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Spain^{*, **}

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I. General information about the reporting State

A. Demographic, economic, social and cultural indicators

1. Demographic indicators

1. The bulk of the territory of Spain is located, along with Portugal and Andorra, on the Iberian peninsula at the south-western corner of Europe, but it also comprises the archipelagos of the Canary Islands and the Balearic Islands, some other smaller islands and the enclaves of Ceuta and Melilla in northern Africa. With a total area of 506,030 square kilometres, Spain is one of the world's 50 largest countries by size. Mainland Spain covers an area of 493,514 km²; the Balearic Islands, 4,992 km²; the Canary Islands, 7,492 km²; and Ceuta and Melilla, 32 km².

2. As at 1 January 2018, the population of Spain was 46,658,447 persons. With respect to recent trends, although the population grew annually by 700,000 persons from early 2001 to early 2009, largely due to the increase in the number of foreigners (in early 2009, they numbered 5,386,659 persons), the following three years saw annual growth of around 200,000 inhabitants for the population as a whole (and a decline in the foreign population of 150,000). In the following four years (2013 to 2016) the total population decreased by 378,000, partly as a result of the decline in the number of foreign nationals. That drop is owed, in part, to the fact that many foreigners had acquired Spanish citizenship and were thus now registered as Spaniards, and also to the fact that some had returned to their country of origin.

3. In 2017 the foreign population grew by more than 130,000, primarily due to an increase in the number of Venezuelans and Colombians, each of which group grew by more than 20,000. The nationalities whose share of the population in Spain declined the most were the Romanians and the British, each of which fell by around 8,000 inhabitants. There are 1,930,904 nationals from the EU-27 countries. Of these, the most numerous are the Romanians (673,592), the British (284,987) and the Italians (221,368). Of those foreign nationals who are not European Union (EU) citizens, the Moroccans are the most numerous (682,022), followed by the Chinese (183,491) and the Colombians (159,563).

4. During the first semester of 2018, according to provisional population data from the National Institute of Statistics, the foreign population increased by 100,764 persons, reaching a total of 4,663,726 as at 1 July 2018. In the first six months of 2018, the greatest increases were seen among the Venezuelans (whose numbers grew by 18,749), the Colombians (16,794) and the Moroccans (10,356).

5. The composition of the total population by sex, according to data from 1 January 2018, is 49.0 per cent male and 51.0 per cent female. For Spaniards, the figures are 49.0 per cent male and 51.0 per cent female. For non-Spaniards, 49.5 per cent are male and 51.5 per cent female. In terms of age, 15.0 per cent of the population is under 15 years of age, 65.8 per cent is between 16 and 64 years of age and 19.2 per cent is 65 or older. Some 14.9 per cent of Spaniards are under 15 years of age, 64.7 per cent are between 16 and 64 years of age and 20.4 per cent are 65 or older. As for the foreign population, 15.0 per cent are under 15 years of age, 76.6 per cent are between 16 and 64 years of age and 8.4 per cent are 65 or older.

2. Economic indicators

6. In recent decades the Spanish economy has undergone a sweeping transformation that has reshaped not only the country's productive structure but also the role played by economic policy. The economic system espoused by the rigid autarchy that had prevailed until the 1960s, with its high degree of interventionism and limited integration, has been left behind for membership in the most advanced economic and monetary union in the world.

7. When Spain joined the European Economic Community in 1986, it opened to the rest of the world and also to liberalization in search of greater efficiency in goods, services

and factor markets. A large-scale economic reform was launched to modernize Spanish markets by enhancing their operation and promoting integration initially into European markets and subsequently the global marketplace.

8. These changes first began with the Stabilization Plan of 1959 but received their main impetus from the Moncloa Pacts that were signed in 1977 by the Government of Adolfo Suárez and the social partners as part of an integrated strategy to modernize the Spanish economy and ease recovery from the oil crisis. However, new pressures on oil prices in Western economies at a time of slow growth and high inflation crippled the ability of new reforms to foster economic growth in Spain. Between 1986 and 1989, growth pushed ahead at about 5 per cent (4.7 per cent average annual rate, or around 20 per cent for the four years as a whole) thanks to the jump in domestic demand for both investment and consumption, which led to expansion in employment and greater consolidation of public accounts. At the same time, the strong domestic demand caused the external imbalance to grow and inflationary tensions began to emerge.

9. In 1993, the Spanish economy plunged into a deep crisis that halted the convergence towards the income levels of other European Union members. The result was a significant increase in unemployment, which hit nearly 25 per cent for the economically active population, a sharp rise in inflation and a widening gap in public accounts. The 11-member European Monetary Union was finally created on 1 January 1999. The most immediate implication of creating a common currency was undoubtedly the new approach to monetary policy, which was now overseen solely by the European Central Bank (ECB): the Bank of Spain no longer had direct authority to set monetary policy strategy.

10. Spain's joining the euro zone can be divided into two major stages. Initially, the new currency generated a strong climate of confidence in the Spanish economy, boosting domestic consumption and investment. The significant drop in interest rates that resulted from the nominal convergence process and the procyclical monetary policy of the European Central Bank led to strong credit growth. The strength of domestic demand and the expansion of the real estate sector stand out in this context. During this first stage, the Spanish economy registered significant rates of economic growth and maintained an intense process of job creation, reaching an average rate of 8.23 per cent in 2007.

11. The international financial crisis erupted in 2008, causing an extraordinary reduction in liquidity in international financial markets. As these markets were the main sources of financing for Spanish banks and savings institutions, available credit contracted sharply. The situation particularly affected construction, a labour-intensive sector, and triggered massive job losses. Over the period 2008–2011, high fiscal deficits piled up, exacerbating the public debt burden. The crisis in the financial and construction sectors then shifted to the public sector, despite the fiscal and labour market reforms carried out in 2010. As the situation deteriorated, the Government of Spain requested financial assistance from Brussels to speed up bank restructuring and began an intense process of fiscal consolidation on both the expenditure and revenue side. The labour market was also reformed in order to increase its internal flexibility, thereby curbing job losses and increasing competitiveness.

12. The Spanish economy re-embarked on a path of economic growth beginning in 2014, in which exports played a key role. During the period 2015–2018, it registered real gross domestic product (GDP) growth of around 3 per cent and corrected most of the macroeconomic imbalances in flow variables, such as current account deficit, job loss and fiscal deficit. In 2018, the economy grew by 2.5 per cent, the fiscal deficit was cut to 2.7 per cent and employment increased by almost 3 per cent.

13. Despite the positive economic situation, macroeconomic imbalances persist in stock variables, such as high levels of unemployment, high public debt and a net international investment position overly reliant on borrowing. In addition, the ravages of the crisis have exacerbated social and territorial inequality in Spain. Addressing these challenges is the objective of a series of economic policies and structural reforms aimed at putting the country on a new path of more sustainable and inclusive economic growth.

Current structure of the Spanish economy by sector

14. Over the past four decades, the relative weight of the different sectors of the economy has varied substantially, with the services sector expanding considerably at the expense of the other sectors. For example, in 1995 the gross value added (GVA) of the industrial sector represented 20.3 per cent of GDP, compared with 16.2 per cent in 2016. The construction sector's loss of share has been particularly significant: it climbed from 8.8 per cent of GDP in 1995 to 10.14 per cent in 2008 but then began to decline, dropping to 5.10 per cent in 2016. The services sector's contribution to GDP rose by more than 7 percentage points over the same period, from 59.1 per cent in 1995 to 67 per cent in 2016.

Industrial sector

15. According to structural statistics on companies in the industrial sector, the sector's added value exceeded €141,342,000 in 2017, and the sector employed 2,137,085 people. Industrial investment in tangible assets amounted to €23,777,000. In 2000, productivity began to grow faster than the economy as a whole (national accounts), but the trend was interrupted for the first time in 2008, when industrial GVA plummeted and left the sector's productivity below that of the overall economy. However, productivity has resumed growth since 2010, and the sector is again outperforming the economy as a whole, posting 4.5 per cent growth in 2013 (compared with 2.6 per cent for the overall economy). The sector's turnover stood at €582,357,000 in 2015, with year-on-year growth of 1.8 per cent.

16. An analysis of industrial capital stock by size of enterprise (measured by the number of employees) shows that, in 2017, enterprises with more than 250 employees generated 54.5 per cent of the sector's turnover and accounted for 34.2 per cent of employment.

17. The branches of industry that contributed the most to total turnover in 2017 were: food (16.4 per cent), electricity generation, transport and distribution (11.8 per cent) and the manufacture of motor vehicles, trailers and semi-trailers (11.7 per cent). The branches employing the highest number of people were: food (16.4 per cent), manufacture of fabricated metal products, except for machinery and equipment (11.4 per cent) and motor vehicles, trailers and semi-trailers (7.4 per cent).

Energy sector

18. Primary energy consumption in Spain totalled 128,084 kilotonnes of oil equivalent (ktoe) in 2017. The main sources were fossil fuels: oil (43.8 per cent), natural gas (21.4 per cent) and coal (10.5 per cent). Renewable energy and nuclear electric power contributed 12.2 per cent and 11.9 per cent, respectively. Net energy consumption in 2017 amounted to 85,516 ktoe, of which 84,493 ktoe were for energy uses and 4,023 ktoe for non-energy uses.

19. Gross electricity production in 2017 was 275,611 gigawatt-hours (GWh). Of that amount, 32.0 per cent was generated by renewable energy sources; 21.1 per cent by nuclear sources; 17.5 per cent by coal; 22.4 per cent by natural gas; 5.8 per cent by petroleum products; and 0.3 per cent by other sources. The net demand for electricity in Spain was 268,14 GWh, with a net import-export balance of 9,171 GWh.

Services sector

20. The services sector has been gaining importance in the economy, and in 2017 accounted for 66.4 per cent of GDP. According to structural statistics on companies in the sector, in 2017 the turnover increased by 6.0 per cent with respect to the previous year, reaching €499,192,000. The activities that contributed the most to total turnover were: transport and storage (21.9 per cent), followed by professional, scientific and technical activities (17.7 per cent) and information and communications (16.9 per cent). Within the services sector, tourism and tourism-related industries play a key role because of their impact on the economy and employment. In 2017 more than 82 million tourists visited Spain, which ranks second in the world for arrivals and for receipts. The World Tourism Organization, a specialized agency of the United Nations, is headquartered in Spain.

21. The number of people employed in the services sector has risen to 6,239,490, an increase of 3.7 per cent with respect to 2016. The hotel industry employed the most people (23.5 per cent), followed by administrative activities and support services (23.2 per cent) and professional, scientific and technical activities (16.8 per cent).

3. Social indicators

The workplace, social partners and collaboration

22. The economically active population of Spain totalled approximately 22,868,800 in the fourth quarter of 2018, with an activity rate of 58.61 per cent. According to the Economically Active Population Survey, the economically active population decreased by 0.4 per cent during 2017. The unemployment rate was 14.45 per cent in 2018 and is below 15 per cent in 10 autonomous regions. The activity rate for both men and women has been declining over the past five years, falling to 64.45 per cent and 59.08 per cent respectively in the fourth quarter of 2018. The activity rate among resident non-Spaniards, by contrast, is 71.55 per cent.

23. Since the 2010 reform, Spanish labour law has incorporated mechanisms that allow companies to adapt to changing production environments, modifying internal organizational elements (working day, working hours, functions, etc.) and maintaining human capital, resulting also in greater worker participation. Internal flexibility mechanisms – necessary to avoid adjustments through the indiscriminate use of temporary hiring – need to be accompanied by information tools which ensure that workers are consulted and agreements are adopted in a balanced and integral fashion. This situation has been jeopardized in recent years, as some reforms have led to the unilateral imposition of inferior conditions, which exacerbates working conditions that are already precarious and increases divisions or segmentation among groups of workers. The basic government objective is therefore to restore the balance between the protection of workers and the competitive capacity of enterprises.

24. The Spanish Strategy for Health and Safety at Work 2007–2012 was reviewed in 2013. It was approved by the National Commission for Health and Safety at Work, with highly positive evaluations of its 100-plus measures. In 2015 the Council of Ministers adopted the Strategy for 2015–2020, which had previously been agreed by the central Government, the regional governments, and business and trade union organizations. One of its main objectives is to promote the progressive improvement of working conditions, with special attention to the prevention of occupational diseases and work-related illnesses.

25. The 22.3 per cent growth forecast for the statutory minimum wage for 2019 should foster a more dynamic and balanced working environment, with fairer and more inclusive guidelines for participation in economic growth. It should also help reduce the existing gap between the different categories of workers and improve the initial conditions for the most disadvantaged groups. Moreover, all the initiatives taken under active and passive labour market policies are expected to help revitalize employment and the labour market.

26. Against this backdrop, the Government decided to implement an ambitious and far-reaching reform package to stop job losses and instead create jobs as a matter of urgency. With specific regard to labour migration, on 31 December 2018 a new Ministerial Order on the collective management of recruitment abroad was published in the Official Gazette. This text expands on the different features of the instrument of recruitment abroad, with a dual objective. It provides for safe, orderly and regular migration pathways, advancing in the fulfilment of the Sustainable Development Objectives of Agenda 2030 and of the objectives of the Global Pact on Migration. At the same time it contributes to the protection of workers' needs. Its analysis of the labour market, and of specific sectors in particular, indicates an upsurge in unmet needs.

27. In November 2018, the number of non-Spaniards paying into the social security system was 1,968,328, significantly more than during the worst years of the economic crisis. Spanish immigration policy has traditionally linked the admission of immigrants to the labour market's absorption capacity. This is reflected in the trends in recruitment abroad: 6,248 stable employment permits were granted in 2006 and 39,747 seasonal

employment permits. These trends peaked in 2007 (64,716 seasonal and 5,748 stable permits). The numbers began falling progressively in 2009, and in 2012 there were 6,655 seasonal permits and none for stable employment. Since 2012, permits have been restricted to seasonal agricultural jobs, with fewer than 3,000 granted between 2013 and 2016. There has been an upturn in collective recruitment abroad since 2016, when the numbers rose to 5,562; in 2017 they increased substantially, to 17,544.

28. The State Secretariat for Immigration is working on a Return to Spain Plan that it expects to present in February 2019. The Plan will involve several ministerial departments, regional governments, local entities, universities and social partners, while also collaborating with the business sector, in order to identify their recruitment needs. Initially, the Plan will focus on an analysis of the situation of Spaniards abroad, their needs and requirements, after which it is expected to plan for their eventual return. The Plan will support the return process in a personalized fashion, making administrative procedures more accessible, facilitating the returnees' integration into and participation in society and making job and entrepreneurship opportunities more visible.

29. The Government continues to focus on attracting and retaining talent. Act No. 14/2013 of 27 September 2013, on support for entrepreneurs and their internationalization, facilitates the admission and residence of such groups as investors, entrepreneurs, highly qualified professionals, researchers, scientific or technical personnel, university professors and business schools, or those who travel to Spain in the framework of an employment, professional or vocational training relationship with companies established in Spain or elsewhere. Royal Decree-Law No. 11/2018 of 31 August 2018, incorporating Directive No. 2016/801/UE into Spanish law, added new categories to the existing residence permits, such as permits for internships, job hunting and business start-ups for international students and researchers who are completing their studies or research in Spain. The idea is to reconcile traditional views on labour immigration and security with a new approach in support of international business, based on the premise that immigration policy can foster competitiveness and thereby contribute to Spanish social and economic progress.

30. The most representative social partners in Spain are the Confederación Española de Organizaciones Empresariales and the Confederación Española de la Pequeña y Mediana Empresa, for employers, and the Confederación Sindical de Comisiones Obreras and the Unión General de Trabajadores, for workers.

31. The Ministry of Labour and Social Security, through the State Secretariat for Immigration, sits on the Tripartite Labour Commission, which is a standing forum for the central Government and the most representative trade unions and employers' associations to discuss the management of migration flows. The social partners are included in the process so that immigration policy can more effectively respond to the unmet employment needs of resident workers, in accordance with immigration and labour legislation and while protecting the rights of Spanish and non-Spanish workers.

32. Different round tables have been established recently for dialogue with the social partners to ensure that labour market reforms and their organization are discussed and agreed upon, giving the tripartite system a role at the highest level to achieve democratic quality, economic development and the modernization of labour relations in Spain. This is a particularly appropriate channel for providing solutions in the management of the labour market based on the legitimacy and effectiveness provided by a broad social consensus.

Health and social policy

33. According to the data contained in the Annual Report of the National Health System 2017, life expectancy at birth is 82.8 years – 80 years for men and 85.6 years for women. Since 2001, life expectancy at birth has increased by 3.7 years.

34. In 2015, there were 910 deaths in Spain for every 100,000 inhabitants. The mortality rate among men was 935 per 100,000, while in women it was 886 per 100,000. Overall mortality represents an inverse indicator of life expectancy. As noted, women's life expectancy is longer than men's. This is evident in the number of deaths in old age: while 63 per cent of men who died in 2015 were 75 years or older, women who died at 75 years or older accounted for 82 per cent of all the women who died that year.

35. Infant mortality in Spain has fallen considerably in recent years, although it was already low to start with. In 1990 the rate was 7.6 per 1,000 live births, compared to 2.7 in 2015, or a 64 per cent decrease. The neonatal mortality rate, which fell from 5 deaths per 1,000 live births in 1990 to 1.8 in 2015, was also reduced by 64 per cent, while the post-neonatal mortality rate, which dropped from 2.6 deaths per 1,000 live births in 1990 to 0.9 in 2015, was down by 66 per cent. Although a few decades ago the decrease in infant mortality was mainly due to the decrease in post-neonatal mortality, closely related to exogenous factors, today's decrease in neonatal mortality is still significant, as it indicates an improvement in infant mortality.

36. In 2015, the percentage of children who had received the basic vaccination series recommended in Spain exceeded 96 per cent. About 96.6 per cent had received the basic hepatitis B vaccine series; 97.0 per cent, meningococcal meningitis C; 96.6 per cent, hemophilus influenzae b; 96.2 per cent, measles-mumps-rubella (MMR); 96.6 per cent, diphtheria, tetanus and pertussis; and also 96.2 per cent, polio.

37. Spain leads the world in organ and tissue transplants, which are conducted in specially accredited centres. Organ donation requires the consent of the donor. The National Transplant Organization was established in Spain in 1989. In the 25 years since, the number of organ donors and transplants in the country has tripled. The Spanish model is an example of how, by pooling the efforts of citizens and health professionals throughout the donation and transplant process, the quality of life of thousands of people can be preserved or improved. The National Transplant Organization has implemented an original management model that has placed Spain at the forefront of organ donation and transplants worldwide. In 2018, Spain achieved a donor rate of 48 donors per million population, with a total of 2,243 donors, allowing 5,314 organ transplants to be performed. This means a transplant rate of 114 per million population, the highest in the world, or 6 donors and 14.6 transplants per day. A total of 3,310 kidney, 1,230 liver, 321 heart, 369 lung, 82 pancreas and 6 intestinal transplants were performed. The waiting list is shrinking for all organs except heart and intestines, from 4,891 as at 31 December 2017 to 4,804 a year later. Of these, 88 involve children. The shortened waiting list is particularly significant for liver transplants (-19 per cent). The number of living-donor kidney transplants, however, continues to decline, with a total of 289 (compared to 332 in 2017), given the greater availability of organs from deceased donors, which represent 9 per cent of all transplants. As for the age of donors, more than half (57 per cent) are over 60 years of age, 31 per cent are over 70 and 9 per cent are over 80. The maximum age for effective donors (meaning donors from whom a liver transplant can be successfully performed) is 91 years. Only 14 per cent of donors are under 45. The family refusal rate is about 14.8 per cent.

38. Spain has a National Health System with wide-ranging universal coverage, which is one of the pillars of the country's welfare State. It is a vision shared by the citizens who, according to surveys by the Ministry of Health, Consumption and Social Welfare, consider health to be the most important policy. Universal coverage is a reflection of a just and supportive society, as there is scientific evidence that national health systems are an effective investment for reducing poverty and inequality. The country's commitment to universalization has been in evidence ever since the system's creation. The Health Act (1986) creates a national health system of universal coverage that is public in nature, is financed by the national budget and comprises the health services of the central and regional governments.

39. The National Health System is fundamental to the realization of the right to health, and its design and architecture meets the concern to ensure accessibility and equity. First-level health-care services (i.e., primary health care) are broadly accessible and are technologically sufficient to handle the most common health problems. Second-level services (i.e., specialized health care) comprise the system's most complex and costly diagnostic and therapeutic procedures and devices; to ensure greater efficiency, these services are grouped together and access is limited through referrals by primary health-care physicians. Under the concept of primary health care, an array of basic services is available within an average of 15 minutes from any home. Health care is provided mainly at the country's health centres, which employ multidisciplinary teams of family doctors, paediatricians, nursing staff and administrative personnel; they may also have social

workers, midwives and physical therapists available. Given that it is community-based, this is the level tasked with health promotion and disease prevention. The most dramatic illustration of accessibility and equitable access is that primary health care can be administered directly in a person's home when necessary.

40. The National Primary Health Care System handles 371.6 million medical and nursing consultations. The average number of medical consultations is 5.2 per person/year; nursing consultations, 2.9 per person/year. More women than men have medical and nursing consultations, and the gender gap is higher for medical consultations. Health care delivery in the home, with 12.8 million visits/year, accounts for 1.6 per cent of all family medical consultations and 7.2 per cent of all nursing consultations, the main target group being persons over 65 years of age. Each person who is cared for in the primary health-care centres has an average of 7.3 health problems per year. The average is 6.4 for men and 8.1 for women. People with lower incomes, the unemployed and those born in Spain have more health problems than the foreign-born. The main reasons for consultation among those aged 64 years and over are, by order of frequency, problems of the locomotor and circulatory system, general and non-specific problems and problems of the endocrine system, metabolism and nutrition. Chronic diseases predominate in this age group: high blood pressure, lipid disorders, diabetes mellitus, cataracts and osteoarthritis. In hospitals attached to the National Health System, there are 4.1 million admissions per year, or 76.7 per cent of the 5.3 million covered by the entire Spanish hospital sector, as well as 79.7 million medical consultations. The average hospital stay in system hospitals was 7.8 days, with a turnover rate of 37.2. Some 3.6 million surgical procedures are performed, of which more than 1 million involve major outpatient surgery. Diseases of the circulatory system are the main causes of hospitalization (13.2 per cent), followed by those of the respiratory system (12.2 per cent) and the digestive system (12.1 per cent). The most frequent causes of hospitalization among men are diseases of the circulatory system, followed by diseases of the respiratory system, the digestive system and tumours. The most common causes of hospitalization among women are childbirth, postpartum and gestational complications, diseases of the respiratory, circulatory and digestive system, and tumours. Hospital admissions for mental disorders are more frequent among men (2.2 per cent) than women (1.8 per cent).

Education

41. The legislative framework that governs and guides the education system consists of the Constitution of 1978 and the following laws that give effect to the principles and rights contained therein:

- The Organic Act of 1985, on the right to education
- The Organic Education Act of 3 May 2006
- Act No. 5/2002 of 19 June 2002, on qualifications and professional training.

42. The Organic Education Act of 2006 establishes the structure and organization of the education system except for universities. It echoes the principles and rights recognized by the Constitution and calls for equitable, quality education for all. Emphasis is placed on inclusiveness, equal treatment and non-discrimination under all circumstances. Education is considered an essential service to the community, which must make schooling accessible to all, without any distinction whatsoever and under equal conditions; must guarantee its regularity and continuity; and must progressively adapt it to social change. Education, as a public service, may be provided by the public authorities or by social initiative. The main objectives of the education system with regard to learning content are: to improve education and school performance to achieve success for all in compulsory education; to increase enrolment in early childhood education, baccalaureate programmes and vocational training; to increase the completion of the latter two levels; to provide civics and Constitution education as a cross-cutting subject in basic education in order to promote a free, tolerant and fair society that contributes to defending the values and principles of freedom, pluralism, human rights and the rule of law as the basis of democracy; to encourage lifelong learning; to strengthen the fairness of the education system, in particular for groups of

students who require special education; and to bring about convergence with European Union countries.

43. Basic education consists of 10 years of schooling, to take place as a rule between 6 and 16 years of age. It comprises primary education and compulsory secondary education. In addition, the law regulates early childhood education, post-compulsory secondary education, arts, sports and foreign language teaching and, within the framework of lifelong learning, adult education and distance learning. It also establishes a participatory approach to the organization and functioning of educational institutions, increasing their responsibilities and organizational autonomy. It furthermore regulates the authority of school boards and faculty. Collaboration is encouraged between school and family, promoting greater participation and responsibility on the part of students and parents, and special emphasis is placed on three areas with a view to transforming the education system: information and communication technologies through a school digitalization model, the promotion of multilingualism for the mastery of a second or even a third foreign language, and the modernization of vocational training.

Higher education

44. The General Secretariat for Universities is the body that, within the Ministry of Science, Innovation and Universities, discharges all State responsibilities with regard to universities. Pursuant to Royal Decree No. 865/2018 of 13 July 2018, on the basic structure of the Ministry, the General Secretariat for Universities has the following functions:

- Organize university education and its rules of access
- Develop the European Higher Education Area and take steps to align university degrees
- Define criteria for the accreditation of official university degrees and for the equivalence, recognition and certification of Spanish and foreign degrees
- Promote the mobility of students and graduates within the European Union and abroad
- Undertake the economic-financial management of the State Plan for Scientific and Technical Research and Innovation 2017/2020.

45. The National Agency for Quality Evaluation and Accreditation, the Spanish Service for the Internationalization of Higher Education and the Menéndez Pelayo International University work with the Ministry through the General Secretariat for Universities. In 2014, the General Secretariat launched a strategy to make Spanish universities more international, in keeping with its responsibility to guide and drive international relations in the field of higher education. A fundamental tool for the General Secretariat is the integrated university information system, which monitors and assesses the Spanish university system on an ongoing basis.

46. Organic Act No. 4/2007 of 12 April 2007, amending the Universities Act (No. 6/2001) of 21 December 2001, introduces a series of reforms for promoting the autonomy of universities and increases their accountability. The changes are specifically aimed at improving the quality of Spanish universities and facilitating their incorporation into the European Higher Education Area, with Spanish academic research to be included in the European Research Area project. This move was driven by the European Union as it modernized its universities with a view to making them active players in transforming Europe into “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”. To achieve this goal, European universities must play a fundamental role and become the drivers of a new paradigm based on the knowledge society, and they must be competitive in the global context. This was proposed in a communiqué of the European Commission which asserted the need for “mobilizing the brainpower of Europe and enabling universities to make their full contribution to the Lisbon Strategy (2005)”. Adapting to the European Higher Education Area includes a system for the verification and accreditation of official degrees by the National Agency for Quality Evaluation and

Accreditation and the regional agencies as well as a system by which regional governments and the University Council can authorize new degrees.

47. In the 2018/19 academic year, the Spanish higher education system consisted of 85 universities, 53 of them public and 32 private. The main indicators updated to the 2017/18 academic year are shown in the following table:



Source: Ministry of Education and Vocational Training.

48. The European Higher Education Area, which was created pursuant to the Bologna Declaration of 1999, is aimed inter alia at the adoption of a flexible, understandable and comparable system of degrees that promotes employment opportunities for students and greater international competitiveness for the European higher education system. On 23 November 2007, the Council of the European Union expanded universities' role in the knowledge triangle within the framework of "modernizing higher education to make Europe more competitive in a global knowledge economy". The contribution of the Spanish university system to the establishment of the European Higher Education Area and the European Research Area, and its full integration into them, involves transforming all aspects of its structure. This is an important crossroads in terms both of the system's own genesis and of its methodological design and objectives, and it offers an opportunity for renewal. To give new impetus to the Spanish university system, the University Strategy 2015 has been launched with an eye to sparking a much broader discussion on the role of universities in new social policies and in the new, knowledge-based sustainable production system, as well as discussion on rewriting the social contract between universities and society based on a voluntary decision to improve and modernize the country's universities.

49. With regard to the breakdown of the main forms of aid available for higher education, reference should be made to aid for university teacher training, which has undergone the following evolution in recent years:

COMUNIDAD AUTÓNOMA	2013		2014		2015		2016		2017		Total	
	Nº ayudas	Importe										
AGE	64	4.405.556,15 €	53	4.038.778,00 €	70	5.546.041,00 €	56	4.519.454,00 €	61	4.963.320,90 €	304	23.473.150,05 €
ANDALUCÍA	189	13.438.752,57 €	184	13.889.361,00 €	167	13.510.376,00 €	205	16.620.866,00 €	203	16.587.175,50 €	948	74.046.531,07 €
ARAGÓN	21	1.312.503,38 €	29	2.272.857,00 €	22	1.744.487,00 €	18	1.479.072,00 €	21	1.709.189,10 €	111	8.518.108,48 €
ASTURIAS	15	881.841,81 €	18	1.323.268,00 €	18	1.428.427,00 €	19	1.536.061,00 €	9	687.781,80 €	79	5.857.379,61 €
CANARIAS	9	445.540,35 €	8	562.700,00 €	8	652.650,00 €	10	811.365,00 €	9	716.867,10 €	44	3.189.122,45 €
CANTABRIA	5	326.729,03 €	7	514.605,00 €	5	393.164,00 €	3	232.740,00 €	5	395.217,90 €	25	1.862.455,93 €
CASTILLA Y LEÓN	51	3.498.798,02 €	37	2.822.069,00 €	34	2.642.821,00 €	39	3.077.567,00 €	52	4.131.823,50 €	213	16.173.078,52 €
CASTILLA-LA MANCHA	14	981.922,15 €	15	1.105.612,00 €	17	1.337.807,00 €	18	1.396.204,00 €	13	1.040.227,20 €	77	5.861.772,35 €
CATALUNYA	120	7.869.661,92 €	100	7.089.876,00 €	121	9.067.128,00 €	97	7.421.651,00 €	88	6.956.519,40 €	526	38.404.836,32 €
COMUNIDAD VALENCIANA	92	6.602.210,10 €	102	7.659.573,00 €	110	8.602.102,00 €	97	7.632.691,00 €	98	7.892.381,70 €	499	38.388.957,80 €
EXTREMADURA	13	834.776,91 €	12	815.787,00 €	12	945.442,00 €	8	642.840,00 €	9	739.108,80 €	54	3.977.954,71 €
GALICIA	55	3.506.293,10 €	51	3.578.558,00 €	56	4.325.890,00 €	55	4.416.736,00 €	42	3.223.355,60 €	259	19.050.812,70 €
ILLES BALEARS	4	279.951,50 €	7	514.603,00 €	8	640.788,00 €	8	613.812,00 €	6	458.521,20 €	33	2.507.675,70 €
LA RIOJA					2	164.246,00 €	2	164.360,00 €	1	82.123,20 €	5	410.729,20 €
MADRID	118	7.803.252,52 €	140	10.086.001,00 €	155	11.982.148,00 €	156	12.331.011,00 €	134	10.841.973,30 €	703	53.044.385,82 €
MURCIA	11	747.001,36 €	21	1.700.130,00 €	18	1.479.298,00 €	25	2.032.201,00 €	20	1.630.487,70 €	95	7.589.118,06 €
NAVARRA	8	459.274,98 €	7	392.627,00 €	7	535.596,00 €	6	440.616,00 €	10	727.132,50 €	38	2.555.246,48 €
PAÍS VASCO	9	586.653,32 €	13	998.141,00 €	11	792.260,00 €	11	802.526,00 €	12	958.104,00 €	56	4.137.684,32 €
Total general	798	53.980.719,17 €	804	59.364.546,00 €	841	65.790.671,00 €	833	66.171.773,00 €	793	63.741.290,40 €	4069	309.048.999,57 €

Source: General Secretariat for Universities (Ministry of Science, Innovation and Universities).

50. Brief reference should also be made to the commitment of Spain to shaping an authentic subjective right to scholarships for higher education. The main data for the past two decades are as follows:

CURSO	CONVOCATORIA GENERAL	
	Becarios	Importe
CURSO 2000/2001	230.284	424.887,08
CURSO 2001/2002	230.777	452.156,99
CURSO 2002/2003	207.828	449.573,79
CURSO 2003/2004	198.696	445.872,03
CURSO 2004/2005	195.099	489.822,07
CURSO 2005/2006	189.463	500.761,79
CURSO 2006/2007	191.943	519.383,84
CURSO 2007/2008	204.254	556.799,80
CURSO 2008/2009	221.363	644.626,17
CURSO 2009/2010	231.599	675.490,16
CURSO 2010/2011	262.514	806.729,83
CURSO 2011/2012	300.037	951.261,96
CURSO 2012/2013	291.230	903.384,39
CURSO 2013/2014	317.063	792.289,62
CURSO 2014/2015	316.515	818.763,63
CURSO 2015/2016	323.904	839.957,56
CURSO 2016/2017	316.983	820.234,87
CURSO 2017/2018	321.521	831.289,34*

* Dato no definitivo

Source: General Directorate for Educational Planning and Management (Ministry of Education and Vocational Training).

51. The strategy to make Spanish universities more international (2015–2020) was instilled from the start with a strong spirit of transformation. As it notes, “internationalization is a key factor for improving the quality of Spanish universities, and could potentially be the driving force behind the reform of the Spanish university system with a view to enhancing its efficiency, excellence and competitiveness in a global environment”. The main objective of the strategy is to build a strong and internationally attractive university system that promotes the mobility of the best students, professors, researchers and administrative and service staff. At the educational level, the idea is to increase the quality of education, the internationalization of training programmes and research, development and innovation activities. At a more general level, the idea is to help Spain become more internationally attractive and competitive, while also contributing to the country’s knowledge-based socioeconomic development. Within the framework of this strategy, the education authorities (Ministry of Science, Innovation and Universities, the Spanish Service for the Internationalization of Higher Education and the universities) and the immigration authorities have strengthened their collaboration in order to attract more international students, researchers and professors. The most notable recent development has been the transposition of Directive (EU) 2016/801. This has allowed progress to be made in procedural aspects, incorporating key novelties into the admissions system for international students, such as the possibility of applying for student visas from within Spain, applying

for student visas by proxy and allowing higher education institutions themselves to request visas for their international students. In addition, a communique has been issued that makes provision for the EU intramobility procedure.

52. Once again, the number of Spanish university students taking part in the Erasmus student exchange programme rose in the 2018/19 academic year, reaching a total of 47,804. The number of students who come to Spain under this programme is very similar to the number of Spanish students who go abroad; in other words, the country's capacity to send students under the programme is the same as its capacity to attract students from all over Europe. Some 24.2 per cent of Erasmus students were enrolled in the social sciences, business administration and law in 2015 (latest data from the National Institute of Statistics). The main destination country for Spanish students is Italy, where 19.3 per cent of university students were enrolled during the 2018/19 academic year. It was followed by the United Kingdom (13 per cent), Germany (10.3 per cent), France (10.1 per cent) and Poland (8 per cent). Spanish universities are also admitting a growing number of foreign students: in the 2016/17 academic year, they numbered 40,079 (latest available data). Spain ranks third among destination countries, after France (43,905) and Germany (40,959).

Culture

53. The Constitution of 1978 establishes the duty of the public authorities to promote and protect the entire population's access to culture and it safeguards cultural and linguistic plurality. It does not merely offer passive protection but also involves the public authorities in fostering society's cultural development based on the general interest and in ensuring that everyone has access to culture. Since the enactment of the Constitution, all levels of government have strived to set up cultural infrastructure, foster creativity and organize cultural activities and, in response, people have increasingly been taking advantage of those opportunities. The process was very intensive and required huge efforts, given the low starting point, and is considered to have been fully established in the mid-1990s.

54. During this period, considerable investment was made in what have been called flagship cultural institutions. Many of them, including the following museums, have positioned themselves on the world stage: the Reina Sofia National Museum Art Centre in Madrid, the Contemporary Art Museum of Barcelona, the Modern Art Institute of Valencia and the Bilbao Guggenheim. In addition, the State has purchased the Thyssen collection. These great centres, in addition to traditional ones such as the Prado Museum in Madrid, have been key drivers of tourism in their respective cities. The Guggenheim in particular sparked a complete renewal of Bilbao and is in itself an attraction that has put the city on the national and international cultural tourism map for the first time. Also noteworthy is the major decentralization carried out throughout the period, with major centres throughout Spain.

55. All levels of government allocate funding for cultural activities: the State, the autonomous regional governments and local governments, with the local governments spending almost twice as much as the first two combined. The only mandatory provision is that cities of more than 5,000 inhabitants must provide public libraries; however, they are by and large also very active in the organization of concerts, film showings and theatre productions. In very general terms, it could be said that the central Government provides funding for activities, while the local levels are more directly involved in organizing those activities in line with their size and resources. The harsh economic crisis of the past few years has considerably altered the situation, entailing changes in how culture is financed. Measures were introduced to further increase participation by the private sector and civil society in the face of significant public spending cuts in most sectors, including culture. This trend is being reversed, but the amount spent on culture over the past decade has decreased considerably as a percentage of GDP in absolute terms.

56. Measurement systems are well developed: For example, the Ministry of Education, Culture and Sports publishes a cultural statistics yearbook, designed primarily to showcase the year's main cultural achievements as a means of promoting awareness of the situation

and trends concerning culture in Spain, the social value of culture and the role of culture as a creator of wealth and economic development for Spanish society.¹ In addition, a survey of cultural customs and practices is conducted that looks at all forms of cultural participation. Spain is one of the few countries in the world to have a satellite account devoted to culture, which is used to measure the impact of culture on the Spanish economy overall. As a result, there is an abundance of available information: According to the satellite account on culture for 2010–2016, the cultural industry represents 2.5 per cent of GDP (3.3 per cent if intellectual property-related activities are factored in), slightly less than in previous periods. The largest contributor is the publishing sector, followed by audiovisual and multimedia production. The people working in the cultural industry tend to have much higher-than-average academic qualifications. The industry accounts for 3.7 per cent of total jobs. As for “cultural consumption”, average spending dropped in 2017 to 2.5 per cent of overall spending on goods and services (down from 2.7 per cent in 2016), for a total of €289 per person.

57. Spain has very high-calibre creators of international renown in all spheres of culture, including literature, cinema, music, theatre and dance. Distinguished professionals from other fields should also be counted as part of the country’s cultural industry or, more broadly, its cultural and creative industries, namely, in gastronomy, design and fashion, videogames and architecture. Culture is considered a strategic sector for the promotion of the “Spain brand” internationally. One of its greatest assets is without a doubt the Spanish language, which, with 500 million speakers, is the second most spoken language in the world after Mandarin; and it is growing at a faster pace than Mandarin. Two other factors can be added to the language’s powerful demographics: its usability (as an international means of communication, it plays a leading role on the global stage and opens doors to international careers for those who study it) and its recognized prestige (it is the gateway to an entire range of cultural production from Spanish-speaking countries in literature, art, cinema etc.). One of the most important flagship cultural institutions is the Cervantes Institute: Established in 1991, it has a network of 87 centres in 44 countries and has the sole mission of spreading Spanish language and culture. Compared with other, much older European cultural institutes, it still has many avenues to pursue for future expansion.

58. The changes that new technologies are bringing to the consumption of cultural goods and to artistic creation should be noted. Statistics show that 77.7 per cent of households have access to the Internet. This has proved to be a challenge for Internet service providers, ranging from the digitalization of collections (most museums and libraries have made their collections available to the public, and in some cases they even have loan services for digital reading media) to changing consumption habits. The authorities and the representatives of copyright holders and creators are pooling their efforts to combat piracy through such means as awareness-raising, advertising and other, more forceful measures. Another area of focus is expanding the availability of legal content on the Internet. In addition, the “Cultura en Positivo” label has been created, which identifies participating companies and institutions that are respectful of intellectual property and follow the law in their use of the Internet.

59. In the past few years, emphasis has been placed on promoting cultural tourism to complement the mass beach tourism that has been a staple for over five decades, with excellent results. The basic elements are already in place, and the Ministry of Culture and Sports recently signed an agreement with the Ministry of Industry, Trade and Tourism to promote the following aspects in particular: museums, major cultural routes and destinations, world heritage sites, events reflecting the country’s intangible cultural heritage, Spain as a place to study, Spain as a film set, literary routes of international renown, the Camino de Santiago and contemporary visual arts. The creation of the online portal “Spain is Culture”, which is maintained by the Ministry of Culture and Sports and provides geographic, temporary and thematic information, as well as logistics, is also noteworthy. The portal will be updated in 2019. The data on cultural tourism are very

¹ <http://www.culturaydeporte.gob.es/servicios-al-ciudadano-mecd/estadisticas/cultura.html>.

encouraging: in 2017, 12.8 per cent of trips made by residents of Spain were taken for cultural reasons, and 18.1 per cent of trips by foreigners. Expenditures on this type of travel were also above average, amounting to €6,747,700 for residents and €13,923,600 for international tourists.

60. Spain has the world's third highest number of World Heritage Sites recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO). One of the main challenges is to improve their management and integration into the knowledge society: using digital technologies and, more importantly, making this heritage available on the Internet are the most economical and democratic ways of spreading culture. Considerable public funds have been allocated for this purpose in the past few years. One of the most effective management tools is the National Plans, of which there are 14, which are executed by the Institute of Cultural Heritage of Spain² with the collaboration of other government bodies and public or private entities. These include the National Cathedrals Plan, the National Industrial Heritage Plan, the National Cultural Landscape Plan, the National 20th-century Cultural Heritage Plan, the National Castles Plan and the National World Heritage Plan. A number of specific challenges are also being addressed, such as how to use key heritage sites as a tool to promote local identity and how to reconcile the intrinsic need to conserve and protect these sites with the extrinsic consideration of their economic value in terms of tourism – or, to put it in UNESCO terms, the balance between the “fragile wealth” of heritage elements and their exploitation or enjoyment by citizens.

61. Museums in Spain are run by the central Government, the regional governments or local governments. They boast an excellent reputation and, in the past few years, special emphasis has been placed on digitalizing their collections. Users of the website of the Ministry of Culture and Sports can take a virtual tour of 12 national museums (the same can be done with most of the museums run by the regional governments) and peruse a consolidated catalogue of the museums' bibliographical holdings. In recent years, virtual exhibitions have been placed on the website, and various applications developed for mobile phones from which users can access tourism guidebooks and take virtual tours. There is also a portal, *CER.collecciones en red*, which allows visitors to visit 113 museums. The *Museos +Sociales* programme has been developed, which encourages public involvement and tries to improve access for the more disadvantaged groups. The following museums each welcomed at least, or nearly, 1 million visitors in 2018: the Reina Sofía National Museum Art Centre (3,898,000 visitors), the Prado (2,900,000), the Dalí Museums (1,336,000), the Guggenheim (1,265,000) and the Thyssen Foundation (906,000). The royal National Heritage sites received 3,530,000 visitors, and the 16 State-run museums, 3,013,000, including the National Archaeological Museum (516,000).

62. Books – and the publishing sector in general – are the most vigorous component of the cultural industry in Spain, although they have not been immune to the long economic crisis and to the introduction of e-books. Even so, its accounts have been rationalized, and in terms of foreign trade it is the only sector whose exports are double its imports. The language advantage mentioned earlier comes into play here as well, because there is a vast market of readers available without any additional costs. Moreover, a large number of Spanish authors enjoy considerable prestige, as do several Latin American authors who publish with publishing houses based in Spain.

63. There are 6,636 libraries in Spain, of which 4,035 are government-run and the rest are private, university-based or of other types. The library/inhabitant ratio has remained more or less stable; in 2016 there were 14.3 libraries per 100,000 inhabitants. As indicated above, towns of more than 5,000 inhabitants are required to open a library. The network is extensive and services are being introduced to make it easier for the public to use, such as online catalogues, interlibrary loans, e-book loans and, often, media loans and the like. Other services, such as the lending of audiovisual materials and other items, may be offered as well. An ambitious plan for the promotion of books and reading for 2017–2020 is being

² <http://www.culturaydeporte.gob.es/planes-nacionales/inicio-recuperar.html>.

implemented by the Ministry of Culture and Sports, under the slogan “Reading gives you extra lives”.³

64. The performing arts and music are managed through an agency under the Ministry of Culture and Sports, INAEM, which oversees several production units as well as stimulating the different sectors and encouraging their internationalization through various helplines. The agency hosts the State Council for Performing Arts and Music, which sets the priorities for cultural policy in collaboration with the music, theatre, dance and circus communities. Innovative programmes are being carried out, such as PLATEA, created in 2013, whose purpose is to create a catalogue of performances that can be mounted throughout the country, producing quality shows and ensuring accessibility for the public and the maintenance of the sector. In 2016, 162 local entities and 283 artistic troupes joined the programme, staging 876 performances attended by audiences numbering 203,889.

65. In 2018 the Congress of Deputies unanimously approved a report for the drafting of an Artist’s Statute, which was to constitute a roadmap for legislators to consider the special characteristics of artistic works and the need for specific rules. The result was the adoption, at the end of December 2018, of a legislative measure (Royal Decree-Law of 28 December 2018, by which emergency measures were adopted on artistic creation) that provides for changes to increase the sector’s tax revenues and to enhance labour protection and social security coverage (pension contribution), as well as to harmonize retirement benefits and copyright income.

66. An overhaul of the country’s film industry has been under way for several years and is affecting all of the sector’s components, from production and applicable technology to the last step in the chain, the film-going public, whose habits and expectations have been radically transformed. Greater accessibility of costs, and lower costs, have placed production on a growth path despite adverse economic circumstances. The Cinematography and Audiovisual Arts Institute of the Ministry of Culture and Sports provides funding, either from its own resources, through affordable lending arrangements, or from the private sector outside the specialized audiovisual industry. A new legal framework has recently been approved which aims to improve on its predecessor and adapt the Institute to present circumstances. The past five years have seen a considerable increase in the number of production companies, and also in the number of works produced, both feature films and short films; the average price of a feature film has risen slightly (in 2017 it was €3.1 million); only the number of cinemas and screens has decreased, from 777 cinemas and 3,908 screens in 2013 to 721 cinemas and 3,554 screens in 2017.

Housing

67. According to the Continuous Household Survey data for 2017, the 46.7 million persons residing in Spain are part of 18.5 million households (0.4 per cent more than the previous year), with an average size of 2.5 persons per household. One significant feature is the high rate of ownership of these households: 76.7 per cent of all households live in an owner-occupied dwelling, a much higher percentage than for the European Union as a whole, which is 69.3 per cent.

68. After the fall in housing prices observed since the onset of the economic crisis and despite the increase in recent years, housing prices are generally 24.4 per cent below the highs of 2007 and rental prices are 17.7 per cent below, although the situation varies considerably, and in the main urban areas and island regions they are already at their highest levels.

69. Social and economic vulnerability in housing is largely associated with rent: 42.1 per cent of Spanish households living in rental housing spend more than 40 per cent of their income on rent, a much higher percentage than in the European Union as a whole (26.3 per cent). The latest data on evictions for the third quarter of 2018 show a year-on-year increase

³ <https://sede.educacion.gob.es/publiventa/plan-de-fomento-de-la-lectura-2017-2020-leer-te-da-vidas-extra/libros-y-lectura/20862C>.

of 7.9 per cent in evictions from rental properties, which contrasts with the progressive decline in foreclosure-driven evictions (16.2 per cent).

70. From the time the Constitution entered into force until recent years, there have been two instruments by which the State has directly intervened and defined its housing policy: fiscal stimuli, and State housing plans. In the housing plans, the State has left a margin for development to the regional governments, since they are the ones who develop and execute them.

71. From 2007 onwards, due to the economic crisis and its repercussions – not only on the construction sector but on the economy in general and due, above all, to the situations of vulnerability and social crisis faced by many families – the instruments traditionally used in housing policy have changed. New tools have been created by the authorities, proposing a change of course that privileges the consolidation of cities over their expansion, and that redresses the existing imbalance in housing tenure systems in Spain by promoting rental housing as an alternative to ownership. In response to the social crises experienced by many families since the economic and real estate crises, several Royal Decree-Laws and emergency measures have been passed for the protection of destitute mortgage holders.

B. Constitutional, political and legal structure of the State

The Spanish Constitution of 1978

72. The Spanish Constitution was drafted on the basis of negotiations and agreements among the various political parties represented in the parliament. The Constitution of 1978, adopted by the Spanish people in a referendum on 6 December that year, entered into force on 29 December. With a preamble, 169 articles grouped under 10 titles, and various transitional and additional provisions, the current Constitution is, after the Constitution of 1812, the most extensive in Spanish history.

73. Article 1 states that Spain is established as a social and democratic State, subject to the rule of law, which holds freedom, justice, equality and political pluralism to be the highest values of its legal system. It further stipulates that national sovereignty resides in the Spanish people, from whom all State powers emanate, and that the political form of the Spanish State is a parliamentary monarchy. The Constitution includes an extensive list of fundamental rights and public freedoms of all citizens and establishes the State of Autonomies. State power is based on the principle of its division into the legislative, executive and judicial branches.

74. The Constitutional Court. This Court is the supreme interpreter of the Constitution; it is independent of the other constitutional bodies and is subject only to the Constitution and to Organic Act No. 2/1979 of 3 October 1979, which contains its implementing regulations. The Court is composed of 12 members appointed by the King: 4 of them on the proposal of the Congress of Deputies by a three-fifths majority, 4 on the proposal of the Senate by the same majority, 2 on the proposal of the Government and 2 on the proposal of the General Council of the Judiciary. The appointment is for a period of nine years, and one third of the members of the Court are renewed every three years; members may not be re-elected. The Court's competences are divided into three main groups: monitoring the constitutionality of laws; settling jurisdictional conflicts that may arise between the State and the regional governments or among the regional governments themselves; and safeguarding the fundamental rights of citizens through the remedy of *amparo*, which is a form of protection against an alleged violation of those rights and is invoked when ordinary judicial remedies have been exhausted. Citizens, the Ombudsman and the Public Prosecution Service are all entitled to file for a remedy of *amparo*.

75. Institutions: The Crown. The political system of Spain is a parliamentary monarchy. The King, as Head of State, symbolizes the unity and stability of the State, arbitrates and oversees the regular functioning of the institutions and is the highest representative of the Spanish State in international relations.

76. The Armed Forces. Made up of the Army, the Navy and the Air Force, the mission of the Spanish Armed Forces is to guarantee the sovereignty and independence of Spain

and to defend its territorial integrity and the constitutional order. Part of the Ministry of Defence, the Armed Forces are the most important element of Spanish defence policy, which, under the responsibility of the Government, is aimed at guaranteeing the security and interests of Spain and its citizens, defending the rights and principles established in the Constitution of 1978 and the Charter of the United Nations (1945) and contributing, within the international legal order, to global peace and stability.

77. The legislative branch: the parliament. The legislative power of the State is exercised by the parliament, which represents the Spanish people and oversees government action. There are two chambers: the Congress of Deputies and the Senate. This bicameral parliamentary system is known as “imperfect bicameralism” since the competences of each chamber are not comparable: the Congress of Deputies takes primacy in exercising the majority of the parliamentary functions. Deputies and senators are elected for a term of four years. Early dissolution of the parliament is possible on the initiative of the Prime Minister. The Congress of Deputies. The Congress of Deputies is composed of 350 deputies. All parliamentary and government bills, without exception, must first be considered by the Congress of Deputies. The Senate holds the right to veto or amend any text drawn up by the Congress of Deputies, which in turn reserves the right to take a final decision following a new reading. It is the Congress of Deputies that formally inaugurates the Prime Minister, and it is therefore the body that can cause his or her dismissal, either by passing a motion of censure or by failing to grant the confidence requested by the Government. The Senate. Under the Constitution, the Senate is the chamber of territorial representation. In the tenth legislative session, it is composed of 266 senators, 208 of whom are elected by direct universal ballot and 58 of whom are appointed by the regional legislatures, each of which elects one senator plus an additional senator for every million inhabitants in its territory.

78. The executive branch: The Government. The provisions of the Spanish Constitution concerning the functions of the Government do not substantially differ from what is common practice in other contemporary parliamentary systems. The Government exercises executive power and presents legislative proposals; it can draft emergency legislation (for ratification by the Congress of Deputies) and prepares the draft national budget. The Government directs domestic and foreign policy, civil and military administration and the defence of the State. The Government is formed in two distinct stages: a first phase, in which the candidate for President submits his or her programme of government for consideration by Congress, and a second phase in which the President, once invested with the confidence of the chamber and appointed by the King, proposes his or her ministerial appointments to the King. This, together with the fact that he or she leads all action by the Government, means that it is the President of the Government who is the main figure in the internal organization of the executive. The Spanish constitutional system can thus be considered a prime ministerial regime. The collegiate body of the executive is the Council of Ministers, comprising the President of the Government, the Vice-President or Vice-Presidents, and the ministers. The Council usually meets every week. The current Government is composed of the President, a Vice-President with ministerial portfolio and 12 ministers. There are two institutions that report directly to the parliament; they are assigned specific tasks under the Constitution with respect to monitoring the public administration.

79. The Court of Auditors. Under article 136 of the Constitution, the Court of Auditors is the supreme body charged with auditing the accounts and financial management of the State and the public sector. As previously mentioned, the Court of Auditors is accountable to the parliament, and any conflicts that may arise as to its competences or powers are resolved by the Constitutional Court. The Court of Auditors is governed by Organic Act No. 2/1982 of 12 May 1982. Its president is appointed from among its members by the King, on the proposal of the plenary, and has a three-year mandate. The plenary is composed of 12 counsellors and the Auditor General.

80. The Ombudsman. The institution of the Ombudsman was established under the Constitution of 1978 as a high commissioner of the parliament to guarantee the defence and protection of fundamental rights. Accordingly, his or her mission is to oversee the activity of all public authorities. The Ombudsman is elected by the parliament, by a three-fifths majority of each chamber, for a period of five years, in accordance with the Ombudsman

Act (No. 3/1981) of 6 April 1981. The institution of the Ombudsman has also been introduced in many of the autonomous regions.

81. Government advisory bodies: The Council of State. This is the supreme advisory body of the Government; it is regulated by Organic Act No. 3/1980 of 22 April 1980. Its main function is consultative in nature, and its opinions are limited to the immediate subject of the consultation.

82. The Economic and Social Council. The Council is a high-level advisory body of the Government for socioeconomic matters and serves as well as a forum for social and economic partners. Its purpose is to promote the development of a social and democratic State based on the rule of law. The Council has a president and 60 members: 20 councillors appointed by trade union organizations, 20 appointed by employer organizations and 20 representatives of civil society.

83. The judiciary. Under the Constitution, justice emanates from the people and is administered on the King's behalf by judges and magistrates of the judiciary. Unity of jurisdiction is an important feature, as justice is administered by a single body of judges and magistrates. The General Council of the Judiciary. The General Council of the Judiciary is the governing body for the country's judges and magistrates. It is composed of the President of the Supreme Court, who presides over it, and 20 members appointed by the King on the proposal of the parliament, with a three-fifths majority, for a five-year term. Twelve of its members must be judges or magistrates.

84. The Supreme Court. This is the highest court of the State for all matters except those involving constitutional guarantees, which fall to the Constitutional Court. Its president, who serves also as the President of the General Council of the Judiciary, is appointed by the King on the proposal of the Council.

85. Attorney General. The Attorney General is appointed by the King on the proposal of the Government, following consultations with the General Council of the Judiciary. The mission of the Attorney General's Office is to initiate – ex officio or at the request of the interested parties – judicial proceedings in defence of citizens' rights and the public interest as protected under the law. It is also the responsibility of the Office to protect the independence of the courts and to ensure that they are acting in the interests of society. The Attorney General may submit requests for a remedy of *amparo* to be granted.

86. Territorial organization of the State. The autonomous regions and cities with autonomous status. The Constitution of 1978 recognized and guaranteed the right to autonomy of the nationalities and regions that make up the Spanish nation as well as the solidarity among them. Those constitutional provisions led to a profound transformation in the territorial organization of the State with the creation of 17 autonomous regions (or "communities") and two autonomous cities (Ceuta and Melilla) and the consequent redistribution of political and administrative power between central and regional institutions. This has made Spain one of the most decentralized countries in Europe and has strengthened its cohesiveness and solidarity; it has also fostered the harmonious development of the political, social and cultural diversity that forms the history and heritage of Spain. In addition, it has brought the institutions closer to the people, has enhanced the quality of democracy and has contributed substantially to major economic, social and cultural progress in Spain. Each autonomous region has its own statute of autonomy, which is adopted through an organic act and provides the basic institutional framework for the region. The statutes govern such essential aspects as the organization and functioning of the regional parliament and government, the responsibilities assumed by the region, its administration, identity and such distinguishing features as language, civil law and relations with the State and with other autonomous regions. The division of responsibilities between the State and the autonomous regions is based on the recognition of exclusive competences of the State and of the autonomous regions, competences shared by the State and the autonomous regions and competences that are concurrent, i.e. in which both the State and the autonomous regions may be involved. The exclusive competences – both those of the State and those of the autonomous regions – include legislative power and implementation capacity. The shared competences may involve a different distribution of legislative and regulatory power between the central and regional governments, in which case

implementation capacity is usually vested in the latter. Any jurisdictional conflicts are decided by the Constitutional Court, as in other politically decentralized States. The autonomous regions have a parliamentary system of government, consisting of a parliament, a president of the region and an autonomous government. The regions enjoy significant independence in managing their economic and financial affairs and are empowered to adopt their own annual budgets and raise resources through taxes, surcharges and special fees.

87. In addition to the taxes levied by the regions and other tax revenue channelled to them, the regions receive funding through the Basic Public Services Guarantee Fund and the Fiscal Equalization Fund. In addition, the regions can draw on the Regional Convergence Funds, which are financed by the State with the objective of promoting regional economic balance and thus contributing to equality and equity. This combination of financing arrangements is intended to guarantee interterritorial solidarity and a shared level of threshold access to basic public services throughout the country. The resources provided to the autonomous regions through the financing system are complemented by various other funding sources, such as their own taxes, transfers from the general State budget and European Union funds. The structure of this financing system is a reflection of the level of development that the State of Autonomies has achieved in Spain, which is among the most decentralized countries in the Organization for Economic Co-operation and Development (OECD), including those with a tradition of federalism.

88. Local government. According to the latest official population figures, from 1 January 2018 (Royal Decree No. 1458/2018 of 14 December 2018), the 50 provinces and 8,124 municipalities of Spain display a very uneven distribution in terms of inhabitants. Nationwide, 4,991 municipalities (61.44 per cent of the total) have a population of fewer than 1,000 inhabitants and 6,825 (84.01 per cent) have fewer than 5,000 inhabitants. Only 145 municipalities (1.78 per cent of the total) have more than 50,000 inhabitants. The municipalities are governed by municipal councils; the provinces by provincial councils, or similar representative bodies; and the Canary Islands and Balearic Islands by the island councils and insular councils, respectively. The municipal councils are made up of the mayor, who presides over the council; deputy mayors; the governing board; and the plenary council. The plenary council is the full assembly of councillors, who are directly elected by the residents of the municipality through a proportional system based on open lists in municipalities of up to 250 inhabitants and on closed lists in municipalities of more than 250 inhabitants. The mayor is elected by an absolute majority of the councillors. If no majority is obtained, the councillor heading the list that received the most votes is proclaimed mayor; in municipalities with open lists, the councillor who has obtained the most popular votes in the election of councillors is proclaimed mayor. There is a special system for municipalities that operate under an open council regime, that is, those that have traditionally and voluntarily chosen to adopt this unique regime for government and administration and those that, with the approval of the regional government, have opted to do so in view of their geographic location or for the optimal management of municipal interests or other circumstances. Under the open council system, registered voters elect the mayor directly by majority vote in what is a genuine example of direct democracy. The right to vote and to stand for election in municipal elections is not limited to Spanish citizens but extends as well to citizens of any European Union member State residing in Spain, under the same conditions as Spaniards, and to resident aliens whose countries permit Spaniards to vote in their elections (or to stand for election, as applicable) under the terms of a treaty (article 13.2 of the Constitution and articles 176 and 177 of Organic Act No. 5/1985 of 19 June 1985 on the general electoral system). The provincial councils are elected by and from among the councillors of the province's municipal councils, and their basic task is to provide assistance and cooperation to the municipalities, especially those with weak economic and management capacity, and to guarantee the provision of services at levels mandated by law for the municipalities. The island councils of the Canary Islands and the insular councils of the Balearic Islands are those archipelagos' governmental and administrative bodies.

Justice system and data on crime

89. In 2017, a total of 285,336 convicted adults were listed in the Central Register of Convicted Offenders, based on final judgements handed down that year and communicated to the Register, marking a 5.08 per cent increase over the previous year, as a result of a reform of the Criminal Code in 2015 that abolished misdemeanours by making them minor offences.

90. Of the total number of convicted offenders, 79.1 per cent were men and 20.9 per cent were women. The number of convicted persons for every 1,000 inhabitants (aged 18 years or older) was 7.5, four tenths higher than in 2016.

91. Broken down by age group, the most offenders were found in the 18-to-20-year age group, for both men (28.5 per cent of the total) and women (9.6 per cent).

92. The average age of convicted persons was 36.9 years (37 years for men and 36.3 years for women).

93. The majority of convicted offenders in 2017 were Spanish nationals (77.3 per cent of the total, compared with 76.8 per cent the previous year). Of the convicted offenders who were foreign nationals, the majority were from the European Union countries (33 per cent).

94. Of the total number of offenders, 77.8 per cent were convicted of a single crime (79.1 per cent the previous year) and 22.2 per cent of more than one crime (20.09 per cent in 2016).

95. The autonomous region with the highest number of convicted persons in 2017 was Andalusia, accounting for 19.5 per cent of the total, followed by Catalonia (15.7 per cent) and Madrid (13.8 per cent).

96. The autonomous region with the most foreign convicted offenders was Catalonia (23.5 per cent of the total), followed by Madrid (17.9 per cent) and the Valencian Community (12.6 per cent).

97. The autonomous cities of Ceuta and Melilla reported the highest number of convictions per 1,000 inhabitants (25.6 and 23.8, respectively). By contrast, Castilla-La Mancha (5.5), Castilla y León (5.5) and Aragón (6.0) had the lowest numbers.

98. The total number of recorded crimes increased by 8.0 per cent in 2017, to 394,301. The number of crimes per 1,000 inhabitants was 10.3 (9.6 in 2016), as a result of a reform of the Criminal Code in 2015 that abolished misdemeanours by making them minor offences.

99. By type of crime, the ones with the highest incidence were road traffic offences (23.8 per cent of the total), bodily harm (16.6 per cent) and robberies (16.2 per cent). Nevertheless, there was a 1.9 per cent decrease in the number of road traffic offences compared with 2016.

100. The average number of crimes per convicted offender was 1.4 (1.3 in 2016). The average was higher among men (1.4) than among women (1.3), the same as the previous year (1.4 for men and 1.3 for women).

101. Of the total number of crimes committed, 89.2 per cent corresponded to offences actually committed and 10.4 per cent were attempted offences.

102. In 2017, a total of 734,919 punitive sentences were handed down and recorded in the Register; this was 1.6 per cent more than the previous year and 5.7 per cent more than in 2016, as a result of a reform of the Criminal Code in 2015 that abolished misdemeanours by making them minor offences.

103. Some 46.0 per cent of the sentences handed down (both primary and additional penalties) were punishments restricting other rights: 33.4 per cent were fines and 20.5 per cent were custodial sentences.

104. The most frequent punishment imposed among the penalties restricting other rights was special disqualification from public office (15.5 per cent of penalties). The most frequently imposed custodial sentence was imprisonment (19.8 per cent of the total).

105. For men, penalties restricting other rights accounted for 48.9 per cent of the total penalties imposed; for women, 30.3 per cent.

106. For men, custodial sentences accounted for 21 per cent of the total penalties imposed, of which 20.3 per cent were prison sentences. For women, custodial sentences were 17.7 per cent of the total, of which 17.0 per cent were prison sentences.

107. With regard to the offender's nationality, custodial sentences were handed down more frequently to foreigners (21.8 per cent of the total) than to Spaniards (20.1 per cent). Prison sentences made up 21.4 per cent of the total for foreign offenders, compared with 19.3 per cent for Spaniards.

Statistics on minors

108. In 2017, there were 13,643 registered juvenile offenders (aged 14 to 17 years) according to final judgements handed down and communicated to the Register of Juvenile Criminal Sentences; that marked a 5.5 per cent increase over the previous year.

109. The number of convicted juvenile offenders aged between 14 and 17 years per 1,000 inhabitants in the same age group was 7.5, compared with 7.2 the previous year.

110. A total of 79.3 per cent of juvenile offenders were male and 20.7 per cent were female. The number of convicted female minors increased by 9.4 per cent compared with the previous year, and the number of convicted males by 4.6 per cent. By age, the largest proportion of offenders were 17 years old (30.0 per cent of the total), followed by 16-year-olds (28.7 per cent).

111. The majority of convicted juvenile offenders were of Spanish nationality (80.6 per cent). The number of juvenile offenders per 1,000 inhabitants aged 14 to 17 years was almost three times higher among foreign juveniles (17.8) than Spanish juveniles (6.5).

112. In 2017, 23,050 criminal offences were committed by juveniles, 4.8 per cent more than the previous year. The offences with the highest incidence were bodily harm (24.6 per cent), robberies (21.7 per cent) and thefts (12.9 per cent).

113. In 2017, judges ordered 22,916 measures, which marked an increase of 6.5 per cent over the previous year. The most frequently ordered measures were probation (42.6 per cent of the total), community service (15.4 per cent) and placement in semi-open institutions (11.6 per cent). Generally speaking, placement in residential correctional institutions and in semi-open institutions is imposed more frequently on foreign juvenile offenders (16.6 per cent and 45.5 per cent respectively) than on Spanish juvenile offenders (10.3 per cent and 41.7 per cent). By contrast, social rehabilitation measures and community service are less frequent among foreign juvenile offenders (8.4 per cent and 11.9 per cent of the total, respectively) than among their Spanish counterparts (12.0 per cent and 16.3 per cent).

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights standards

114. Spain is a State party to the main human rights treaties. It has accepted extensive obligations for the protection of human rights and acknowledges the authority of the international monitoring bodies. The European Court of Human Rights is especially important for Spain, as it monitors compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. Spain has ratified the following multilateral human rights agreements:

115. Within the sphere of the United Nations:

- Convention on the Prevention and Punishment of the Crime of Genocide
 - Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees
 - Convention on the Political Rights of Women
 - Convention relating to the Status of Stateless Persons
 - International Covenant on Civil and Political Rights and its Optional Protocols
 - International Covenant on Economic, Social and Cultural Rights and its Optional Protocol
 - International Convention on the Elimination of All Forms of Racial Discrimination
 - Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain has made the declaration provided for under article 22, recognizing the competence of the Committee against Torture to consider communications from individuals who claim to be victims of a violation of the Convention) and its Optional Protocol
 - Convention on the Rights of the Child and its three Optional Protocols (on the sale of children, child prostitution and child pornography; on the involvement of children in armed conflict; and on a communications procedure)
 - Rome Statute of the International Criminal Court and Agreement on the Privileges and Immunities of the International Criminal Court
 - Convention against Transnational Organized Crime and the Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air
 - International Convention for the Protection of All Persons from Enforced Disappearance
 - Convention on the Rights of Persons with Disabilities and its Optional Protocol
 - Convention on Cluster Munitions
 - Convention on Supervision of International Trade in Arms and Ammunition and in Implements of War
 - Convention on the Reduction of Statelessness, which was done at New York on 30 August 1961.
116. Within the sphere of the Council of Europe:
- European Convention for the Protection of Human Rights and Fundamental Freedoms
 - Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (Council of Europe Treaty No. 46)
 - Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty
 - Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe Treaty No. 117)
 - Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the general prohibition of discrimination
 - Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances

- Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention
- Protocol No. 15 to the Convention for the Protection of Human Rights and Fundamental Freedoms
- Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the application of Biology and Medicine: Convention on Human Rights and Biomedicine
- Framework Convention for the Protection of National Minorities
- European Charter for Regional or Minority Languages
- European Social Charter (Spain is currently in the process of ratifying the revised European Social Charter; on 1 February 2019 the Council of Ministers adopted the agreement by which it sent the revised European Social Charter to the parliament and authorized the declaration of Spain's consent to be bound thereby)
- Council of Europe Convention on Combating Trafficking in Human Beings
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- Council of Europe Convention on Action against Trafficking in Human Beings
- Convention on preventing and combating violence against women and domestic violence.

B. Legal framework for the protection of human rights at the national level

117. The general framework in Spain for the protection of human rights is set out in the Constitution of 1978, primarily in title I, section 1, chapter II (“Fundamental rights and duties”). Article 53 of the Constitution establishes the system of guarantees for these rights, which is arranged as follows:

(a) Legislative guarantees. The exercise of these rights may only be regulated by law, “which shall, in all cases, respect their essential content”. The law setting out the fundamental rights and public freedoms must be an organic act that may only be adopted, amended or repealed through a majority final vote of the Congress on the bill as a whole (art. 81 (1-2)). The Constitutional Court ensures the effectiveness of this guarantee by means of constitutional challenges to laws and statutory provisions (art. 161.1 (a)), which may be filed by the President of the Government, the Ombudsman, 50 deputies, 50 senators, the executive collegiate bodies of the regional governments and, when appropriate, their assemblies (art. 162 (1 (a))). The prior authorization of the parliament is required in order for the State to undertake obligations through treaties or agreements that affect the fundamental rights and duties set out in title I (art. 94 (1 (c))) of the Constitution. Article 95 of the Constitution provides for the possibility of the Government or either chamber of the parliament (the Congress of Deputies or the Senate) making a request to the Constitutional Court when an international treaty containing provisions that are contrary to the Convention is being concluded. Such a request may give rise to a declaration of the constitutionality of the international treaty in accordance with the provisions of title VI, article 78, of the Constitutional Court Act (No. 2/1979) of 2 October 1979.

(b) Judicial protection through the ordinary *amparo* procedure. Any citizen may seek protection from the ordinary courts for the freedoms and rights recognized in article 14 and section I of chapter II.

118. Act No. 62/1978 of 26 December 1978, on the legal protection of the fundamental rights of the individual, initially set out the procedure for such protection. Although that law predated the Constitution, paragraph 2 of the second transitional provision of the Constitutional Court Act established that the Act would remain in force until such time as the provisions of article 53 (2) of the Constitution were implemented. The foregoing

notwithstanding, Spanish procedural law has been establishing special procedures for the protection of fundamental rights in each of the courts (civil, criminal, administrative, labour), creating a presumption that the Act has been repealed, either through the amendment of existing laws, as is the case with the Criminal Procedure Act, or through the enactment of new laws, such as Act No. 36/2011 of 10 October 2011, which regulates social jurisdiction; the Administrative Dispute Regulation Act (No. 29/1998) of 13 July 1998; and the Civil Procedure Act (No. 1/2000) of 7 January 2000.

119. Article 7, paragraph 1, of the Judiciary Act (No. 6/1985) of 1 July 1985 provides that all of the rights and freedoms recognized in title I, chapter II, of the Constitution create an obligation for all judges and courts to uphold them and guarantee their effective protection. In this respect, article 5, paragraph 4, of the Act provides that “a breach of the Constitution shall constitute sufficient grounds for cassation proceedings in all cases provided for by law”.

120. Once they have exhausted all judicial remedies, citizens may file an *amparo* appeal to the Constitutional Court (art. 53.2 of the Constitution). The remedy of *amparo* before the Constitutional Court is regulated by articles 161 (1 (b)) and 162 (1 (b)) of the Constitution and articles 41 to 58 of the Constitutional Court Act, which provides (art. 41 (1)) that the rights and freedoms recognized in articles 14 to 29 of the Constitution may be protected by the constitutional remedy of *amparo* in the cases and manner established in the Act, without prejudice to the general protection provided by the courts of law. Such protection applies also to conscientious objection, which is recognized under article 30 of the Constitution. Before an *amparo* application can be made to the Constitutional Court, all judicial remedies must first have been exhausted (Constitutional Court rulings 73/1982, 29/1983 and 30/1984 and others). In this connection, article 241 of the Judiciary Act was amended through Act No. 6/2007 of 24 May 2007 with regard to the requirement on requesting an annulment of proceedings before the ordinary courts prior to applying for the constitutional remedy of *amparo* in alleged breaches of the fundamental rights referred to in article 53 (2) of the Constitution, in cases where it was not possible to lodge a complaint prior to the decision putting an end to the process.

121. An application for *amparo* may be filed by any of the persons directly affected by the provision or administrative act or by any party to the respective court proceedings as well as by the Ombudsman and the Public Prosecution Service, which is always a party to *amparo* proceedings (arts. 46 (1) (a) and (b) and 47 (2) of the Constitutional Court Act). Under article 54 of the Constitution, the Ombudsman is defined as the “High Commissioner of the parliament, appointed by the parliament to defend the rights protected under title I of the Constitution, for which purpose he or she may supervise the activities of the Government and report to the parliament”. In addition to overseeing the activities of the Government, the Ombudsman, as the defender of the rights of individuals, is authorized to lodge *amparo* appeals in respect of such rights (art. 162 of the Constitution and art. 46 of the Constitutional Court Act). The Ombudsman’s mandate includes coordination with counterpart institutions in the autonomous regions (*síndic de greuges* in Catalonia, the Valencian Community and the Balearic Islands; ombudsman in Andalusia and Navarra; *ararteko* in the Basque Country; *valedor do pobo* in Galicia; *diputado del común* in the Canary Islands; *justicia mayor* in Aragón and *procurador del común* in Castilla y León). This institution is proving highly effective in protecting human rights, as demonstrated by the high number of complaints it handles.

122. The increase in the number of applications for *amparo*, many of them lacking in substance, was threatening to paralyse or at least delay the work of the Constitutional Court. To speed up the procedure, under Organic Act No. 6/2007 of 24 May 2007 a system was introduced in which the appellant must argue and prove that the substance of the appeal justifies a Court decision on the grounds of its particular constitutional significance, given its importance for the interpretation, application or overall effectiveness of the Constitution. The most novel element, or “most distinctive characterization” (ATC No. 188/2008 of 21 July 2008, FJ 3), of this regulation of *amparo* is the substantive requirement for “special constitutional transcendence” imposed by article 50.1 (b) of the Constitutional Court Act in order for the remedy to be accepted. The simple violation of a fundamental right or public freedom of the appellant that is covered by *amparo* does not suffice for the remedy to be

admitted (arts. 53.2 and 161.1 (b) of the Constitution and art. 41 of the Constitutional Court Act); the particular constitutional significance of the remedy of concern here is also essential (art. 50.1 (b)).

123. Also noteworthy is the expansion of the scope of annulments of proceedings envisioned under the first final provision of Act No. 6/2007 amending the Constitutional Court Act, by means of which this procedural instrument is provided as an appropriate remedy for offering protection against the violation of all the rights foreseen in article 53.2 of the Constitution. The two reforms are complementary, in that the limitation of the remedy of *amparo* imposed under the former reform is intended to compensate for the expansion of the scope of annulments of proceedings. In recent years, the number of cases settled has gone from 10,410 (2008) to 6,186 (2017).

124. Within the Spanish legal system, the Public Prosecution Service is responsible for upholding the law pursuant to article 124 of the Constitution, which provides that the Service has “the task of ensuring that justice is served in defending the rule of law, citizens’ rights and the public interest, as protected under the law, whether ex officio or at the request of the interested parties, as well as protecting the independence of the courts and ensuring that they act in the interests of society”. It discharges its duties through its own organizational units in accordance with the principles of unity of action and structured reporting lines, subject at all times to the principles of legality and impartiality. These powers are described in detail in the Service’s by-laws (adopted through Act No. 50/1981 of 30 December 1981, and amended most recently through Act No. 24/2007 of 9 October 2007), article 3 of which provides that the Office must:

- Ensure respect for the institutions established under the Constitution and for fundamental rights and public freedoms by any such means as may be necessary for their protection (para. 3)
- Participate in *amparo* proceedings and challenges to constitutionality in the cases and in the manner provided for in the Constitutional Court Act (para. 11)
- File applications for *amparo* and take part in proceedings before the Constitutional Court in order to uphold the law, in the manner provided for by law (para. 12) (this role is in accordance with article 46 of the Constitutional Court Act (No. 2/1979) of 3 October 1979 and the list of persons entitled to file an application for *amparo* in the cases specifically mentioned in arts. 42 to 45 of the Act).

125. The Regulations of the Congress of Deputies of 10 February 1982 (arts. 40 to 53) govern the competence of the Standing Constitutional Committee and the Standing Petitions Committee and authorize the latter to consider individual or collective complaints submitted to the Congress of Deputies and to decide whether to refer them to (a) the Ombudsman, (b) the Congress of Deputies committee responsible for the matter or (c) the Senate, the Government, the courts, the Public Prosecution Service or any other relevant public authority. The Regulations of the Senate of 26 May 1982 also call for committees on the promotion and protection of human rights (arts. 49 to 68).

126. Respect for human rights is further ensured in Spain by article 10, paragraph 2, of the Constitution, which provides that “principles relating to the fundamental rights and freedoms recognized under the Constitution shall be interpreted in accordance with the Universal Declaration of Human Rights and the international human rights treaties and agreements ratified by Spain”. This system for the protection of civil and political rights is complemented by a guarantee at the international level deriving from the ratification by Spain of international agreements and their protocols for the protection of these rights.

127. With regard to economic, social and cultural rights and specifically the right to health, the Constitution of 1978 establishes the right of all citizens to effective health protection and to equitable, efficient health care of the highest possible quality. These provisions, contained in articles 41, 43, 49 and 51, represent a major step forward in social terms inasmuch as they recognize the right to health care as a public, objective, personal and non-contributory right and at the same time guarantee equality before the law, without discrimination, for all citizens and equitable access to the services delivered. Measures that give effect to the right to health protection are regulated by several laws: the Health Act

(1986), the Act on Cohesion and Quality in the National Health System (2003), the Act on Guarantees and Rational Use of Drugs (2006), the Public Health Act (2011) and the Royal Decree-Law on Universal Access to the National Health System (2018), which guarantees health protection and health care as a primordial right of the person. The Health Act (1986) gives effect to the constitutional mandate making the State responsible for the general coordination of health matters: it must provide the means for information-sharing, technical consistency and joint action that pools and coordinates individual activities within the national health system. The Act created a national health system with universal coverage that is eminently public in nature, is financed by the national budget and comprises the health services of the central and regional governments. The main purpose of the Act was to regulate all measures that give effect to the constitutional right to health protection. As to the Royal Decree-Law on Universal Access to the National Health System (2018), it guarantees health protection and health care as a primordial right of the person. The Act links entitlement to this right to residence in Spain and allows foreigners not registered or authorized as residents in Spain to enjoy the right to health protection and health care under the same conditions as Spanish nationals.

128. Moreover, the Constitution of 1978 establishes the right of all citizens to enjoy decent and adequate housing and establishes that the authorities shall promote the necessary conditions and establish appropriate standards in order to give effect to this right. However, pursuant to article 148.1.3^a of the Constitution, exclusive powers over matters of “land management, urban planning and housing” are granted to the regional governments under their respective statutes of autonomy. The regional governments also have their own laws on these matters. In extreme cases, the State alone may regulate the “basis for and coordination of the general planning of economic activities” (art. 149.1.13^a), leaving room for development to the regional governments. In other cases, by contrast, regulation is left solely up to the regional governments, leaving no room for manoeuvre to the State. From the time the current Constitution entered into force and up to recent years, there have been two instruments by which the State has directly intervened and defined its housing policy: fiscal stimuli, and State housing plans.

129. The State’s main body in the sphere of foreign policy for the promotion and protection of human rights is the Human Rights Office of the Directorate General for the United Nations and Human Rights under the Ministry of Foreign Affairs, European Union and Cooperation. This body was created in 1983 and has the following functions:

- Provide advice on human rights-related matters
- Prepare reports on international respect for human rights
- Promote greater coordination on human rights matters between the various executive bodies of the Ministry
- Organize the participation of Spain in international meetings and conferences on human rights
- Liaise with counterpart government offices and non-governmental organizations (NGOs) on human rights
- Monitor compliance with international human rights treaties and agreements signed by Spain
- Promote research and activities in its specific areas of competence.

130. Since August 2018, the Directorate General for International Legal Cooperation, Inter-Faith Relations and Human Rights of the Ministry of Justice has been competent to:

- Coordinate the Directorate’s competences in the field of the promotion and protection of human rights through the Spanish legal system; strengthen and evaluate the impact on human rights of the initiatives promoted, within the framework of the legislative powers of the Ministry of Justice
- Propose legislative measures or administrative practices for dealing with the problems repeatedly highlighted in the views addressed to Spain by the human rights

treaty bodies whose competence to hear individual communications has been accepted by Spain.

C. Framework within which human rights are promoted at the national level

131. The Human Rights Office of the Directorate General for the United Nations and Human Rights, together with the Diplomatic School of the Ministry of Foreign Affairs, European Union and Cooperation, organizes an annual seminar on human rights. The most recent (XII) edition took place from 26 to 30 November 2018 and dealt with human rights defenders.

132. Spain has promoted the involvement of civil society in the planning, promotion and dissemination of foreign policy through public subsidies since 2004. Government subsidies and grants are one of the most important tools for carrying out activities to develop the country's foreign policy in the area of human rights within the Ministry's competencies. The estimated annual budget is €180,000, which is enough to subsidize 20-to-30 human rights dissemination projects each year.

133. On 3 July 2018, the Vice-President of the Government announced to the Congressional Committee on Constitutional Affairs the Government's preparation of the Second Human Rights Plan. The Plan is expected to include a standard national coordinating body, as well as human rights indicators.

134. During the past five years various sectoral plans have been adopted, drafted or implemented, including the National Strategic Plan for Children and Adolescents, the National Action Plan for Social Inclusion, the Strategic Plan for Equal Opportunities, the National Strategy for the Inclusion of the Gypsy Population, the Spanish Strategy on Disabilities, the Comprehensive Plan to Combat Trafficking in Women and Girls for Purposes of Sexual Exploitation, the National Action Plan for Women, Peace and Security, the National Action Plan for Business and Human Rights, the State Housing Plan, the Strategic Plan for Labour Inspection and Social Security, and the Master Plan for Spanish Cooperation. Additional specific measures and priority attention will be introduced for targeted groups, such as families, young people and older persons, especially those living in poverty and situations of social exclusion.

135. The Second National Strategic Plan for Children and Adolescents 2013–2016 has been completed and was evaluated, and the Third Plan is currently being drafted.

136. The National Action Plan for Social Inclusion 2013–2016 has been completed and the monitoring and evaluation report published; it can be consulted on the website of the State Secretariat for Social Services.

137. The Strategic Plan for Equal Opportunities 2014–2016 was evaluated and submitted to the Council on Women's Participation for its review; the next version is currently being drafted.

138. The Action Plan of the Spanish Strategy on Disabilities 2014–2020 was adopted on 12 September 2014. The report of this Plan, on the first phase of implementation from 2014 to 2016, was presented and adopted by the National Council on Disabilities.

139. The Comprehensive Plan to Combat Trafficking in Women and Girls for Purposes of Sexual Exploitation 2015–2018 was adopted on 18 September 2015 by the Council of Ministers. It was submitted for consideration to the Social Forum against Trafficking for Sexual Exploitation at its meeting on 7 May 2015.

140. The Second National Action Plan for Women, Peace and Security was adopted by the Council of Ministers on 28 July 2017. It is valid for six years and provides for follow-up reports to be submitted to the parliament every two years.

141. On 28 July 2017, the Council of Ministers adopted the National Action Plan for Business and Human Rights. Its objective is to put into practice the United Nations Guiding

Principles on Business and Human Rights, which were endorsed by the Human Rights Council through a resolution adopted by consensus in June 2014 (resolution 17/4).

142. The State Housing Plan 2018–2021, adopted under Royal Decree No. 106/2018 of 9 March 2018, consists of nine programmes that include aid for building rehabilitation. The Ministry maintains agreements on implementing the Plan with all the regional governments, which are competent in the matter. The regional governments also co-finance the aid called for under the Plan.

143. In April 2018, the Strategic Plan of the Inspectorate of Labour and Social Security for the period 2018–2020 was adopted.

144. In June 2018, the follow-up report on Operational Plan 2014–2016 of the National Strategy for the Social Inclusion of the Gypsy Population 2012–2020 was published. The new Operational Plan 2018–2020 was subsequently adopted, in coordination with the central Government's ministerial departments, the regional governments and the social bodies of the State Council of the Gypsy People.

145. In June 2018, the Council of Ministers adopted the Action Plan for the Implementation of Agenda 2030: Towards a Spanish Sustainable Development Strategy. The Fifth Master Plan for Spanish Cooperation 2018–2021 is noteworthy for its commitment to the United Nations Agenda 2030 for Sustainable Development.

146. Also of interest is the creation in June 2018 of the Office of the High Commissioner for Combating Child Poverty, whose objective is to prioritize policies to combat child exclusion. From a social investment perspective, the idea is not only to respect the international agreements signed by Spain in relation to the rights of the child, but also to promote equal opportunities in life, encourage social cohesion, improve relations and lay the foundations for making the Spanish economy more competitive. This Office is essentially intended to spearhead initiatives to combat both the circumstances that give rise to child poverty and the consequences of child poverty once it has materialized. Through the analysis of poverty, its origins, mechanisms of reproduction, effects and consequences, initiatives are proposed to make the whole of Spanish society aware of this serious problem, while also drawing up action programmes to mobilize all parts of government, and different civil society actors, to join forces against this social scourge.

147. In addition, the Office of the High Commissioner for Agenda 2030 has been created to coordinate actions to meet the United Nations Sustainable Development Goals. It is entrusted with monitoring the actions of the competent State bodies in fulfilment of the goals, promoting the preparation and development of the plans and strategies necessary for Spain to achieve them, and evaluating, verifying and disseminating progress towards the goals.

148. The 2019–2023 National Strategy to Prevent and Combat Poverty and Social Exclusion is currently being finalized and is expected to be adopted during the first half of 2019. The Strategy will collaborate on meeting the goals of the Europe 2020 Strategy. It is aligned with the principles of the European Pillar of Social Rights and with the Sustainable Development Goals and Agenda 2030. It is part of the implementation of the Agenda 2030 Action Plan, placing priority on Goal 1, which is one of the key policies of the priority area on the prevention and eradication of poverty, inequality and social exclusion.

D. Reporting process

149. Reports are prepared in accordance with the general United Nations guidelines on the form and content of reports to be submitted by States parties.

150. The preparation of reports involves a significant collective effort by various public and private institutions and social groups. Many ministries participated in the preparation of this report, including the Ministry of the Presidency, the Ministry of Relations with the Courts and Equality, the Ministry of Justice, the Ministry of the Interior, the Ministry of Development, the Ministry of Education and Vocational Training, the Ministry of Labour, Immigration and Social Security, the Ministry for Ecological Transition, the Ministry of

Culture and Sports, the Ministry of the Economy and Business, the Ministry of Health, Consumption and Social Welfare and the Ministry of Science, Innovation and Universities, as well as the National Institute of Statistics and the Office of the High Commissioner for Combating Child Poverty, under the coordination of the Human Rights Office of the Ministry of Foreign Affairs, European Union and Cooperation, which is tasked, *inter alia*, with monitoring compliance with the international human rights treaties and agreements signed by Spain.

151. Spain is up to date with its obligation to submit periodic reports to the various treaty bodies. Over the past five years, it has submitted reports to the Committee on the Elimination of Racial Discrimination (2014), the Committee on the Rights of the Child (2016), the Committee on Economic, Social and Cultural Rights (2017) and the Committee on the Rights of Persons with Disabilities (2018). In 2019 the country will submit reports to the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on Enforced Disappearances, and its report will be considered by the Committee on the Rights of Persons with Disabilities.

152. The second universal periodic review of Spain took place on 21 January 2015, during the twenty-ninth session of the Human Rights Council. Of the 189 recommendations it received, Spain accepted a total of 169 (5 of them partially) and took note of 25 (5 of them partially). During the review, Spain announced its commitment to keep the Working Group informed of progress through a midterm report. This midterm report, submitted in December 2018 to the Office of the United Nations High Commissioner for Human Rights, updates the initial information submitted by Spain in 2015, including both the status of implementation of each of the recommendations from January 2015 to June 2018, and the measures expected to be taken in the near future. The highlights of the report were shared both with civil society organizations and with the Office of the Ombudsman. In addition, in accordance with Human Rights Council resolution 35/29 and the subsequent report of the Office of the United Nations High Commissioner for Human Rights, and in order to improve the role of parliaments in the promotion and protection of human rights at the national level, Spain promoted its participation in the presentation of this report, attaching the information provided by the Congress of Deputies and the Senate as an annex thereto.

E. Other information on human rights

153. Spain is firmly committed to the promotion and protection of human rights. It is a party to 8 core international treaties and 10 optional protocols. Spain has accepted the competence of treaty bodies to receive individual communications concerning all human rights treaties to which it is a party. It has issued an open and standing invitation to all special procedures established by the Human Rights Council. Spain responds promptly to the communications sent by the Special Rapporteurs and follows up on the recommendations made after their visits.

154. Spain began its second term on the Human Rights Council (2018–2020) on 1 January 2018. The country's thematic priorities in the Council include, first and foremost, the defence of human dignity and of equal human rights for all. Spain takes a firm stand against the death penalty and for the protection of individuals against any kind of discrimination. This includes combating racism, xenophobia and related forms of intolerance; gender equality; non-discrimination based on sexual orientation or gender identity; and the rights of persons with disabilities. Second, Spain upholds the principle that a free and dynamic civil society is an essential element of a functioning democracy and champions the role of human rights defenders. Third, with regard to sustainable development, Spain proposes to continue promoting economic, social and cultural rights. These include the human rights to safe drinking water and sanitation as an integral part of the right to an adequate standard of living – whose promotion Spain has co-led at the international level – as well as human rights and business.

155. Spain takes an active role in the recognition of science as a human right. The Committee on Economic, Social and Cultural Rights is currently drafting a general comment on the human right to science, which is being prepared by two co-rapporteurs,

one of whom is Spanish Professor Mikel Mancisidor. At the proposal of Spain, the right to science was also included in the Final Declaration of the Ibero-American Summit of Heads of State and Government held in November 2018 in Guatemala, which has involved significant support from the region.

156. Of the six thematic priorities of Spanish foreign policy on human rights, opposition to the death penalty, the human rights to safe drinking water and sanitation, sexual rights, the rights of persons with disabilities, business and human rights, and human rights defenders are described below. The priorities relating to non-discrimination on grounds of gender and non-discrimination on grounds of sexual orientation will be set out in the section on non-discrimination.

Opposition to the death penalty

157. As a priority of Spanish foreign policy on human rights, opposition to the death penalty is expressed through such actions as supporting a resolution calling for a global moratorium on the use of the death penalty, which is put to a vote in the United Nations General Assembly every two years; stimulating debate on the death penalty within the Human Rights Council; and supporting the International Commission against the Death Penalty – an organization established at the initiative of Spain, composed of persons of recognized high standing who act in their individual capacity and whose added value is that it serves as a forum for international dialogue in favour of abolition. Spain supports the Commission financially and politically through its membership in the Commission's support group. The policy of Spain, in conjunction with the European Union, is to push for abolition in regions where executions no longer take place – Europe, with the exception of Belarus – or where their numbers are declining – such as sub-Saharan Africa. Spanish embassies and consulates monitor the initiatives taken by certain States to reduce executions and suggest such initiatives in other States. Measures restricting or abolishing the death penalty are assumed to be very similar in all regions and political systems. In 2018 Spain worked through bilateral contacts to explain to retentionist countries how the Constitutional Court of Guatemala had annulled the death sentence for numerous crimes by applying the principle of legality.

Human rights to safe drinking water and sanitation

158. Recognition of the human rights to safe drinking water and sanitation has become a priority of Spanish foreign policy on human rights. This international initiative, sponsored by Germany and Spain in 2006, has resulted in the adoption of successive annual resolutions by the Human Rights Council and the General Assembly. The most recent Council resolution, of September 2018, enshrined the continuing recognition of these rights. There are two important aspects of that recognition: the recognition, pursuant to General Assembly resolution 70/169, of the human rights to safe drinking water and sanitation as two distinct but interrelated human rights; and the determination of the dimensions that comprise these two human rights, which involve availability, physical accessibility, quality, affordability and acceptability. Spain has consistently supported the mandate of the United Nations Special Rapporteur on these human rights, and will continue to do so.

The rights of persons with disabilities

159. Spain considers it essential to promote the Convention on the Rights of Persons with Disabilities and its Optional Protocol in view of the fact that these texts take a rights-based approach to dealing with persons with disabilities, in contrast to the traditional way of viewing them as mere beneficiaries of health policies.

160. One of the rights of persons with disabilities on which Spain has been working intensively since the ratification of the Convention, and particularly since 2011, has been the right to vote, as there were almost 100,000 persons with disabilities in the country who were unable to exercise that right. Organic Act No. 2/2018 of 19 June 2018, amending Organic Act No. 5/1985 of 19 June 1985 concerning the general electoral system by guaranteeing the right to vote for all persons with disabilities, was adopted and published in the Official Gazette on 6 December 2018, coinciding with the fortieth anniversary of the

Spanish Constitution. In addition, following the recommendations of the Committee on the Rights of Persons with Disabilities, work has intensified on adapting Spanish legislation to article 12 of the Convention. This has resulted in a bill, prepared by the Ministry of Justice, to reform civil legislation and civil procedure in matters of disabilities, prioritizing the autonomy of persons with disabilities in the exercise of their legal capacity, as well as their will, desires and preferences. The bill maintains the provision for judicial intervention – not by altering legal capacity but by establishing “the appropriate legal guardianship regime and the necessary support measures to assist persons with disabilities in exercising their legal capacity and their capacity to act”.

Business and human rights

161. Spain, within the framework of the European Union, has been participating constructively since 2016 in the sessions of the Intergovernmental Working Group created by Human Rights Council resolution 26/9. Subject to the reservations expressed on certain substantive issues (in particular the limitation of the scope of a future instrument), the Ministry of Foreign Affairs, European Union and Cooperation, directly or through the Permanent Mission of Spain in Geneva, has stayed in touch on this issue with the representatives of civil society participating in the Group’s meetings.

162. On 28 July 2017, the Council of Ministers approved the National Action Plan on Business and Human Rights in order to put into practice the United Nations Guiding Principles on Business and Human Rights, which were endorsed by the Human Rights Council through a resolution adopted by consensus in June 2014 (resolution 17/4). This three-year Plan establishes a follow-up commission, composed of representatives of various ministerial departments, which was set up in February 2018. Two meetings of the commission were held that year. The first meeting, in February 2018, was intended to launch the Commission, identifying the representatives of the different departments. At the second meeting, in November 2018, the Commission’s operating rules were approved and its work plan drawn up, focusing on the preparation of a follow-up file on each of the measures set out in the National Action Plan. In December 2018, the Commission met with representatives of civil society organizations. The objective was to connect with representatives of civil society organizations in the broad sense of the term (companies, NGOs, trade unions, academia, etc.) and to discuss possible forms of collaboration between the Government, businesses and civil society on implementing the Plan.

Human rights defenders

163. As a member of the European Union, Spain is promoting the implementation of the European Union Guidelines on Human Rights Defenders, which were adopted in 2004 and updated in 2008. During its term as rotating president of the European Union, Spain provided major impetus to the implementation of the Guidelines, calling for the organization of an annual meeting between defenders and diplomats, formulating and updating local strategies for the promotion and protection of the activities of human rights defenders and the designation of a European Union focal point for defenders in non-member countries.

164. Spain strongly supported the drafting of the Organization for Security and Cooperation in Europe (OSCE) Guidelines on the Protection of Human Rights Defenders, which were published in 2014. The Ministry of Foreign Affairs, European Union and Cooperation maintains close contact with civil society organizations specializing in human rights. Since 1995, it has had a protection programme for at-risk human rights defenders, which is considered good practice internationally. More than 300 human rights defenders benefited from this programme between 1995 and 2018, thanks to growing collaboration with different temporary shelter programmes for human rights defenders at risk: the Asturian Programme for Victims of Human Rights Violations in Colombia, the Basque Temporary Protection Programme for Human Rights Defenders, the Temporary Protection Programme of the Spanish Section of Amnesty International for Defenders at Risk, the Catalan Programme for the Protection of Human Rights Defenders and the Barcelona City Council’s Temporary Shelter Programme for Mexican Journalists.

III. Information on equality and non-discrimination

165. The general constitutional framework of Spain amply embodies the principle of equal treatment and non-discrimination. The Constitution states that Spaniards are equal before the law, without any discrimination on grounds of sex, religion or race. It upholds equality as one of the highest values of the national legal order and stipulates that it is the duty of the State to guarantee it (art. 1 (1), and more specifically, art. 14). Furthermore, article 9 (2) imposes an obligation on the State to remove obstacles to, and promote the conditions necessary for, achieving genuine and effective equality.

166. The main agencies entrusted with furthering an integrated public policy in this area are the following: the State Secretariat for Equality, which reports to the Ministry of the Presidency, Relations with the Courts and Equality; the State Secretariat for Social Services and Equality, which reports to the Ministry of Health, Consumption and Social Services; the State Secretariat for Immigration, which reports to the Ministry of Labour, Immigration and Social Security through the Spanish Monitoring Centre on Racism and Xenophobia; the National Office to Combat Hate Crimes, under the Coordination and Study Office of the State Secretariat for Security, which reports to the Ministry of the Interior. In the area of labour relations, the Labour and Social Security Inspectorate monitors compliance with the principle of equality and non-discrimination within its spheres of competence.

167. The Directorate General for Equal Opportunity and Diversity of the State Secretariat for Equality, under the Ministry of the Presidency, Relations with the Courts and Equality, is in charge inter alia of coordinating the central government policy on equality, the prevention and elimination of all forms of discrimination against individuals on the grounds of sex, racial or ethnic origin, religion or ideology, sexual orientation or identity, age, disability, or any other personal or social condition or circumstance, as well as drawing up policies for cooperation with the regional and local governments. In addition, it is responsible for drafting reports and studies, analysing, assessing and disseminating relevant statistics, formulating social awareness initiatives and activities, promoting measures to assist and protect victims of discrimination, proposing instruments for cooperation in the design of training plans for government personnel responsible for areas related to equal treatment and non-discrimination, and promoting equality and non-discrimination on the grounds of sexual orientation and gender identity in the field of education – without prejudice to the competencies of the Ministry of Education and Vocational Training. It is further in charge of analysing the legislative framework for non-discrimination against lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons; supervising the legislative framework for protection at the workplace and non-discrimination on the grounds of sexual orientation and gender identity – without prejudice to the competencies of the Ministry of Labour, Immigration and Social Security. In addition, it is responsible for compiling statistical data and analyses on hate crimes against LGBTI persons, in collaboration with the competent ministerial departments; promoting awareness-raising campaigns for non-discrimination on the grounds of sexual identity and gender identity; and coordinating and monitoring State policies within the European Union and international organizations with competence on diversity.

A. Efforts to combat racism and xenophobia

168. Organization Act No. 1/2015 of 30 March 2015 is a new law that strengthens the rules on hate crimes for reasons involving racism or anti-Semitism or other grounds connected with ideology, religion or beliefs, family circumstances, ethnicity or race, national origins, gender, sexual orientation or identity, illness or disability. The law increases the penalties applicable to the most serious acts and expressly covers the commission of these crimes through the Internet or other social media. Act No. 4/2015 of 27 April 2015 on the status of victims of crime contains a list of procedural and other rights, as well as protection measures for all victims of crime. The Act is intended as an instrument for the protection of human rights before, during and after criminal proceedings. In addition, a comprehensive Child Protection Act is being drafted which, inter alia, introduces aporophobia (for reasons of social exclusion) as a generic aggravating

circumstance in the Criminal Code, as well as a generic clause on discriminatory grounds compatible with the principle of specificity and interdiction of the *in malam partem* analogy found in criminal law.

169. The Council for the Elimination of Racial or Ethnic Discrimination is attached to the Directorate General for Equal Treatment and Diversity, pursuant to article 6.3 of Royal Decree No. 816/2018. Created and governed by article 22.2 of Act No. 62/2003 on fiscal, administrative and social measures and by Royal Decree No. 1262/2007 of 21 September 2007, amended by Royal Decree No. 1044/2009 of 29 June 2009, it is a collegiate body of the central Government that reports to the State Secretariat for Equality, although it is not part of its hierarchical structure. Its mission is to promote the principle of equal treatment and non-discrimination on the grounds of racial or ethnic origin with regard to education, health care, social benefits and services, housing and employment, and, in general, with regard to the provision of and access to all goods and services. To fulfil this mission, the Council, which carries out its functions independently, provides assistance to victims of discrimination, produces studies and reports and issues recommendations.

170. The Spanish Monitoring Centre on Racism and Xenophobia is attached to the Directorate General for Humanitarian Integration of the Ministry of Labour, Immigration and Social Security. Pursuant to Royal Decree No. 903/2018 of 20 July 2018, it is responsible for collecting and analysing information on racism and xenophobia in order to understand the phenomenon and how it might evolve; for promoting the principle of equal treatment and non-discrimination and combating racism and xenophobia; and for collaborating and coordinating with the various public and private, national and international actors involved in preventing and combating racism and xenophobia. In discharging its functions:

(a) The Monitoring Centre coordinates the drafting of the Comprehensive Strategy to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. Adopted by an agreement of the Council of Ministers on 4 November 2011, the Strategy was drafted in consultation with civil society and various experts from different ministerial and external departments. Based on an assessment of the phenomenon, it sets out 41 objectives and 129 measures in various areas. The text of the Strategy is available on the Internet in Spanish and English.

(b) The Monitoring Centre compiles information on projects, surveys, resources, reports and studies promoted by the General Secretariat for Immigration and Emigration and other ministerial departments, entities and institutions to serve as a platform for knowledge, analysis and support of efforts to combat racism, racial discrimination, xenophobia and other forms of intolerance, as well as hate crimes and related incidents. All of this involves collaboration with the authorities and civil society at national, European Union and international level. The Centre's website, <http://www.mitramiss.gob.es/oberaxe/es/index.htm>, which is continually updated, includes national and international regulations of the European Union and the United Nations, UNESCO, the International Labour Organization (ILO), the Council of Europe (European Commission against Racism and Intolerance) and OSCE.

(c) In September 2015, the General Secretariat for Immigration and Emigration promoted the signing of the Framework Agreement on Cooperation and Collaboration between the Ministry of Labour and Social Security, through the Monitoring Centre, and the General Council of the Judiciary, the Attorney General's Office, the Ministry of Justice, the Ministry of the Interior, the Ministry of Health, Social Services and Equality, and the Centre for Judicial Studies. The agreement was renewed in 2018 with the addition of the Ministry of Education and Vocational Training and the Ministry of Culture and Sports. Its main objective is to combat racism and xenophobia, LGBTI phobia and other forms of intolerance, through collaboration in the design and implementation of active policies and measures for the prevention and detection of racism, xenophobia and other forms of intolerance. It is also charged with combating the causes of these phenomena and preventing their effects, within the framework of the Comprehensive Strategy to Combat Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance.

(d) The Monitoring Centre designs projects as tools for effectively combating racism and xenophobia. A variety of activities and projects have been carried out in several fields, including, in the area of employment and business, the projects on “Managing Diversity” and “Managing Cultural Diversity in Small and Medium Enterprises”.

171. Since 2018, with the creation of the National Office to Combat Hate Crimes within the Coordination and Study Office of the State Secretariat for Security under the Ministry of the Interior, the Centre’s members have been actively participating in various conferences with the aim of raising awareness of society in general, and the national law enforcement agencies in particular, about the prevention, reporting and treatment of victims of hate crimes committed for reasons involving racism, xenophobia or any other form of intolerance. Since 2018 these agencies have been promoting training on hate crimes in the curricula of academies and training colleges. Thus, in 2019, the Action Plan to Combat Hate Crimes was adopted to revitalize efforts to combat discrimination and inequality on grounds of race, national or ethnic origin, language, religion, sex, age, intellectual or physical disability, sexual orientation or similar grounds.

172. It is generally the national law enforcement agencies that implement plans developed by the State Secretariat for Security, such as the Master Plan for Tolerance and Improved Safety in Schools and Surrounding Areas, the Better Security Plan, the Plan to Stop Violent Youth Gangs and the Safe Tourism Plan. Mention should also be made of the National Police Force Strategic Plan 2017–2021, which promotes comprehensive action in respect of vulnerable groups to ensure victim protection, greater efficiency in investigating criminal offences, the safety of minors – especially in school settings and in relation to social media – and the prevention of violence against persons with disabilities and minority groups who are at risk of social exclusion. As part of prevention efforts, an early warning system is used to detect these forms of discrimination and provide an appropriate response, where necessary. Such efforts extend to social media and virtual communities and forums, and are aimed at detecting criminal behaviour, risks or potential threats. Also in order to avoid discriminatory measures against members of religious minorities or persons at risk of social exclusion, plans are under way to set up jointly managed multidisciplinary teams to implement a standardized assistance model and provide a comprehensive response.

173. As regards the Gypsy population, in addition to the instruments mentioned in the section on the promotion of human rights at the national level (National Strategy for the Social Inclusion of the Gypsy Population in Spain 2012–2020, its interim report, the Operational Plan 2014–2016 and the Operational Plan 2018–2020), one of the main activities is the Gypsy Development Programme, whose goal is to enable this population group to access standard public services in the areas of education, health, housing and employment on an equal footing with the rest of the population. The programme is executed through financial and technical cooperation between the Ministry of Health, Consumption and Social Welfare, the regional governments, the cities of Ceuta and Melilla and local governments. According to the latest data from the evaluation of the Gypsy Development Plan budget, covering 2016, 69 projects were co-financed in 15 autonomous regions, and a total of €7,711,179 was financed by the three central Governments in office during the period 2013–2016. In addition, and through the call for subsidies financed by 0.7 per cent of personal income tax, managed by the Ministry of Health, Consumption and Social Welfare, and despite the reduction of the state tranche to 20 per cent (following the Constitutional Court ruling of 19 January), specific programmes in excess of €3 million have been financed for the Gypsy population on equality and non-discrimination, social inclusion, education, employment, gender and health.

174. The State Council of the Gypsy People, a State-level body, was established in 2005 (Royal Decree No. 891/2005 of 22 July 2005 on the establishment and regulation of the State Council of the Gypsy People) and formally instituted on 20 June 2006. Its aim is to enable the effective participation of the Gypsy population. It is currently attached to the Directorate General for Children’s and Family Services under the Ministry of Health, Social Services and Equality. In April 2018, the Council of Ministers adopted the agreement on the declaration of the Gypsy People Day and recognition of its symbols (flag and anthem), which responds to a historic demand by Gypsy civil society organizations. The *Samuradipen* is also celebrated every July, with State funding, in recognition of the

victims of the Nazi holocaust against the Gypsy people. There have been three elections of members of the State Council of the Gypsy People, most recently during the plenary meeting of September 2017. The second vice-president for the new term of office was also elected on that occasion, which marked the first time a woman was elected to the post. Coordination at the national level is achieved through face-to-face and virtual participation in training and collaborative workspaces at which knowledge and information are shared and reports and publications prepared jointly by the Council and the Fundación Secretariado Gitano (2016–2018). One highlight in the area of culture is the establishment of the Gypsy Cultural Institute, which is a foundation of the Ministry of Education and Vocational Training.

175. Noteworthy in the international arena is the Alliance of Civilizations, a key instrument used by Spain – and the other countries that have joined the initiative – to combat racism and xenophobia at the international level, by means of its focus on the four main areas of inspection, education, youth and the media. The ultimate goal of the Alliance is to improve understanding and cooperation between nations and peoples of various cultures and civilizations (not only Muslim and Western), and in so doing, to help counter the forces fuelling polarization and extremism. Six forums have been held in various continents and regions, developing concrete global projects on education, youth, migration and the media. Between 2005 and 2017, Spain contributed €6,150,000, representing 17.69 per cent of the total Alliance budget to date. In 2015 and 2016 it contributed €250,000 per year; in 2017, €200,000; and for 2018, a contribution of €200,000 has been proposed, which is pending payment. Spain has financed several projects, including the Youth Solidarity Fund, Peaceapp and teacher training programmes in Morocco and Egypt.

B. Equality between women and men

Non-discrimination on the basis of gender

176. The State Secretariat for Equality, which has been part of the Ministry of the Presidency, Relations with the Courts and Equality since June 2018, is responsible for proposing and developing government policies on equality, the prevention and elimination of all forms of discrimination against persons on grounds of sex, racial or ethnic origin, religion or ideology, sexual orientation or gender identity, age, disability or any other personal or social condition or circumstance, as well as policies on the eradication of various forms of violence against women.

177. Within that Secretariat, the primary purpose of the Institute for Women and Equal Opportunities is to promote and foster conditions conducive to the social equality of both sexes and the participation of women in political, cultural, economic and social life. The Institute is also designated, for the purposes of Directives 2006/54/EC (recast) and 2004/113/EC, to help victims of discrimination pursue their complaints about discrimination, to conduct studies on discrimination and to publish reports and make recommendations on any matter relating to discrimination.

178. With regard to policies on equality between women and men, two main laws should be mentioned:

- Organic Act No. 1/2004 of 28 December 2004 on general measures of protection against gender-based violence
- Organic Act No. 3/2007 of 22 March 2007 on effective equality between men and women (the Equality Act).

179. The adoption of the Equality Act implies the recognition of the principle of equal treatment and opportunities as a fundamental component of all actions taken by the public authorities. The multidimensional nature of this Act is reflected in the 27 amendments it introduced to a wide variety of laws (electoral system, judiciary, employment, workers' charter, social security, health, education, asylum, Armed Forces, national law enforcement agencies, etc.).

180. The Council on Women's Participation was created under the Equality Act. This is a collegiate body for consultation and advice, whose essential purpose is to serve as a channel for the participation of women in the effective achievement of the principle of equal treatment and opportunities between women and men, and for combating discrimination on the grounds of sex. All public authorities and women's associations and organizations at the State level, as well as the social partners, participate.

181. The Equality Act also prescribes the need for a balance between women and men in all decision-making bodies by stipulating that neither sex can make up more than 60 per cent or less than 40 per cent of the membership of such bodies. This proportion has become a requirement for electoral lists, and the Organic Act on the Electoral System has been amended accordingly.

182. The Equality Act orders the Government to extend the obligation to include a gender impact report on plans of special economic, social, cultural and artistic relevance that are submitted to the Council of Ministers for adoption. The Act's tenth transitional provision requires the Government to provide for the formulation of implementing regulations for Act No. 30/2003 of 13 October on measures to include a gender impact assessment in statutory provisions. Royal Decree No. 931/2017 of 27 October 2017 sets out the rules relating to legislative impact studies, requiring the Government to prepare a gender impact report on draft plans of special relevance and on calls for selective entrance exams for public employment. A gender impact report is prepared each year for the preliminary bill of the general State budget.

183. With regard to gender equality instruments, in 2014 the Strategic Plan for Equal Opportunities 2014–2016 was approved, which included measures to achieve equality between women and men and to eliminate discrimination on the grounds of sex. Follow-up of the Plan comprised a mid-term report and a final evaluation. The Plan was developed under the Action Plan for Equal Opportunities for Women and Men in the Information Society 2014–2017, and under the Plan for the Promotion of Women in Rural Areas 2015–2018, which addressed the main issues concerning rural women. Work is currently under way on the new Strategic Plan for Equal Opportunities, which will cover the forthcoming period. The new Plan will serve as the medium-term instrument for implementing Agenda 2030 for Sustainable Development in relation to gender equality and the empowerment of women and girls.

184. The role of the Labour and Social Security Inspectorate stands out in this regard, because of its work on monitoring compliance with social regulations and sanctioning discrimination detected within its sphere of competence. With the adoption of the Master Plan for Decent Work, the Labour Inspectorate's efforts in this area have been reinforced by the creation of the Anti-Discrimination Unit, which is staffed by specialists, and by increased inspections in the area of equality and the protection of fundamental rights, in which gender equality, immigrant workers, workers with disabilities and LGBTI workers are the priorities.

185. In order to address the inequalities between women and men that still exist in the labour market, the Institute for Women and Equal Opportunities is working to enhance access to employment and improve women's professional qualifications in various fields. Programmes are under way to encourage women's entrepreneurship, focusing on emerging and innovative sectors where women are underrepresented. There are also programmes to promote women's social, labour and economic integration, targeting groups that face greater difficulties and are at risk of social exclusion. Actions are also being taken to prevent and eradicate the gender wage gap.

186. Of particular interest in the business arena are the financial and technical assistance provided by the Institute for Women and Equal Opportunities for the preparation and voluntary implementation of equality plans for companies and entities with a workforce of between 30 and 250 people, and the recognition of companies for their outstanding implementation of policies on equality of treatment and opportunity with respect to their workers through the "Equality in the workplace" award. Programmes are also being implemented to promote and improve women's access to positions of responsibility.

187. With regard to the reconciliation of personal, family and working life, one of the most relevant measures adopted by Spain has been the extension of paternity leave. On 1 January 2017, the extension of paternity leave from two to four uninterrupted weeks in the event of childbirth, adoption, guardianship for the purpose of multiple adoptions or fostering, extendable by two days for each child from the second onward, entered into force. Starting on 5 July 2018, the father or other parent can take one more week of paternity leave (total 5 weeks) and can also use the last week of this leave for up to 9 months after birth or adoption. This measure of equality in public employment complements others adopted in 2018, such as the agreement on mobility or the provision of 5 per cent of cumulative and recoverable hours for reconciliation and care of dependent family members.

188. In the area of health, a ministerial order is currently being processed to update the Royal Decree establishing the list of core services of the National Health System and the procedure for updating it (2006), adding assisted reproduction services for single women and lesbian women to the list in order to eliminate discrimination on the basis of sexual orientation.

189. With regard to women's participation in political and public decision-making, the analysis of the Council of Europe on "Achieving balanced participation of women and men in political and public decision-making-2017" refers to Spain as one of the few countries that have managed to achieve balanced representation of women and men in the legislative branch (Congress, Senate, regional assemblies) and in other institutions, such as the General Council of the Judiciary. As for the Government, since June 2018, for the first time in Spain, it is made up of more women (11) than men (7, including the President), occupying such key portfolios as the economy and business; treasury, industry, trade and tourism; defence, labour, immigration and social security; and land policy and public service.

Gender-based violence

190. For more than two decades, Spain has been firmly committed to the cause of eliminating violence against women. Organic Act No. 1/2004 of 28 December 2004 on comprehensive protection measures against gender-based violence is aimed at eliminating one of the most common forms of violence inflicted on women by their current or former spouses or partners. The Act defines gender-based violence as any act of physical or psychological violence, including sexual abuse, threats, coercion or arbitrary detention, committed against women by men who are or have been their spouse or partner or who have or have had a similar affective relationship with them, even if not in cohabitation. Following the change made to article 1 of Organic Act No. 1/2004 under Organic Act No. 8/2015 of 22 July 2015, amending the system for the protection of children and adolescents, not just women, but also their minor children and minors subject to their guardianship and/or custody are considered to be victims of gender-based violence. The Act provides for a comprehensive and coordinated response involving all levels of government; it establishes full protection measures with the aim of preventing, punishing and eliminating such violence and assisting victims, regardless of their origin, religion or any other personal or social condition or circumstance. The Special Government Office on Gender-based Violence is responsible for preventing and eliminating violence against women. It compiles and publishes data on the impact and evaluation of the measures taken, which are available through its Statistics Portal. The instruments by which this information is disseminated are the Statistics Portal and various publications, including the Office's monthly and annual statistical bulletins and the annual reports of the State Monitoring Centre on Violence against Women.⁴ The regional governments also have their own laws and/or specific plans and programmes to combat this type of violence.

191. In 2014 Spain ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which

⁴ The Statistics Portal and the aforementioned publications can be accessed online at: <http://www.violenciagenero.igualdad.mpr.gob.es/violenciaEnCifras/home.htm>.

is the first binding instrument in this area in Europe, as well as the most far-reaching international treaty to date to address this serious violation of human rights. In addition to a series of definitions and concepts, the Convention covers such issues as prevention, awareness-raising, protection and support for victims, data collection, research, procedures and other procedural matters and requirements relating to immigration and asylum. There is a chapter in the Convention on substantive law, which states that the Parties shall adopt the legislative or other measures necessary to define the different types of offence covered by the text. In order to meet the obligations under the Convention, a number of regulatory reforms have been implemented, including those established under Organic Act No. 1/2015 of 30 March 2015, amending Organic Act No. 10/1995 of 23 November 1995 on the Criminal Code, and under Organic Act No. 1/2014 of 13 March 2014, amending Organic Act No. 6/1985 of 1 July 1985 on the judiciary, relating to universal justice.

192. Organic Act No. 1/2015 of 30 March 2015, amending Organic Act No. 10/1995 of 23 November 1995 on the Criminal Code, reinforces the criminalization of offences involving gender-based violence. It introduces the offence of harassment, in which the victim is a spouse or person who has had an affective relationship with the perpetrator or with his or her descendants or ascendants, or who is involved through “sexting”. It stiffens the applicable penalties and strengthens the regulation of offences against sexual freedom and integrity. In addition, the change made to Organic Act No. 6/1985 of 1 July 1985 on the judiciary under Organic Act No. 7/2015 of 21 July 2015 extends the jurisdiction of the courts on violence against women, which can henceforth hear crimes against privacy, the right to women’s self-image and honour, and the offence of violation of article 468 of the Criminal Code. It also introduces the gender variable to judicial statistics, along with the obligation to be trained on gender-based violence by members of the judiciary and by forensic doctors. In the civil sphere, Act No. 15/2015 of 2 July 2015 on non-contentious jurisdiction amends the Civil Code and prohibits the marriage of persons convicted of involvement in the wrongful death of a spouse or person with status similar to that of a spouse. It also includes those convicted of other crimes of domestic and gender-based violence against persons unable to succeed in inheritance because of indignity. In August 2018, the Council of Ministers, at the proposal of the Minister of Justice, approved the creation of an advisory council to review the proposed amendment to the Criminal Procedure Code from a gender perspective. A bill on urgent measures for the creation of a State pact against gender violence (from Royal Decree-Law No. 9/2018, of 3 August) is currently before the parliament.

193. The first State Pact against Gender Violence was adopted without a dissenting vote in September 2017.⁵ It is made up of the reports of the Congressional Subcommittee and the Senate Speaker’s Committee established for that purpose, which provide for 214 and 267 measures, respectively, to advance the elimination of violence against women. In December 2017, the central Government, the regional governments, the Spanish Federation of Municipalities and Provinces and the State Monitoring Centre on Violence against Women joined the Pact, marking a tripartite consensus in the political, territorial and social spheres. It is also one of the most important State pacts ever drawn up in the history of the Spanish democracy, laying out the roadmap to be followed in the next five years (2018–2022), with an additional financial commitment of €1 billion.

194. The 2013–2016 National Strategy for the Elimination of Violence against Women was adopted in July 2013. It forms the backbone of government action to put an end to this type of violence, bringing together 284 measures in a single document and in a logical, coordinated and systematic fashion. These measures pertain to all levels of government and all public authorities, and the budget for their execution is estimated at €1,558,611,634. The Strategy is currently being updated for the period 2018–2020.

195. A noteworthy development in this connection was the launching by the Ministry of the Interior of the integrated tracking system in cases of gender-based violence. The various institutions in Spain dedicated to stopping gender-based violence (the police, the courts, prosecutors, prison administrations, social services and organizations that promote gender

⁵ <http://www.violenciagenero.igualdad.mpr.gob.es/pactoEstado/home.htm>.

equality) are gradually being incorporated into the system. This software application brings together the operational information and resources needed to assist victims, and its objective is to combine resources, assess risks and develop an effective follow-up to protection measures. It allows for the inclusion of data on women who are under threat, for ongoing risk assessments and for the adoption of appropriate measures in each case. As at 31 December 2018, 523,199 cases of women victims of gender-based violence had been recorded in the system; of these, 58,498 were active cases that had been assigned follow-up and/or police protection. In addition, the system for the telematic tracking of restraining orders for gender-based violence has been set up. Consideration is also being given to granting temporary residence and work permits in Spain, on the grounds of exceptional circumstances, to foreign women who are victims of gender-based violence.

Trafficking in women and girls

196. Trafficking in persons is a very serious crime and a violation of human rights. It has recently taken on alarming proportions, owing to the substantial profits to be made, and has become one of the most abhorrent ways in which human beings are reduced to mere commodities. Particularly noteworthy is the change made to the Criminal Code under Organic Act No. 1/2015 of 30 March 2015. The new wording of article 177 bis takes a comprehensive approach to the criminalization of trafficking in persons: it has a broad definition of the victim, of the forms of exploitation to which he or she may be subjected and of the means by which such exploitation may be carried out. It expressly includes as purposes of the crime of trafficking the imposition of forced labour or services, slavery or practices similar to slavery, servitude or begging; sexual exploitation, including pornography; exploitation for purposes of criminal activity; the removal of the victim's bodily organs; and the celebration of forced marriages. Also noteworthy is the clause exempting the victim from criminal liability for any crimes he or she may have committed as a result of the exploitation suffered, and in all cases weighs the proportionality of the facts.

197. In addition, as part of the changes made to the Aliens Act (Organic Act No. 2/2009 and Organic Act No. 10/2011 of 17 July 2011) a special status was established for foreign nationals not lawfully present in the territory of the State who are victims of trafficking in persons. These changes were given effect in articles 140 to 146 of the implementing regulations of Organic Act No. 4/2000, which was adopted by Royal Decree No. 557/2011 of 20 April 2011. Article 140 of these regulations provides for the Framework Protocol for the Protection of Human Trafficking Victims. The Protocol was adopted on 28 October 2011 under an agreement between the Ministry of Health, Social Policy and Equality, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Immigration, the Attorney General's Office and the General Council of the Judiciary. It establishes operational guidelines for detecting, identifying, assisting and protecting victims of human trafficking and for coordinating the efforts of the institutions performing these functions. It outlines procedures for liaison among the competent territorial governments and for communication and cooperation with organizations and agencies that have proven experience in assisting the victims so as to ensure an overarching approach to the various stages of the process, from detection through to the integration or return of the victim.

198. With regard to public policy on combating human trafficking, particular emphasis has been placed on combating one form of such trafficking through the adoption of measures contained in the Comprehensive Plan to Combat Human Trafficking for Purposes of Sexual Exploitation 2009–2012. Following its evaluation, the Plan for 2015–2018 was approved, taking into consideration the recommendations derived from evaluations and reports prepared by national and international agencies.⁶ It should also be mentioned that in 2017 an annex on trafficking for purposes of sexual exploitation will be incorporated into the Joint Protocol of the National Health System on Health-care Action to Address Gender-based Violence.

⁶ <http://www.violenciagenero.igualdad.mpr.gob.es/otrasFormas/trata/normativaProtocolo/planIntegral/home.htm>.

199. The implementation of the Framework Protocol for the Protection of Human Trafficking Victims is monitored by a follow-up committee. For its part, the Social Forum against Human Trafficking promotes cooperation between NGOs and the territorial governments. The institution of the National Rapporteur on Trafficking in Persons was created in 2014 to coordinate, inform, monitor and follow up the actions carried out in Spain in this area.

200. In the area of law enforcement, the national law enforcement agencies have specific police plans in place to address all forms of trafficking in persons. The objectives of these plans include:

- To strengthen prevention, with special emphasis on reducing demand and enhancing detection, protection and assistance to victims
- To prosecute more actively traffickers and criminal groups involved in trafficking
- To promote and strengthen cooperation and collaboration among all the institutions involved at national and international level.

201. In 2016, the State Secretariat for Security approved Instruction No. 6/2016 with a view to strengthening cooperation with NGOs and civil society in combating trafficking in persons. The Ministry of the Interior has determined that the National Police and the Guardia Civil shall supervise the institution of the Social Liaison Officer on trafficking in persons, whose objective is not only to prevent and combat this type of crime, but also to foster coordination between the national law enforcement agencies and the various social bodies and entities working in the field of detection, identification and assistance to victims.

202. The Government is preparing a national action plan against compulsory or forced labour and other forced activities. It will include multidisciplinary measures to address trafficking in persons for purposes of forced labour, focusing on the analysis of the phenomenon; prevention, awareness-raising and training; detection, investigation and prosecution; protecting and supporting victims; and international coordination and cooperation. It will involve the Ministries of Labour, Immigration and Social Security; the Interior; Foreign Affairs, the European Union and Cooperation; the Presidency; Relations with the Courts and Equality; Justice; and Education and Vocational Training, as well as the Public Prosecution Service, and will have an appropriate coordination and monitoring mechanism.

203. At the international level, Spain has promoted the adoption of important United Nations resolutions on the subject, including resolution 2331 (2016) on trafficking in persons in the context of armed conflict, which was adopted unanimously. Collaboration with the Council of Europe Group of Experts on Action against Trafficking in Human Beings, which visited Spain in 2017, should also be mentioned.

The women, peace and security agenda

204. Noteworthy in this area is the National Action Plan of the Government of Spain for the implementation of Security Council resolution 1325 on women, peace and security, which constitutes the decisive political framework for incorporating the gender perspective into the prevention, management and resolution of armed conflicts. The Plan has six objectives:

- To promote women's participation in peacekeeping missions (the efforts carried out in this regard by the Monitoring Centre for Women in the National Law Enforcement Agencies and the Military Monitoring Centre for Equality are noteworthy examples)
- To incorporate a gender perspective into all phases of these missions
- To provide specific gender training to personnel participating in missions, including modules on efforts to combat human trafficking and smuggling
- To respect the human rights of women and girls in armed conflicts
- To uphold the principle of equality in disarmament, demobilization and reintegration processes

- To encourage civil society's participation in these endeavours.

205. Updating the Action Plan was one of the commitments announced by Spain in October 2015. The drafting of the second Action Plan began with the creation of an informal interministerial group and the development of channels to facilitate the contribution of civil society to the drafting process. Meetings open to all interested civil society organizations have been held, as well as working meetings with representatives of these organizations chosen by them for the purpose. The Second National Action Plan for Women, Peace and Security was adopted by the Council of Ministers on 28 July 2017. It is valid for six years and provides for follow-up reports to be submitted to the parliament every two years.

206. Also noteworthy in this area is the promotion, together with the United Kingdom, and under the Spanish presidency of the Security Council, of resolution 2242 (2015); the creation of the Security Council Informal Group of Experts on Women, Peace and Security, provided for in that resolution, and the group's co-chairmanship by Spain and the United Kingdom in 2016; the promotion of the network of focal points on women, peace and security, established in September 2016 and chaired by Spain in 2017; the organization of courses on gender mainstreaming in peacekeeping operations, based on a joint Spanish-Dutch initiative, which are currently held four times a year (on an alternating basis, twice in Amsterdam / The Hague and Madrid, and twice in Nairobi, sponsored by the United States Africa Command (AFRICOM)); and the role of Spain as Discipline Leader of the European Union Gender Military Training Discipline, heading up the gender training programme.

207. Women's presence in the national law enforcement agencies has been on the rise. Their participation in the Guardia Civil rose from 6.86 per cent as at 1 January 2017 to 7.29 per cent as at 1 January 2019. Their participation rate in the National Police Force is 14.29 per cent. Women have reached the highest ranks of the National Police Force, as chief of police (member of the Governing Board). There are currently two women serving as chief of police and members of the Governing Board, who hold two of the most senior positions: Assistant Director-General for Human Resources and Training, and Assistant Director-General for the Cabinet. Women have reached the rank of Lieutenant Colonel in the National Guard. Their presence in the Armed Forces has virtually doubled since 2000; the rate stood at 6.6 per cent until July 2014, when it reached 12.5 per cent. In addition, 192 military servicewomen are carrying out missions abroad, accounting for 8.22 per cent of the total number of military personnel assigned to such missions.

C. Non-discrimination on grounds of sexual orientation

208. Pursuant to article 6 of Royal Decree No. 816/2018 of 6 July 2018, the Directorate General for Equality of Treatment and Diversity, part of the Secretariat for Equality of the Ministry of the Presidency, Relations with the Courts and Equality, has specific competences in LGBTI matters, such as promoting equality and non-discrimination on grounds of sexual orientation and gender identity in education, without prejudice to the competences of the Ministry of Education and Vocational Training; analysis of the legislative framework for non-discrimination against LGBTI people; supervision of the legislative framework for protection in employment and non-discrimination on grounds of sexual orientation and gender identity, without prejudice to the competences of the Ministry of Labour, Immigration and Social Security; data collection and statistical analyses, in cooperation with the relevant ministerial departments, on hate crimes committed against LGBTI people; a study of abusive relationships between LGBTI people; and promotion of awareness-raising campaigns for non-discrimination on the basis of sexual orientation and gender identity. Since two of the Directorate General's top priorities in combating LGBTI phobia are education and employment, it executes two specific projects: one on "Embracing diversity: an educational responsibility", which involves training sessions on combating homophobic and transphobic bullying at school, and the other on "Managing LGBT diversity in the public and private sector", in collaboration with the Government of Portugal and the Complutense University of Madrid, in which 17 companies and 8 universities from Spain and Portugal participate. A publication has been produced in this area entitled "Las personas LGBT en el ámbito del empleo en España: hacia espacios de trabajo inclusivos

con la orientación sexual e identidad y expresión de género” (LGBT people in the field of employment in Spain: towards workspaces that are inclusive with respect to sexual orientation and gender identity and expression).

209. In addition, the State Secretariat for Equality is a party to the agreement on institutional cooperation to combat racism, xenophobia, LGBTI phobia and other forms of intolerance, which was signed by the General Council of the Judiciary; the Attorney General’s Office; the Ministry of Justice; the Ministry of the Interior; the Ministry of Education and Vocational Training; the Ministry of Labour, Immigration and Social Security; the Ministry of the Presidency, Relations with the Courts and Equality; the Ministry of Culture and Sports; and the Legal Studies Centre.

210. The Ministry of Justice adopted an instruction on 23 October 2018 to facilitate the work of the civil registries on name changes for both minors and adults involving the assignment of names corresponding to a sex other than that recorded on birth certificates.

211. Several initiatives are currently being debated in the Congress of Deputies to reinforce the legal framework for equal treatment and non-discrimination: the Comprehensive Act on Equal Treatment; the Act against discrimination based on sexual orientation, gender identity or expression and sexual characteristics, and on social equality for lesbians, gays, bisexuals, transsexuals, transgender and intersexuals; and the draft amendment of on Act No. 3/2007, on changing the registration of a person’s sex so as to facilitate a change in the name and registration of the sex of transsexual persons.

212. With respect to foreign policy on human rights, Spain promotes numerous and varied actions in defence of the rights of LGBTI people, both bilaterally with third countries and in multilateral forums. One such forum is the Human Rights Council. Spain participates actively in the Council’s universal periodic review mechanism, raising questions and drafting recommendations addressed to those countries where violations of the human rights of LGBTI people are detected. In 2016, Spain co-sponsored the Council resolution establishing a mandate for an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Since then, it has actively supported the work of the two Independent Experts appointed to date, taking part in the interactive dialogues held during the Council’s sessions and responding to requests for information sent to the Spanish Government on the situation of the LGBTI community in Spain. The country is also a founding member of the Coalition for Equal Rights (an intergovernmental structure to foster multilateral cooperation and the exchange of information and good practices in the defence and promotion of LGBTI rights), and in 2017 it joined the LGBT Core Group of the United Nations, an informal and heterogeneous network of countries, international organizations, NGOs and civil society organizations created to give visibility and support to the demands of the LGBTI community within the framework of the United Nations.

Anexos

[Spanish only]

Anexo I

Partidos y coaliciones con representación en las Cortes Generales (XI Legislatura)

Congreso de los Diputados

- Partido Popular: 137 diputados
- Partido Socialista Obrero Español: 85 diputados
- Unidos Podemos: 45 diputados
- Ciudadanos-Partido de la Ciudadanía: 32 diputados
- En Comú Podem-Guanyem el Canvi: 12 diputados
- Compromís-Podemos-Eupv: a la valenciana: 9 diputados
- Esquerra Republicana/Catalunya Sí: 9 diputados
- Convergència Democràtica de Catalunya: 8 diputados
- En Marea: 5 diputados
- Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco: 5 diputados
- Euskal Herria Bildu: 2 diputados
- Coalición Canaria-Partido Nacionalista Canario: 1 diputado

Senado

- Partido Popular: 130 senadores
- Partido Socialista Obrero Español: 43 senadores
- Esquerra Republicana/Catalunya Sí: 10 senadores
- Unidos Podemos: 8 senadores
- Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco: 5 senadores
- En Comú Podem-Guanyem el Canvi: 4 senadores
- Compromís-Podemos-EUPV: a la valenciana: 3 senadores
- Convergència Democràtica de Catalunya: 2 senadores
- En Marea: 1 senador
- Coalición Canaria-Partido Nacionalista Canario: 1 senador
- Agrupación Socialista Gomera: 1 senador

Anexo II

Presencia de organizaciones no gubernamentales en España

Actualmente hay más de 3.000 ONG en España. Las más importantes (por el número de socios) son las que siguen:

- Fundación Plan Internacional España.
 - UDP. Unión Democrática de Pensionistas y Jubilados de España.
 - Cruz Roja Española.
 - Médicos Sin Fronteras España.
 - Intermón Oxfam.
 - FEAPS. Confederación Española de Organizaciones en favor de las Personas con Discapacidad Intelectual.
 - Ayuda en Acción.
 - UNICEF.
 - Fundación Intervida.
 - Cáritas Española.
 - AECC. Asociación Española Contra el Cáncer.
 - Greenpeace.
 - Manos Unidas.
 - Anesvad.
 - FACUA. Consumidores en Acción.
 - Global Humanitaria.
 - Amnistía Internacional, sección española.
 - Médicos del Mundo.
 - Ecologistas en Acción.
 - ASDE. Federación de Asociaciones de Scouts de España.
 - Fundación Vicente Ferrer.
 - Federación de Asociaciones de Celiacos de España.
 - Save the Children.
 - Fondo para la Protección de los Animales Salvajes (FAPAS).
 - WWF.
 - Federación Española de Padres de Niños con Cáncer.
 - SEO/BirdLife. Sociedad Española de Ornitología.
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