

SPAIN



CENTER FOR ECONOMIC AND SOCIAL RIGHTS
SOCIAL JUSTICE THROUGH HUMAN RIGHTS

FACT SHEET No. 14

In light of Spain's appearance before the Human Rights Council's Universal Periodic Review (UPR) in January 2015, this factsheet examines the enjoyment of economic and social rights in the country. The data presented in this factsheet cover the period from 2007 and 2010 onwards, specifically to focus attention on the human rights impact of the economic crisis and the austerity measures taken in response to it. The analysis concludes that over the past four years poverty in Spain has increased and inequality has widened as a result of austerity policies. Evidence shown in this factsheet makes clear that the effect of these measures on the economic and social rights of the most vulnerable has been devastating.

In its last Universal Periodic Review in 2010, Spain received and accepted several recommendations focused on the reinforcement of measures aimed at ensuring the protection of the economic and social rights of those who have been worst affected by the crisis—including women, children and migrants. Further guidance on protecting human rights in the context of Spain's economic crisis was given in May 2012 by the United Nations Committee on Economic, Social and Cultural Rights, which called on the state to redouble its efforts to guarantee these rights for everyone without discrimination, and in particular for the most vulnerable (CESCR, 2012a). Among other issues, the Committee recommended the adoption of a comprehensive national plan to combat poverty and mitigate the adverse effects of the crisis, including high rates of child poverty and the increasingly precarious situation of older persons. It also recommended improved protection of workers' labor rights and called on the state to ensure that all persons residing in its territory, regardless of their administrative status, have access to healthcare services in compliance with the principle of universality. Increasing the supply of social housing was also recommended, as was the implementation of a legislative framework establishing human rights safeguards to be satisfied before carrying out an eviction. Many of these recommendations have subsequently been echoed by a number of United Nations Special Procedures (OHCHR, 2014), as well as by the Council of Europe's Human Rights Commissioner (COE, 2013) and the European Committee of Social Rights (ECSR, 2010 and 2013).

Nevertheless, Spain has largely failed to act on these recommendations. Its response to the crisis has continued to focus on harsh austerity measures, including deep cuts to the budgets of key social sectors, which have jeopardised the wellbeing of the most vulnerable. Poverty has become entrenched, fuelling growing inequality. Unemployment has continued to rise and the right to health has come under increased threat, impacting women and migrants most acutely. At the same time, action to mitigate the inequalities exacerbated by Spain's austerity policies has been woefully inadequate. Further, the authorities have failed to collect and provide data detailing the impact of its austerity-driven reforms on the population. The information available is fragmented, scarce or limited to certain geographical areas or autonomous communities, which calls into question whether decision-making is transparent, considered and evidence-based.

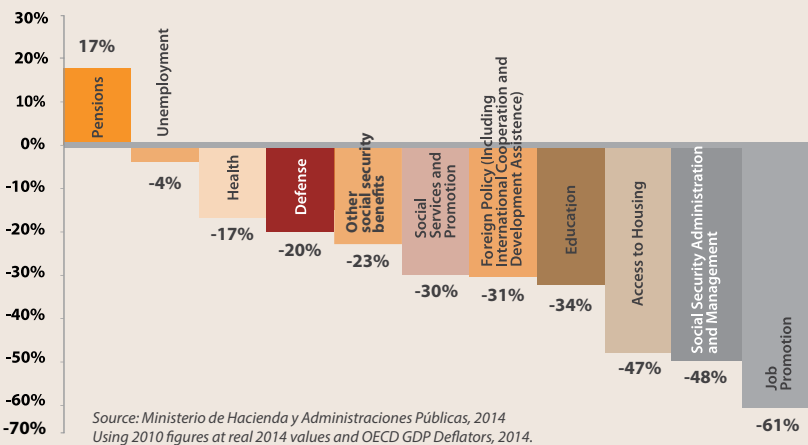
Spain's UPR appearance is an opportunity for the government to explain when and how it intends to act on the directives and recommendations made by international mechanisms to revise the measures adopted in response to the crisis and to ensure that human rights guide its economic recovery strategies. To encourage it to do so, Members and observers of the Human Rights Council should call on the government to modify all laws and policies that contravene international human rights standards, to put an end to the retrogression witnessed in many aspects of economic and social rights, and to guarantee these rights for all people living within Spanish territory, independently of their administrative situation and without discrimination, in accordance with the recommendations accepted by Spain in 2010 and consistently reinforced by the aforementioned human rights bodies.

VISUALIZING
RIGHTS

Against a backdrop of austerity poverty has risen...

FIGURE 1

National Budget Cuts to Social and Other Sectors in Spain (2010-2014)

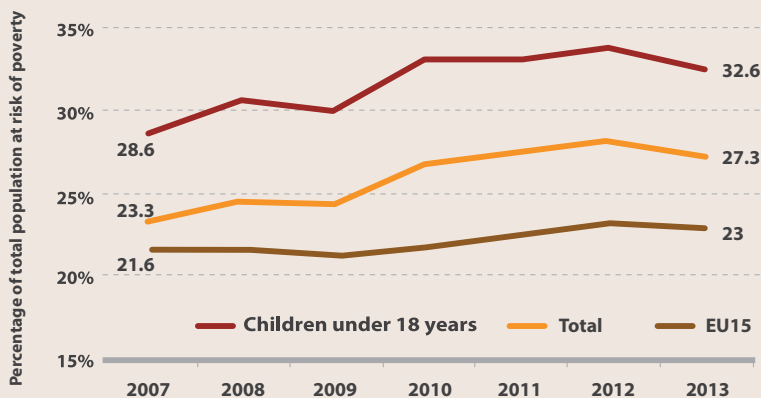


There have been drastic cuts to social spending over the past four years, particularly to social protection allocations supporting the most vulnerable.

Budget allocations to social security administration, job promotion, housing and education have seen the most sizable reductions. Meanwhile, the State budget for social security benefits for children and families has been cut by 91% since 2008, while social protection allocations to immigrants, people with disabilities, the elderly and dependents, have all seen declines to historically low levels—with falls of 79%, 69%, 50%, and 26%, respectively between 2008 and 2015 (Oxfam Intermón, 2014a). In addition to social spending cuts, austerity measures implemented in Spain include regressive sales tax hikes, cuts to public sector pay, restrictions to health care entitlements, and the privatization of public services (CESR et al, 2012).

FIGURE 2

Percentage of the Population at Risk of Poverty and Social Exclusion in Spain and the European Union (2007-2013)

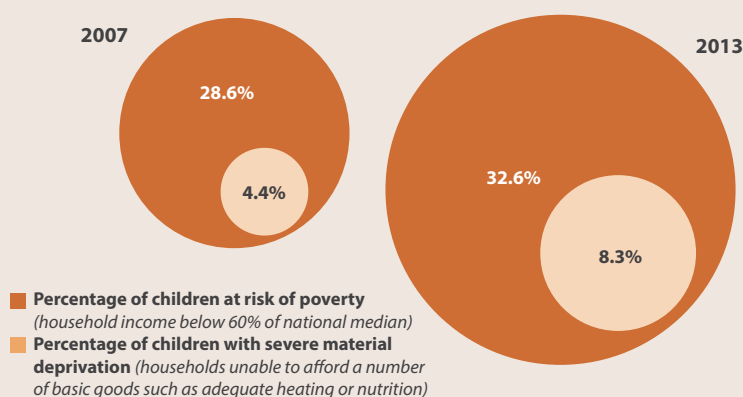


Over a quarter of the population is now at risk of poverty and social exclusion.

Almost 13 million people were at risk of poverty and social exclusion (defined as having a disposable income below 60% of the national median) in 2014 - some 3 million more than in 2007 (Eurostat, 2014b). It is estimated that 38% of the population – or 18 million people – will be at risk of poverty and social exclusion in 2022 if trends continue. This is in marked contrast to Spain's Europe 2020 commitment to decrease poverty risks (Oxfam Intermón, 2012). Evidence suggests that while social protection transfers (such as pensions and unemployment benefits) have had significant effects in reducing poverty rates among certain groups, they have had the least effect on poverty rates amongst those already severely excluded (FOESSA, 2014).

FIGURE 3

Child Poverty and Material Deprivation in Spain (2007-2013)



Source: UNICEF, 2014

Spain has experienced one of the largest increases in child poverty in the EU since the onset of the crisis.

Almost 2.7 million children are now at risk of poverty or social exclusion – some 800,000 more than in 2008 (UNICEF, 2014a); this is equivalent to losing 10 years of progress in combating child poverty (UNICEF, 2014b). Spain now has the second highest child poverty rate in the EU, after Romania (Oxfam Intermón, 2014a). The increase in the rate of child poverty was 6% higher for children in migrant households than for other children (UNICEF, 2012). The proportion of children in Spain facing severe material deprivation has almost doubled since 2007. UNICEF estimates that 2.3 million, or a quarter of children, are at risk of malnutrition. Even short periods of poverty and malnutrition in the critical years of a child's development can have life-long consequences across the whole spectrum of their human rights.

...and inequality has widened

The consequences of the economic crisis and austerity are impacting disproportionately on those least able to bear the burden.

Overall, average disposable income has decreased by 3.6% since 2007. Yet the richest tenth of the population have lost only 1.4%, while the poorest tenth have seen 12% of their income disappear. This is a far wider disparity than in other comparable European countries. The top 1% of income earners in Spain now account for 8.2% of national income (The World Top Incomes Database, 2014). The wealth share of the richest 10%, which includes both physical assets and financial investments, has grown rapidly: from 52% in 2007 to 55.6% in 2014. This is a much higher change than in other similarly situated European countries, such as Portugal, France, Belgium and Ireland over the same period (Credit Suisse Research Institute, 2014).

Spain has become one of the most unequal countries in Europe.

The gap between rich and poor in Spain is now not only one of the largest in Europe; it has also grown 15% since 2007 – wider and faster than all the other poor performers in this category. Social immobility (the likelihood that parents' earnings determine their children's) is also high (Corak, 2012). Social immobility is a significant determinant of whether short-term poverty becomes entrenched economic inequality. Without significant changes to Spain's current austerity path, which prevents meaningful social and economic investments in children and youth from disadvantaged backgrounds, wide disparities in life chances in Spain will become deep rooted.

The social exclusion of immigrant households is widening.

In 2013, 24.4% of foreign nationals were reportedly subject to severe social exclusion in Spain; this is 13.2 percentage points higher than in 2007. Between 2007 and 2013, the proportion of households of foreign nationality finding themselves in situations of exclusion increased in the areas of employment, consumption, education, housing and health. The increase in health exclusion is particularly troubling. In 2013, 30.6% of immigrant households faced health exclusion; almost double the proportion in 2007 and 13.5 percentage points more than Spanish households. The crisis in Spain has therefore affected migrant households to a much greater extent than Spanish households, which puts these already economically and socially marginalized groups at an even greater risk of ill health.

FIGURE 4 Annual Percentage Changes in Household Disposable Income in Spain and OECD for Top and Bottom Income Deciles (2007-2011)

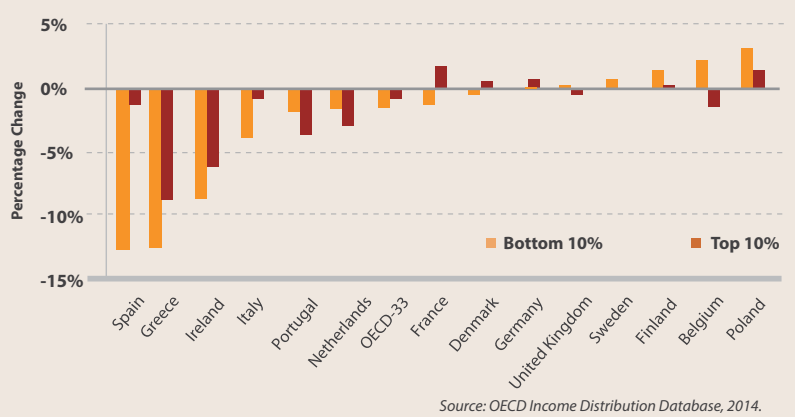


FIGURE 5 Inequality in Spain and the European Union: Ratio of Total Income Share of the Top Quintile to that of the Lowest Quintile (2007-2013)

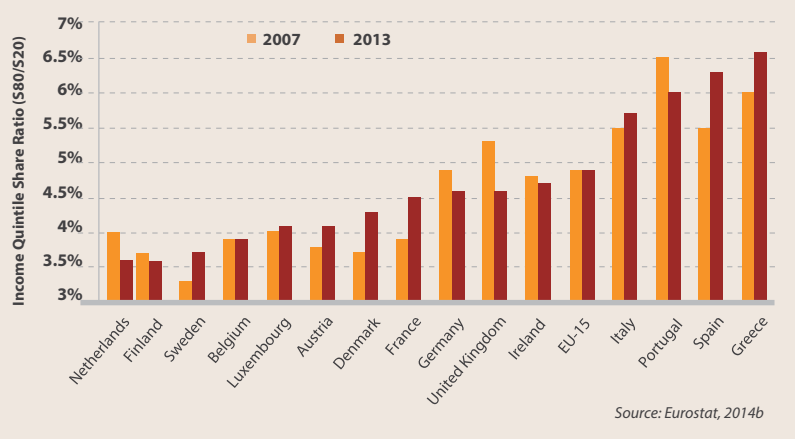
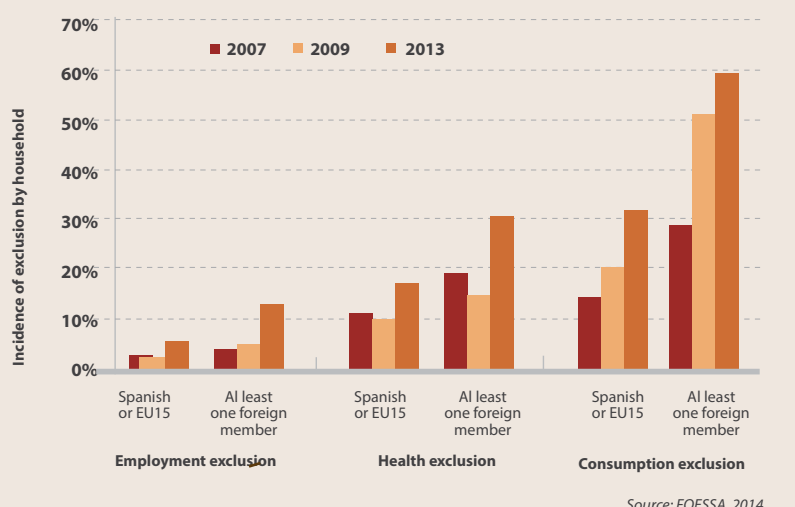
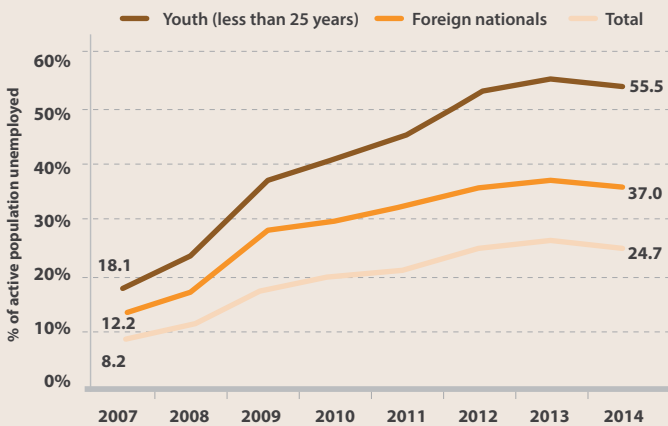


FIGURE 6 Incidence of Social Exclusion by Nationality



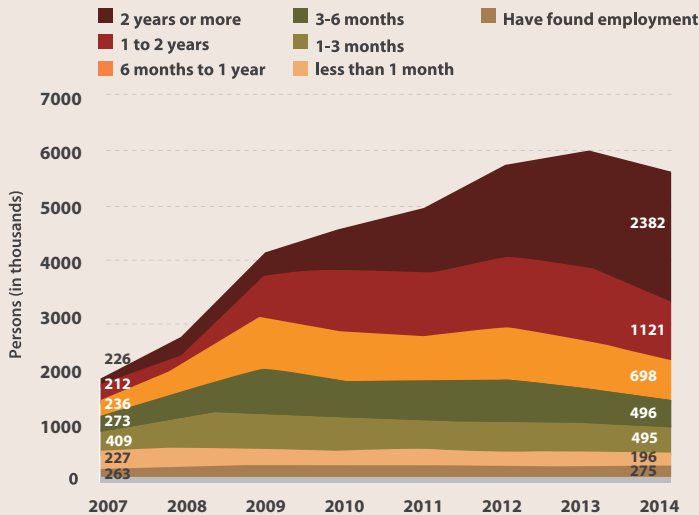
The right to decent work has been eroded...

FIGURE 7 Unemployment Rates in Spain, Annual Averages (2007-2013)



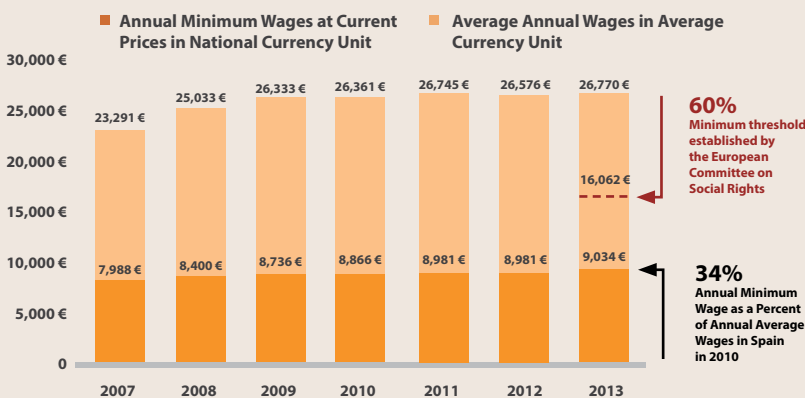
Source: Eurostat, 2014a and Instituto Nacional de Estadística, 2014a.

FIGURE 8 Duration of Unemployment: Absolute Number of Jobless of Working Age (2007-2014)



Source: Instituto Nacional de Estadística, 2014a.

FIGURE 9 Evolution of Annual Minimum Wage Compared to Annual Average Wage (2007-2013)



Source: OECD Employment Database, 2014.

Unemployment in Spain remains at record levels.

While the aggregate unemployment rate dipped slightly in 2014, 6 million people remain unemployed in Spain, the second highest unemployment rate of all OECD countries. Youth and foreign nationals have been particularly hard hit; unemployment for these groups is now triple pre-crisis rates. More than half of those under 25 are jobless. Around a third of non-citizens are without work, many because of the massive lay-offs in the construction sector induced by the economic crisis. Yet, instead of protecting the rights of migrant workers and their families, the Spanish authorities have deprived many of them, particularly those without legal status, access to essential social services.

Long-term unemployment rates are increasing.

While overall unemployment stabilized somewhat in 2014, the number of long-term unemployed rose 17% in the same year, an almost tenfold spike since the economic crisis began. Almost 2.4 million people in Spain have been unemployed for two or more years, representing 42% of the total unemployed. In 2014, women were more likely to be unemployed than men (Eurostat, 2014d), and for longer terms (45.6%) compared to men (43.5%) (World Bank, 2014). Many unemployed people have lost access to unemployment benefits and other social protection measures after two years without work, posing serious threats to the right to social security and to an adequate standard of living.

Wage precarity in Spain has increased, while real wages for those earning the minimum wage have been eroded.

More than 20 million people, or 44% of the population, face wage precarity, defined as households with combined gross income at or below €12,000 per year or households receiving no income. Of those employed, the majority – some 16 million – faces wage precarity (GESTHA, 2012). Further, the minimum wage has failed to keep up with increasing prices, depressing workers' spending power. At just 34% of average annual wages in 2010, the annual minimum wage remains manifestly inadequate and is well below the minimum threshold recommended by the European Committee of Social Rights to uphold the right to fair remuneration and a decent standard of living (ECSR, 2010).

...impacting on the right to an adequate standard of living

There are significant disparities in earnings between men and women, and between nationals and non-nationals.

Female nationals earned just 76% of male salaries on average in 2012. Women are largely concentrated in precarious part-time work, making up 72.5% of part-time workers and only 43% of permanent contract workers (INE, 2013). Deep cuts to essential services and subsidies to professional caregivers and homes; labor reforms that make it easier for employers to change working hours; and the austerity-induced postponement of parental leave measures (CESR et al, 2012) make it more likely that women who are not the primary breadwinners will forgo employment to care for family. This cements the already pervasive 'genderization' of caretaking and homemaking in Spain, which has the fourth highest percentage of women outside of the labor market for caretaking reasons (CESR et al, 2012). Migrants face an even greater wage gap relative to national workers, earning just 60% compared to nationals. The average female migrant earns less than half of the average Spanish male, suggesting a strong degree of intersecting workplace discrimination.

The share of real wages in the economy has dropped steeply.

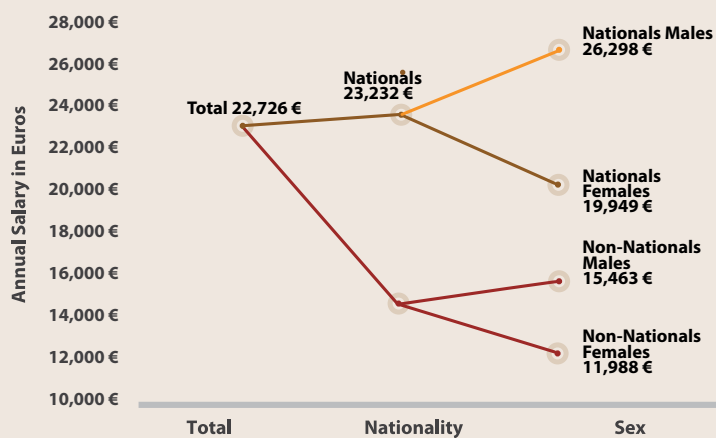
Although there has been a general downward trend in the share of labor to total income across advanced economies for decades, wage ratio deterioration in Spain has been particularly sharp, with the share of wages to GDP falling by a predicted 4.5 percentage points between 2010 and 2015. This compares to a fall of 1.8 and 0.5 percentage points in Denmark and France, respectively. Such a sharp fall in the wage income share could fuel inequality and deprivation of economic and social rights, as it constrains household consumption, weakens tax revenue, stiffens social immobility and suggests that workers and their families are not receiving adequate remuneration nor a fair share of the wealth they create in the economy.

Rising unemployment and undersupplied social housing have had a particularly severe impact on the right to housing.

The housing cost overburden rate (percentage of population living in households where total housing costs represent more than 40% of disposable income) has risen since 2007. For persons living in poverty this figure grew from 64% in 2007 to 73% in 2013. Legislative efforts to assist those homeowners who can no longer afford their housing costs to avoid foreclosure have been weak and incoherent and the supply of social rental housing (only 2% of housing stock in Spain) is starkly insufficient (CECODHAS, 2012). Such a situation is not sustainable and poses a significant threat to the right to adequate housing for the most disadvantaged groups.

FIGURE 10

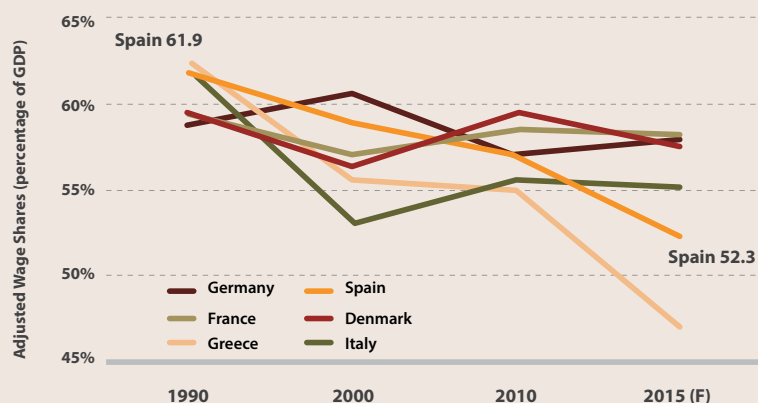
Average Annual Salary Disaggregated by Sex and Nationality (2012)



Source: Instituto Nacional de Estadística, 2014b.

FIGURE 11

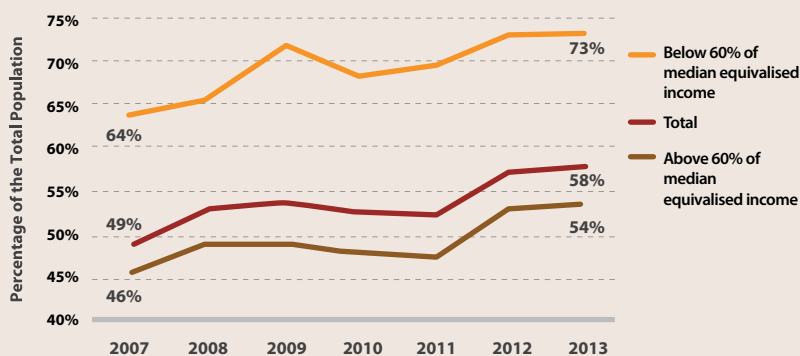
Adjusted Wage Share Ratio in Spain and Other European Countries (2000-2015)



Source: Morgan Stanley, 2014. (* = expert forecast)

FIGURE 12

Housing Cost Overburden Rate Disaggregated by Poverty Status (2007-2013)

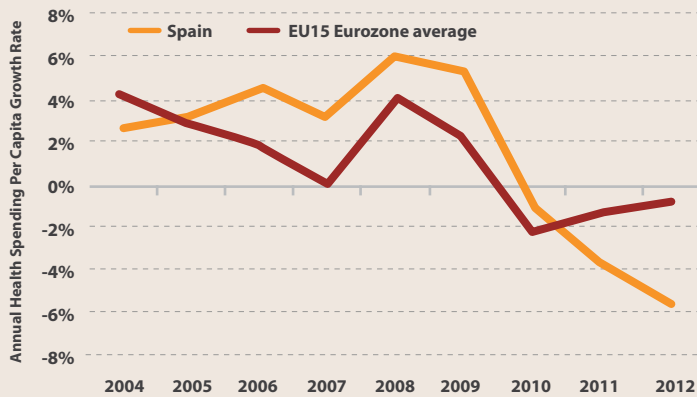


Source: Eurostat, 2014b.

Austerity measures have undermined the right to health...

FIGURE 13

Real Annual Growth Rate in Per Capita General Government Expenditure on Health in Euros, Spain & Eurozone average (2004-2012)



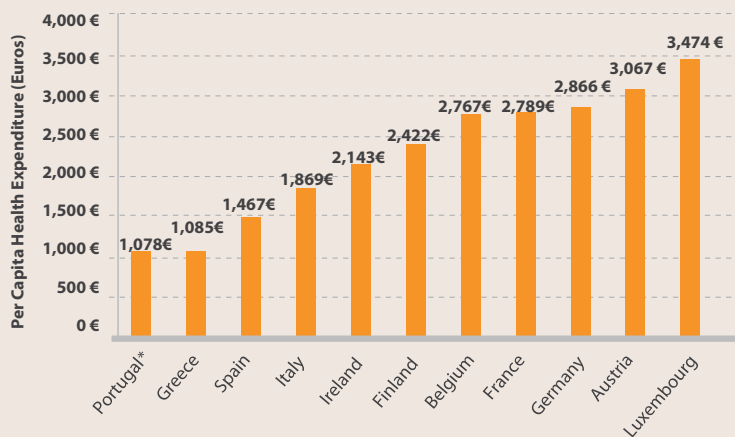
Source: OECD Health Statistics Database, 2014. *2012 prices. World Bank GDP Deflator Index, 2014. *EU15 Eurozone countries include: Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, and Portugal

Spain has had one of the steepest drops in health spending across Europe.

Health expenditure managed by the Autonomous Communities, which now accounts for 90% of the total health budget, fell by 11% between 2010 and 2014, to a total of just over 52 billion Euros. Cuts to health spending have been made in all but two of the Autonomous Communities. In relative terms, the most sizeable declines have been seen in Murcia, Extremadura and Andalucía with falls of 26%, 22% and 20%, respectively between 2008 and 2014 (Ministry of Health, 2014; Ministry of Finance and Public Administration, 2014). Cuts also look set to continue, with the national health budget for 2015 estimated at 3.863 billion Euros, which represents a decrease of 17% over the past five years in nominal terms.

FIGURE 14

Annual Per Capita General Government Expenditure on Health in Spain and Eurozone Countries (2012)



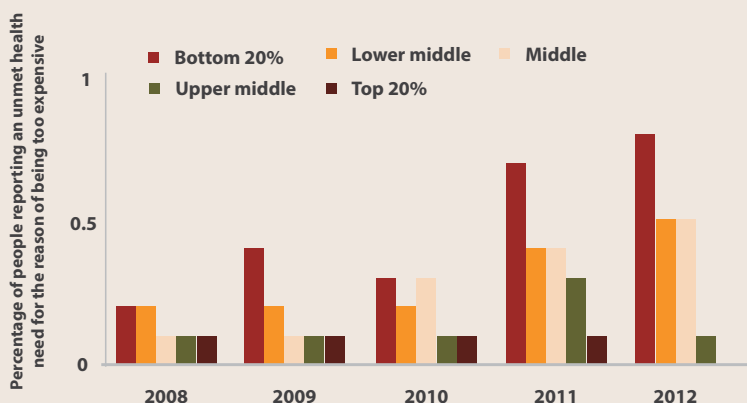
Source: OECD Health Statistics Database, 2014. *Portugal data refers to 2011

Health spending per capita in Spain is low compared to other European countries.

Cuts to health spending are occurring just as more resources may be required to deal with the right to health effects associated with unemployment, household debt, and decreases in standards of living. Yet, despite being the fifth largest economy in Europe, Spain remains one of the lowest spenders on health per capita. As changes in health financing increasingly affect access to health care, the proportion of the population who perceive there to be too few resources allocated to health has also sharply increased, from one third in 2011 to two thirds in 2014 (Centro de Investigaciones Sociológicas, 2014).

FIGURE 15

Incidences of Unmet Health Needs Due to Cost



Source: Eurostat, 2014b.

Austerity-related health reforms are affecting the accessibility, affordability, quality and universality of services.

In 2012 Spain adopted a combination of budgetary, legislative, administrative and other structural measures which have fragmented the previously universal public health system and threatened to undermine the health status of the population as social exclusion intensifies (FOESSA, 2014). The number of people reporting unmet health needs due to cost has spiked in recent years, especially amongst the bottom 20% of income-earners. Spain's Ombudsman Office reported 1,854 complaints about healthcare in 2013, a jump of almost 6% in one year. Of these, over 80% of the complaints were concentrated in primary care, escalating costs of medicines and increased waiting lists, including excessive delays of over two years for necessary surgical care (Defensor del Pueblo, 2013).

...particularly for those already disadvantaged

Approximately two fifths of the migrant community have been effectively denied access to healthcare by Royal Decree Law 16/2012.

RDL 16/2012, enacted in April 2012 as part of austerity measures to rationalize health spending, strips immigrants with irregular status – estimated at some 873,000 people – of their previously guaranteed right to public healthcare, with only limited exceptions such as for children and pregnant women. Irregular immigrants living with HIV/AIDS and other diseases are amongst those put at particular risk. Médicos del Mundo has recorded 1,192 cases of violations of the right to health since the decree (Médicos del Mundo, 2013a). A study in Catalonia compared economic and epidemiological variables between the population likely to be excluded from health coverage under the Decree and those who would continue to be entitled to it. It concluded that the Decree could not be justified for medical or economic reasons, but could cause public health problems and contribute to the risk of social fracture (Alamo-Junquera et al, 2014).

Health reforms and budget cuts are particularly jeopardising the rights to life, health and physical integrity of women in Spain.

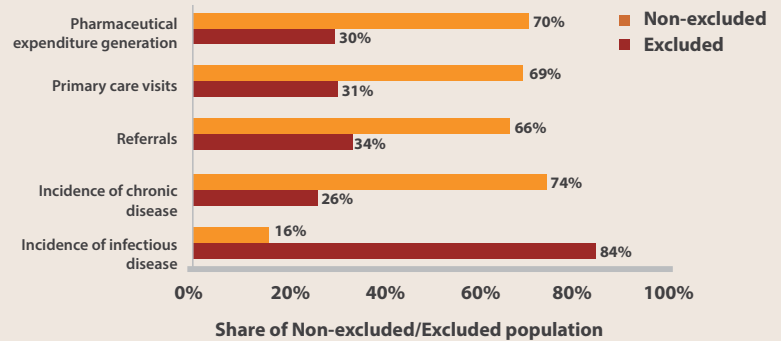
As a result of Royal Decree 16/2012, migrant women with irregular status are being denied non-maternity related sexual and reproductive healthcare, and are also prevented from accessing primary health clinics, one of the main means of detection of gender-based violence. A large proportion of female victims of trafficking will lose access to these services (Amnesty International, 2012). Moreover, the budget set aside for the fight against gender-based violence has been cut to 77% of the 2009 figure. A slight increase in the 2015 budget is still insufficient to bridge the gap (Observatorio de Género sobre Economía, Política y Desarrollo, 2014) and many women's shelters have closed. In 2012 85 support centres and 13 shelters were closed in the autonomous community of Castilla La Mancha alone (European Women's Lobby, 2012). Latest figures indicate that one in five women in Spain over 15 years old has suffered physical or sexual violence; less than a fifth of survivors reported the most serious forms of assault to the police (FRA, 2014).

A co-payment or user fee system for pharmaceuticals has made access to medicines less affordable and disproportionately impacts on older persons.

Government pharmaceutical spending per capita has fallen by 28% between 2009 and 2013 (EAE Business School, 2014). The introduction of a co-payment or user fee system for pharmaceuticals means increased costs are now being borne by ordinary people, with a particularly severe impact on pensioners. As a result, a significant number of pensioners are reportedly forgoing medicines they have been prescribed (El País, 2013). Nearly a fifth reported that they were unable to access ongoing care because of increased costs (La Federación de Asociaciones para la Defensa de la Sanidad Pública, 2013). While pensioners on fixed incomes are particularly hard hit, they are not alone. Latest figures indicate that the proportion of the population who could no longer afford medicines due to low wages rose from 5.4% in 2007 to 15.8% in 2013 (FOESSA, 2014).

FIGURE 16

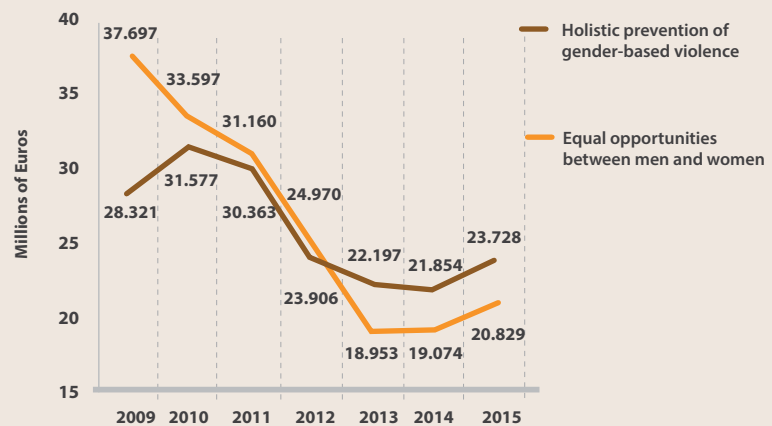
Catalonia: Use of Health Services, Pharmaceutical Expenditure Generation and Incidence of Chronic and Infectious Disease by Non-excluded and Excluded from the Public Health System



Source: Alamo-Junquera D., et al, 2014.

FIGURE 17

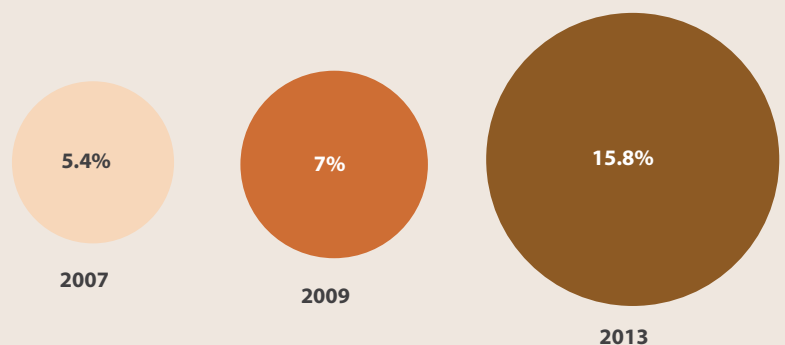
Budget Allocations to Address Equality and Gender-Based Violence 2009-2015



Source: Observatorio de Género sobre Economía, Política y Desarrollo, 2014

FIGURE 18

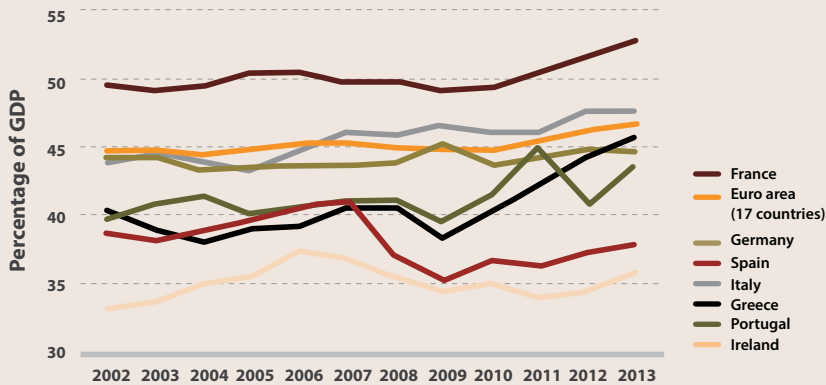
Proportion of the Spanish Population Who Can No Longer Afford to Pay for Medicines Due to Low Wages (2007-2013)



Source: FOESSA, 2014.

There are fairer fiscal alternatives to austerity...

FIGURE 19 Tax as a percentage of GDP in Spain and in Europe

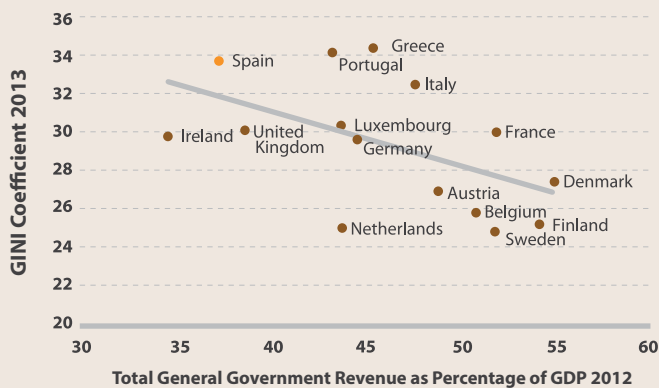


Source: Eurostat, 2014c.

Spain is not doing enough to mobilize the maximum available resources to fulfil economic and social rights, in line with its obligations under international standards.

As international human rights bodies have affirmed, austerity measures must only be introduced after the most careful consideration of all other less restrictive alternatives, including adjustments in fiscal policy aligned with human rights standards (CESCR, 2012b). Rather than implementing austerity cuts that roll back on fundamental social and economic rights, the Spanish state could make more effort to generate resources through progressive and non-discriminatory taxation. Yet tax revenue in Spain remains low and fiscal reforms announced in 2014 are predicted to further decrease government revenue by 9 billion Euros over the next two years (Oxfam Intermón, 2014a).

FIGURE 20 Government Revenue (2012) and Income Inequality (2013) in Spain and in Europe

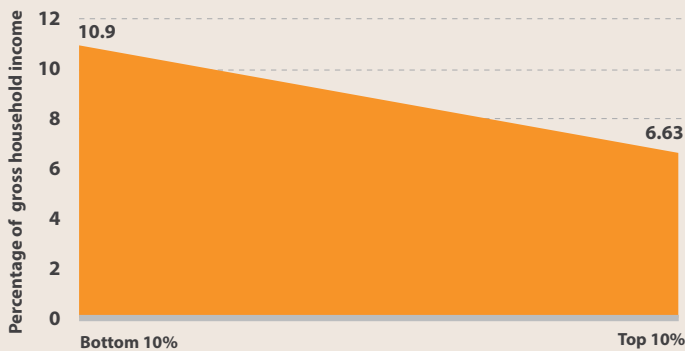


Source: Eurostat, 2014b and Eurostat 2014c.

The high level of inequality in Spain relative to other European countries is linked to its relatively low rate of government revenue to GDP.

Spain's exorbitant level of income inequality (as measured by the GINI index, indicating how far the distribution of income within a country deviates from zero or a perfectly equal distribution), appears correlated with its very low levels of government revenue relative to GDP. This suggests that mobilizing available resources through fairer and more effective taxation is central to reducing inequalities and fulfilling economic and social rights for all in Spain. Despite a series of piecemeal tax reforms, measures to progressively increase revenue in equitable, predictable and sustainable ways have been lacking.

FIGURE 21 Effective Pressure of Value-Added Tax in Spain (top and bottom decile, 2011)



Source: Oxfam Intermón, 2014b.

Tax reforms in Spain are regressive and have failed to boost public revenue to the levels needed.

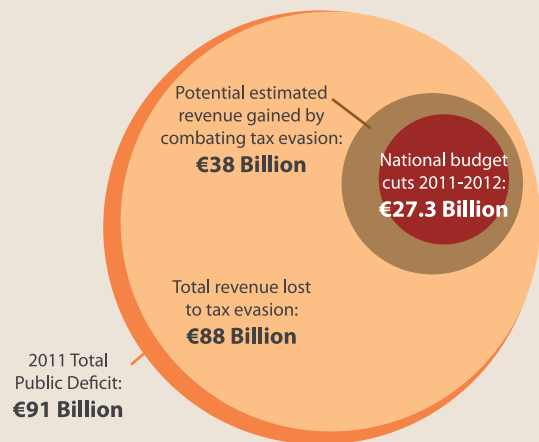
The Spanish government's principle tool to boost revenue since 2010 has been a series of increases to the value-added tax (VAT), even though it disproportionately affects the bottom 10% and contributes to income inequality. The income tax regime in Spain meanwhile has not been marshalled to its full potential as an instrument for reducing inequality. In fact, a major fiscal reform in 2014 may well lighten the tax contributions of those with relatively high tax capacities (high income-earners and large companies), while not improving the income tax burden of those already bearing the brunt of budget cuts and indirect taxes such as VAT (Oxfam Intermón, 2014c). Large companies meanwhile continue to benefit from generous tax incentives and privileges. While small and medium enterprises paid close to 16% effective income tax, large businesses effectively paid just 5.3% in income tax in 2012 (against the 30% nominal rate that year) due to a proliferation of tax incentives. In effect, large companies used tax breaks to avoid paying 19 billion Euros in 2012—three times the budget for social security benefits for families and children in 2015 (Oxfam Intermón, 2014a, based on AEAT, 2013).

...in particular combatting tax abuse

Combating tax abuse is a human rights-compliant alternative to offset the need for budget cuts while reducing the public deficit.

Spain's Union of Tax Inspectors (GESTHA) calculated that if Spain were to reduce the size of its shadow economy by just 10 percentage points to bring it in line with EU standards, it would be able to generate €38 billion, exceeding the total budget cuts for 2012. Thirty-three of the thirty-five companies which make up Spain's benchmark stock market index have direct subsidiaries in tax havens (Observatorio, 2012). Rather than introducing tax amnesties for those committing tax abuse, as Spain has done, the government should make a clear commitment to eradicate illegal tax evasion and significantly reduce tax avoidance, particularly that committed by large corporations and wealthy individuals, which reportedly account for 72% of tax evasion in Spain.

FIGURE 22 Tax Evasion vs. Budget Cuts in Spain (2012)



Source: Ministry of Finance and Public Administrations of Spain, 2012 and GESTHA, 2011

People in Spain are losing trust in the government's ability to ensure a fair tax system in times of austerity.

In 2013, almost 95% of Spaniards believed there was a very high incidence of fiscal fraud, and 87% stated that the tax regime in Spain was unjust. People's perceptions of the effectiveness of the government's efforts to fight fraud have plummeted since 2009 (Centro de Investigaciones Sociológicas (CIS), 2014). Spain has the fewest tax inspectors per capita in the EU, with the smallest budget allocated to its tax agency (Oxfam Intermón, 2014c). The level of transparency and accountability in Spain's budget meanwhile is considered 'substantial' but still weak compared to its neighbors in Western Europe. As of 2012, the country did not, for example, produce and publish a Pre-Budget Statement, Citizens Budget, nor a Mid-Year Review (IBP, 2012).

FIGURE 23 Perceptions of Tax Justice and Tax Fraud in Spain (2004-2014)



Source: Centro de Investigaciones Sociológicas (CIS), 2014.

Previous recommendations made to Spain in the UPR review in 2010...

AREAS OF CONCERN	RECOMMENDATIONS
<p>Austerity measures adopted by Spain and drastic budget cuts in health, education and social protection, disproportionately affect the most disadvantaged and marginalized individuals and groups</p>	<p>The Committee recommends that the State party review the reforms adopted in the context of the current economic and financial crisis to ensure that all the austerity measures introduced uphold the level of the protection attained in the realm of economic social and cultural rights and that, in all cases, such measures are temporary and proportionate and do not negatively impinge on economic, social and cultural rights. (CESCR 2012, para. 17)</p> <p>[...] that the State party ensure that all the austerity measures adopted reflect the minimum core content of all the Covenant rights and that it take all appropriate measures to protect that core content under any circumstances, especially for disadvantaged and marginalized individuals and groups [...] (CESCR 2012, para. 8)</p>
<p>Increase in population living in poverty and at risk of poverty and social exclusion</p>	<p>The Committee strongly recommends that the State party adopt and implement a new and comprehensive national anti-poverty programme. The Committee recommends that the programme include specific measures and strategies to mitigate the adverse impacts of the current economic and financial crisis and that particular attention be paid to disadvantaged and marginalized individuals and groups [...] (CESCR, 2012 para. 16)</p>
<p>Social exclusion of disadvantaged communities including immigrant households</p>	<p>Reinforce measures aimed at ensuring, during this period of crisis, effective protection of the human rights of migrants, and take additional measures to guarantee access to economic, social and cultural rights for migrants, who are the primary victims of the high level of unemployment in Spain (Algeria, UPR 2010 para. 84.53)</p>
<p>High rates of unemployment, precarious conditions of work and erosion of wages</p>	<p>[...] The Committee recommends that the State party avoid any step backwards in the field of employment, including with regard to the protection of workers' labour rights. The Committee also requests the State party, in its next periodic report, to submit tables of annual statistics on the general employment situation, disaggregated by sex, age, nationality and disability. The Committee further recommends that high-quality vocational training, especially for the long-term unemployed, should continue to be prioritized, taking into account the needs of disadvantaged and marginalized individuals and groups [...] (CESCR 2012, para. 12)</p> <p>The Committee recommends that the State party guarantee that the minimum wage (SMI) enables workers and their families to enjoy a decent standard of living and that it is periodically adjusted in line with the cost of living, in accordance with article 7 of the Covenant and the standards of the European Committee of Social Rights. (CESCR 2012, para. 18)</p>
<p>Significant disparities in earnings between men and women</p>	<p>[...] The Committee also urges the State party to monitor compliance by private actors with the laws on equal treatment and non-discrimination and with the principle of equal pay for work of equal value. At the same time the Committee asks the State party to promote the greater involvement of men in caregiving work and in the provision of care services to children, persons with disabilities, older persons and the sick. (CESCR 2012, para. 13)</p> <p>Address any remaining barriers to an equal sharing between women and men of paid and unpaid work (Norway, UPR 2010, para. 84.12)</p> <p>Redouble efforts to diminish the wage gap between men and women and promote a higher representation of women in managerial and decision-making positions both in public administration and in the private sector (Peru, UPR 2010, para. 84.13)</p>

...and by the Committee on Economic, Social and Cultural Rights in 2012

AREAS OF CONCERN	RECOMMENDATIONS
<p>Lack of adequate housing for the most disadvantaged groups</p>	<p>The Committee recommends that the State party amend its legislation to give borrowers the possibility of surrendering their homes in settlement of their mortgage rather than leaving this option solely to the banks' discretion. The Committee also recommends that the State party encourage individuals and families to consider renting properties as an alternative means of accessing housing. In that regard, the Committee also recommends that the State party work in coordination with the autonomous communities to invest more resources in increasing the social housing stock in order to meet demand [...] (CESCR, 2012 para. 21)</p>
<p>Severe reduction in health spending and health reforms disproportionately affecting the poor, women, children, persons with disabilities, unemployed, older persons and migrants.</p>	<p>The Committee recommends that the State party ensure that, in accordance with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) and the principle of universal health care, the reforms adopted do not limit the access of persons residing in the State party to health services, regardless of their legal situation. The Committee also recommends that the State party assess the impact of any proposed cuts on the access of the most disadvantaged and marginalized individuals and groups to health services. (CESCR 2012, para. 19)</p> <p>Strengthen national and local initiatives aimed at protecting and promoting the universal human rights of all migrants and members of their families (Philippines, UPR 2010, para. 84.50)</p>
<p>Budget cuts for combatting gender-based violence are affecting services for women victims of such violence</p>	<p>The Committee encourages the State party to keep assessing the impact of the various plans and measures implemented to combat domestic and other forms of gender-based violence, especially violence against women, and to ensure that the efforts underway are continued and that the restrictive austerity measures taken within the context of the economic and financial crisis do not undermine the protection afforded to victims or the protection of their rights [...] (CESCR 2012, para. 15)</p> <p>Accelerate efforts, under the Organization Act No. 1/2004 on comprehensive protection measures against gender-based violence, to facilitate access to medical and legal services for women in distress across Spain, particularly within immigrant communities (Canada, UPR 2010, para. 84.35)</p>
<p>Criteria to be taken into account when considering austerity measures</p>	<p>Any proposed policy change or adjustment has to meet the following requirements: first, the policy is a temporary measure covering only the period of the crisis; second, the policy is necessary and proportionate, in the sense that the adoption of any other policy, or a failure to act, would be more detrimental to economic, social and cultural rights; third, the policy is not discriminatory and comprises all possible measures, including tax measures, to support social transfers and mitigate inequalities that can grow in times of crisis and to ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected; fourth, the policy identifies the minimum core content of rights, or a social protection floor, as developed by the International Labor Organization, and ensures the protection of this core content at all times." (UN CESCR, open letter to State parties, 48th session, May 2012)</p>

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This series is intended to contribute to the ongoing work of UN and other intergovernmental human rights mechanisms to monitor governments' compliance with their economic, social and cultural rights obligations. It is also intended to contribute to strengthening the monitoring and advocacy capabilities of national and international civil society organizations. Drawing on the latest available socioeconomic data, the country fact sheets display, analyze and interpret selected quantitative indicators in light of key dimensions of governments' economic and social rights obligations. The fact sheets are not meant to give a comprehensive picture, nor provide conclusive evidence, of a country's compliance with these obligations. Rather, they flag some possible concerns which arise when statistics are analyzed and visualized graphically in light of international human rights standards.

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The Center for Economic and Social Rights (CESR) was established in 1993 with the mission to work for the recognition and enforcement of economic, social and cultural rights as a powerful tool for promoting social justice and human dignity. CESR exposes violations through an interdisciplinary combination of legal and socio-economic analysis. CESR advocates for changes to economic and social policy at the international, national and local levels so as to ensure these comply with international human rights standards.

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