shortly, had five main objectives: reducing the youth unemployment rate, on the basis of public funding; improving the employability of vulnerable groups (the long-term unemployed, women and other groups); helping businesses to generate new jobs, by means of a new contract of assistance to entrepreneurs, the legislative act on enterprises — to be adopted shortly — and a series of active policies, including providing young entrepreneurs (under 30 for men, under 35 for women) with the opportunity to receive their entire unemployment benefit in the form of a capital payment to set up their own business; strengthening partnerships between the public and private sectors to improve the functioning of public employment services, particularly with regard to the placement of job seekers; and introducing specific measures aimed at vulnerable groups, such as workers with disabilities.

27. During the period under review, unemployment arrangements had remained unchanged. A minimum contribution period of 300 days entitled a worker to 4 months of unemployment benefit, while a contribution period of 2,160 days entitled contributors to 24 months of benefit. For a period of 180 days, unemployed workers received 70 per cent of their basic salary, and 60 per cent thereafter. On average, benefit payments amounted to €930 per month, plus a social security contribution of €350 paid by the public employment services, making a total of €1,280. The minimum benefit level stood at €497, and the maximum at €1,392, in addition to (in both cases) the €350 of social security contribution. Unemployed persons whose period of entitlement to benefit had come to an end, and whose personal income was less than 75 per cent of the inter-professional minimum wage, were entitled to non-contributory assistance for a period of between 6 and 30 months, based on the number of dependents, the unemployment contribution period and the person's age. On average, benefit payments amounted to €426 per month. Beneficiaries over the age of 52 were entitled to claim that amount up to the age of retirement and, in addition to the €426 benefit payments, the public services paid a further €200 in the form of social insurance contributions. Vulnerable persons no longer entitled to assistance benefits, such as the long-term unemployed and returning emigrants aged over 45, people with a degree of disability equal to or greater than 33 per cent or victims of gender-based or domestic violence, could claim a rehabilitation allowance of €426 for a maximum of 11 months.

28. With the dramatic increase in the number of persons receiving unemployment benefit, from 1,421,000 in 2009 to 3,023,000 according to the latest figures for 2012, and with the rules, benefits and time frames remaining the same, the public resources allocated to meet those costs had risen sharply from some €15 billion in 2007 to more than €30 billion in 2011 – an amount again included in the 2012 budget. The fact that, of the 3 million persons on unemployment benefit, 1,420,000 received contributory benefits and 1.6 million assistance benefits, showed that unemployment benefit coverage — namely the percentage of beneficiaries in relation to the total number of unemployed — had remained very stable during the period under review, varying between 78 per cent and 68 per cent, to stand currently at around 70 per cent. The number of foreigners receiving unemployment benefit stood at 385,000, or 3.5 per cent of all beneficiaries, accounting for 11 per cent of the total expenditure on unemployment benefit.

29. Spain had long promoted the employment of persons with disabilities, which was one of the priorities of the annual employment policy plan. Special employment centres, established by Royal Decree No. 2273/1985, were required to employ at least 70 per cent of persons with disabilities (with a degree of disability equal to or greater than 33 per cent), as

a means of facilitating their insertion into the labour market, and serving as a bridge to mainstream employment. Financial incentives could be very high – €9,000 per contract for centres employing between 70 per cent and 90 per cent of persons with disabilities, and up to €12,000 for centres with more than 90 per cent. Half the wage-related costs were borne by the State, and the centres were exempt from social security charges. There were 2,000 centres nationwide, employing more than 63,000 persons with disabilities, or 55 per cent of all workers with disabilities. The remaining 45 per cent worked in the mainstream job market, where support measures were also planned: exemption from social security charges for any workers with disabilities hired by companies with fewer than 250 employees, and a 75 per cent rebate on charges for companies with more than 250 employees, with financial incentives (€4,000 to €6,000) whenever fixed-term contracts were converted to open-ended contracts. Thanks to those measures, 2 per cent of private sector jobs were reserved for workers with disabilities, while in the public sector that figure stood at 5 per cent.

30. **Ms. Le Bolay** (Spain) said that 33 per cent of the foreign population was covered by social security, a figure close to the coverage for the general population (36 per cent). Of the 5.2 million foreigners living in Spain, around 1 million were not of working age and therefore did not count as part of the economically active population. A number of foreign residents had recently acquired Spanish nationality and no longer counted as part of the foreign population. Almost half of all foreigners came from the European Union, and had the right to reside in Spain but not the right to work there. Moreover, many foreigners settled in Spain for reasons other than work, such as family reunification.

31. With regard to why the Spanish Government had yet to ratify the International Convention on the Protection of the Rights of All Migrants and Their Families, she pointed out that none of the other member States of the European Union had yet ratified that Convention, which dealt with matters addressed by the 1997 Treaty of Amsterdam, on which the member States needed to establish a common position.

32. **Ms. Fernández de la Hoz** (Spain) said that the General Health Act had set up mechanisms to ensure equitable access to health services, both primary and specialized care, in all regions of Spain. It had established the Inter-Territorial Council of the National Health System, a body responsible for coordination between the autonomous communities and the State, headed by the Minister for Health, on which the councillors and ministers of the autonomous communities were represented.

33. Act No. 16/2003 on cohesion and quality in the National Health System aimed to promote equity, quality, innovation and procedures with added value from a scientific point of view. Cooperation between the regional and national health authorities focused on the quality of the health system, health care, pharmaceutical services and the work of health and research professionals. It was supported by various national institutions, including the Spanish Agency for Medicines and Health Products and the Observatory on Health Care Systems. The General Health Act, adopted in 2011, went a step further by proposing measures to address current challenges on the basis of collaboration between the different sectors of society.

34. The common catalogue of services provided by the National Health System was updated through decrees issued by the Ministry of Health, Social Services and Equality, subject to the approval of the Inter-Territorial Council. Criteria based on principles such as effectiveness, safety and respect for the legislation in force were used to determine whether new services were included in or excluded from the catalogue. The autonomous communities could add to their own catalogues techniques, technologies or procedures that did not feature in the national catalogue, subject to the approval of the Inter-Territorial Council.

35. A royal decree issued in 2012 launched a reform of the national health system, and initiated a review of the catalogue of common services for harmonization purposes. A working group of the Inter-Territorial Council was given the task of reviewing the catalogue on the basis of scientific research and the views of the health technologies and services assessment network. The review would also cover outpatient care which required a financial contribution from the patient. Its aim was to encourage the use of generic products, to establish a centralized purchasing system to ensure that the packaging of medications was adapted to the required treatment, and to harmonize auxiliary services, such as prostheses and various therapies.

36. **Ms. Shin**, referring to the three cases of budget cuts affecting the care provided to victims of domestic violence, which had been highlighted in a report on Spain submitted to the Committee by Amnesty International, asked what measures the central Government was taking to ensure that the autonomous communities did not reduce budget allocations earmarked for combating domestic violence.

37. With regard to women's right to work and equal pay, she invited the State party to develop an evaluation system to identify the horizontal and vertical segregation faced by women, in application of the principle of equal pay for work of equal value.

38. **Mr. Texier** asked whether the pension budget cuts, particularly in the public sector, had also affected the lowest pension entitlements. If so, what was the percentage of the decrease and what was its impact on poverty levels?

39. **Mr. Martynov** said that, according to certain sources, the State social security system penalized persons with disabilities, insofar as it required them to contribute to the health-care charges. He asked the Spanish delegation to confirm whether such a shared funding mechanism existed and, if so, to explain how it worked.

40. **Mr. Abdel-Moneim** encouraged the State party not to be content to adopt employment policies, but to take the appropriate economic measures with a view to achieving progressively the full realization of the right to work, in accordance with article 2, paragraph 1, of the Covenant.

41. **Mr. Sadi** asked whether human rights education, which seemed to focus on the duties and obligations of citizens, also covered international human rights standards. With regard to the Office of the Ombudsman, he cautioned the Spanish delegation not to confuse that function with the national human rights institution, which States were obliged to establish under the Paris Principles.

42. **Mr. Hermida Marina** (Spain) said that the Spanish Government, which would never sacrifice economic growth, which was in any case vital for job creation, was trying to opt for measures that would make the economy more flexible, in order to create more jobs even with a growth rate below 2 per cent. The best example of that was the labour reform, which had increased the flexibility of a system that dated back to the Franco era. The Spanish Government had nevertheless been obliged to shore up the country's finances, owing to the record levels of debt it had inherited. The risk premium due to an excessively high level of debt had taken the interest payments on the public debt to new peaks. Since the cost of maintaining that level of debt would have been unsustainable for the Spanish economy, adjustments had to be made in public spending, rather than cuts, as the aim was to increase efficiency while preserving the standard of well-being.

43. Pension levels had not been reduced. The legislation reforming the pension system, adopted in August 2011, had followed the recommendations of the European Union and had increased the age of retirement, owing to the longer life expectancy of workers. The pension freeze introduced in 2011 had affected only pensions above the minimum entitlement level, and had reduced the gap between the lowest and highest pension levels.



Pensions had been increased by 1 per cent in 2012, and the amounts corresponding to the inflation adjustment for 2011 had been paid. The Government guaranteed pension payments and did not wish to do away with any protection system. It hoped to return to a pre-2007 rate of growth and employment, thanks to greatly improved productivity and profitability.

44. **Mr. Salama Salama** (Spain) said that the Office of the Ombudsman was responsible for protecting human rights in Spain. Its function was enshrined in the Constitution and met the criteria of independence, access to procedures, documentation and remedies available contained in the Paris Principles.

45. With regard to the right to strike, the only restrictions stipulated in the Constitution applied to military staff. The first strike by judges and magistrates had been held in Spain in 2009, and, according to the media, had been followed by 60 per cent of those concerned. In the public sector, restrictions were aimed only to ensure the provision of essential services, such as sanitation and transport. Those minimum services were determined in negotiations with trade unions and, if necessary, by judicial decisions issued under priority, summary procedures.

46. **Ms. Ruiz** (Spain) said that Act No. 39/2006, which had entered into force in January 2007, had marked a turning point in efforts to consolidate well-being in Spain by recognizing a new individual right based on the principles of universality, equity and accessibility. According to article 149, paragraph 1, of the Constitution, only the State was competent to regulate the basic conditions necessary to guarantee equality for all Spaniards in the exercise of their rights and fulfilment of constitutional obligations. Act No. 39/2006 had laid down the basic terms for promoting personal autonomy and assistance to persons in a dependent situation, on the basis of a comprehensive system with three levels of funding: a minimum level guaranteed by the central State administration, a level established in consultation with the autonomous communities, and a level corresponding to the contributions paid by the beneficiary. Moreover, the contributions of beneficiaries to the cost of benefits depended on the economic capacity of the dependent person. The relative poverty rate among the over 65s had fallen by eight points between 2004 and 2011.

47. **Ms. Peñafiel** (Spain) said that the Secretary of State for Social Services and Equality was responsible for ensuring that funds were distributed among the autonomous communities in the most effective way possible, in order to guarantee the highest level of protection and support for all victims of domestic violence, regardless of their origin. The gender wage gap was a complex issue, since owing to several factors it had been impossible to work out a common indicator or to secure accurate data. The National Institute of Statistics (INE) and the Institute for Women therefore used a non-adjusted calculation method to measure the gap, which did not take into account a number of factors such as activity sector, age or training. The reform of occupational categories should help reduce horizontal segregation. Vertical segregation had already begun to decline, particularly on company boards of directors, where, since the adoption of the Equality Act in 2007, the proportion of women had risen from 6 per cent in 2007 to 11 per cent in 2011. In order to put an end to the different types of segregation, particular emphasis was being placed on training provided during office hours.

48. The Government intended to adopt a special plan to combat wage discrimination, which included reforming labour legislation, strengthening collaboration with the labour inspectorate, and establishing annual follow-up reports and information and awareness-raising activities, such as the celebration of international Equal Pay Day. Since equality legislation had been passed, minimum paternity leave had amounted to 15 days, and could be extended within the framework of collective bargaining. Between March 2007 and March 2012, according to the figures of the National Social Security Institute, 1,337,146

persons had taken such leave. In 2010, for every 100 women taking maternity leave, 85 men had taken paternity leave.

49. **Mr. Barroso Barrero** (Spain) said that employment policies were closely linked to economic policies. The objective of the public policy was to change the economic model, in order to take the GDP threshold required for net job creation to 1.4 per cent. The Government continued to protect the unemployed, of whom about 70 per cent currently received unemployment benefits. There was no shared financing system for the employment of workers with disabilities, but direct subsidies were provided for job creation and to cover the full cost of social security for those workers.

*Articles 10 to 12 of the Covenant*

50. **Mr. Tirado Mejía** asked the delegation to provide updated data on domestic violence, and to indicate what specific measures had been taken in that regard since 2004. He regretted that the question of drug use had not been addressed in greater depth in the periodic report, and asked whether domestic violence and drug use had increased since the start of the crisis. In view of the fact that, for a long time, Spain's growth had primarily been based on the construction industry and homeownership, while apparently the banks had often been the real owners, he would welcome the views of the Government on the issue of evictions, the number of evictions taking place and specific policies implemented in that field. He asked the delegation whether owners who failed to meet their mortgage payments could settle their debt by returning the property to the bank (accord and satisfaction).

51. **Mr. Riedel** congratulated Spain on its commitment to promoting the right to water, welcomed the State party's efforts to establish baseline data on the issue and requested that part of the next periodic report be devoted to that right. He asked the delegation to clarify the measures taken, in the context of the current crisis, to guarantee the right to water for disadvantaged and marginalized people. He asked whether Royal Decree-Law No.16/2012 on emergency measures to ensure the sustainability of the national health system and to improve the quality and safety of services, which had met much criticism, especially from the medical community and civil society, had been adopted by the Congress of Deputies. He was concerned that the legislation only provided adult migrants with access to emergency care and denied young people who had never been employed access to health care, given the fact that over a quarter of young Spaniards — many of whom had never worked and had therefore never paid social security contributions — were unemployed. While the under-26 age group always had the possibility of calling on the sickness insurance of a relative, the situation of those aged over 26 required further clarification.

52. He requested detailed information, in time series format, on suicide and mortality rates in detention, as well as any measures taken or envisaged to improve the health of prisoners, particularly those suffering from mental illness. Regarding voluntary internment procedures, he requested more detailed information regarding measures taken to deal with the most violent patients, and asked who was responsible for reviewing the conditions of internment and how often the review was performed, whether health inspections were conducted on a regular basis and what procedures were in place to appeal against internment. He welcomed the 2006 strategy to promote mental health, and asked about its impact, as well as that of the 2004–2008 national health equity strategy, aimed at the Roma population. He requested clarification on measures taken to combat excessive alcohol consumption among young people.

53. **Mr. Ribeiro Leão**, drawing on statistics published by Eurostat, wished to know whether a national plan existed to combat poverty and, if so, what it consisted of and what its impact had been. He asked about measures available to help families meet their mortgage payments.

54. **Ms. Barahona Riera** welcomed the Act on equality, the Act on comprehensive protection measures against gender-based violence and the pioneering Act on the promotion of personal autonomy and care for dependent persons. She feared, however, that reducing public spending during the crisis would come at the expense of tangible action to enforce those measures. She wondered how the rights enshrined in those three instruments could be sure to be implemented in practice in the autonomous communities in the event that the communities did not allocate the necessary budgetary resources. She was concerned that reform of the health system might prompt several autonomous communities to decide to privatize certain types of care, might undermine the right to health for all and might create inequalities between the autonomous communities. She asked about measures to uphold the rights of undocumented persons in administrative detention centres, and their access to health care in general. She asked about the case currently before the Constitutional Court, which was aimed at revising the law on abortion, and whether access to legal abortion services would be restricted as a result of public spending cuts.

55. **Mr. Atangana** noted that article 32, paragraph 1, of the Constitution, which defined marriage as a union between a man and a woman, on a basis of full legal equality, should perhaps have been modified prior to the adoption of the law on same-sex marriage.

*The meeting rose at 1 p.m.*