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**Committee on the Elimination of Discrimination
against Women****Concluding observations on the ninth periodic report of
Spain***

1. The Committee considered the ninth periodic report of country (CEDAW/C/ESP/9) at its 1981st and 1982nd meetings (see CEDAW/C/SR.1981 and 1982) held on 16 May 2023. The Committee's list of issues prior reporting is contained in CEDAW/C/ESP/QPR/9.

A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report in response to the list of issues prior to reporting (CEDAW/C/ESP/QPR/9), the State party's follow-up report (CEDAW/C/ESP/CO/7-8/Add.). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's delegation, which was headed by Her Excellency Ángela Rodríguez, Secretary of State for Equality and against Gender-based Violence. The delegation also included representatives of the Ministry of Foreign Affairs, European Union and Cooperation; Ministry of Justice; Ministry of Internal Affairs; Ministry of Health; Ministry of Social Rights and 2030 Agenda; Ministry of Equality and the Ministry of Inclusion; Social Security and Migration and her Excellency Aurora Díaz-Rato Revuelta, Ambassador and Permanent Representative of Spain to the United Nations Office and other international organizations in Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2017 of the State party's combined seventh and eighth periodic reports (CEDAW/C/ESP/7-8) in undertaking legislative reforms, in particular the adoption of:

(a) Royal Legislative Decree 2/2023, on Urgent Measures for the Expansion of Pensioners' Rights, the Reduction of the Gender Gap and the Establishment of a New Sustainability Framework for the Public Pension System, March 2023;

(b) Organic Law 4/2023 for the real and effective equality of people trans and for the guarantee of the rights of LGTBI people, February 2023;

(c) Organic Law 1/2023, which modifies the Organic Law 2/2010, of March 3, on sexual and reproductive health and the voluntary interruption of pregnancy, February 2023;

* Adopted by the Committee at its eighty-fifth session (8-26 May 2023).

(d) Organic Law 20/2022, on Democratic Memory that vindicates the active role of the women in the fight for democracy, October 2022;

(e) Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom, a comprehensive regulatory framework on comprehensive protection of women against all forms of violence, September 2022;

(f) Law 15/2022 Comprehensive Law for Equal Treatment and Non-Discrimination, July 2022;

(g) Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence, June 2021;

(h) Royal Legislative Decree 32/2021, of urgent measures for the labour reform, the guarantee of stability in employment and the labour market transformation, December 2021;

(i) Law 10/2021 on telecommuting, recognizes equality in the exercise of work-life balance between employees who work in person and those who work remotely, July 2021;

(j) Royal Decree 902/2020 on equal pay for men and women, October 2020 together with Royal Decree 901/2020, which regulates equality plans and their registration and amending Royal Decree 713/2010 on the registration and deposit of collective bargaining agreements and collective labour agreements;

(k) Organic Act 3/2020 on education (LOMLOE), amending Organic Act 2/2006, of 3 May, promotes effective equality between women and men, respect, coeducation, non-discrimination, human rights and equal treatment, the elimination of gender stereotypes and, in turn, introduces measures against discriminatory stereotypes in the curricula, December 2020;

(l) Organic Law 2/2020, which amends the Penal Code to criminalize forced or non-consensual sterilization of legally incapacitated persons with disabilities;

(m) Royal Decree-Law 6/2019 on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation, March 2019.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption and establishment of the following:

(a) Third Strategic Plan for the Effective Equality of Women and Men (PEIEMH) 2022–2025;

(b) State Strategy to combat sexist violence for the period 2022 – 2025;

(c) Third Action Plan to combat the sexual exploitation of children and adolescents, 2022;

(d) Strategy for the Eradication of Violence against Children and Adolescents, 2022;

(e) 1st Plan of Social and Labour Insertion for Victims of Trafficking, Sexual Exploitation and for Women in Contexts of Prostitution (2022-2026);

(f) National Strategy for Roma Equality, Inclusion and Participation in Spain (2021-2030);

(g) Strategy in Mental Health of the National Health System (2021-2024);

(h) National Strategic Plan against Trafficking and Exploitation of Human Beings (2021-2023);

(i) First Equality Plan of the Spanish Parliament, 2020;

(j) The Third Gender Equality Plan for the National Administration, 2020;

(k) Ministry of Equality, 2020;

- (l) First Civil Guard Equality Plan, 2019;
- (m) National Strategy against Organized Crime and Serious Crime (2019-2023);
- (n) State Pact on Gender-based Violence, 2017;
- (o) National Strategy for the Eradication of Violence against Women (2013-2016).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) ILO Convention 189 on Domestic Workers, February 2023.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the Cortes Generales/Parliament in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Status and visibility of the Convention, the Optional Protocol and the Committee's general recommendations

9. The Committee notes with satisfaction that the State party adopted a progressive framework of laws and policies to achieve substantive equality between women and men, placing the Convention at its core. The Committee notes the trainings and awareness activities towards the judiciary and the women about the Convention and the Optional Protocol. It also notes with satisfaction the references made to the principle of intersectionality as a central component in the implementation of the Convention. However, it is concerned with the limited effectiveness and the lack of impact assessment of these laws, notably in the access to abortion, guarantees for refugee and migrant women, access to justice. It is finally concerned by the lack of effective application of the principle of intersectionality to ensure gender equality to women victims of intersectional discrimination.

10. **The Committee recommends that the State party:**

- (a) **Strengthening the constitutional status of the fundamental women's rights established in the Convention and their visibility in the constitutional framework;**
- (b) **Ensure a systematic and effective follow-up of the Committee's Communications;**
- (c) **Continue to promote the Convention at all levels, in particular in autonomous communities, in international cooperation policies;**
- (d) **Take the necessary measures to ensure universal enjoyment of rights and universal access to public services to women victims of intersectional discrimination;**

(e) **Strengthen the compliance with extra-territorial obligations, based on the consideration of women's rights and empowerment in new value chains in the economic sector.**

Discriminatory laws

11. The Committee notes the Law 4/2023 for real and effective equality of transgender people and for guaranteeing the rights of LGTBQ+, addressing the issue of gender self-identification. The Committee, however, is concerned about its effective implementation.

12. **The Committee recommends that the State party ensure that an ongoing evaluation process is integrated in the proposed legislation in order to assess its impact on the rights of all stakeholders, including women and girls in the State party.**

Women's access to justice

13. The Committee notes with appreciation the reform of the justice system, with the adoption of Organic Act 1/2004, leading to the establishment of 113 courts specialized in the investigation of gender-based violence against women. It notes with concern, however, that despite the existence of the specialized courts, the prosecution of perpetrators of gender-based violence has been insufficiently effective, notably due to a judicial culture insufficiently incorporating the Convention.

14. **The Committee recommends that the State party:**

(a) **Carry out, within a reasonable period of time and a participatory approach, an impact assessment of the specialized courts with a focus on the efficiency of complaints handling;**

(b) **Ensure better care and legal assistance for victims in the access to justice, in particular for women victims of human trafficking or asylum seekers and greater legal convergence between the 17 autonomous regions and the two Autonomous cities of Ceuta and Melilla;**

(c) **Strengthen the capacity-building and other application of the relevant legislative framework to eradicate gender stereotypes in the judiciary, with a focus on a systematic integration of the Convention in the legal reasoning and decision-making.**

Reservations and declaration

15. The Committee notes with regret that that the State party upholds its reservation concerning the succession to the Spanish Crown.

16. **The Committee reiterates its previous concluding observations (CEDAW/C/ESP/CO/7-8, para 13) to encourages the State party to consider the timely withdrawal of its declaration to the Convention concerning the succession to the Spanish Crown.**

National machinery for the advancement of women

17. The Committee welcomes the establishment of the Ministry of Equality in 2020 and the establishment of a national architecture for women's rights. It also notes the efforts taken by the State party to strengthen the coordination of its work on gender equality and welcomes the increase in the allocation of resources for the implementation of public policies on gender equality and women's rights and increased statistics on women. The Committee is concerned, however, about:

(a) The insufficient coordination among the Ministry of Equality, the Institute of Women and the autonomous communities as well as the insufficient coordination among the various entities responsible for the collection of statistical data;

(b) The lack of information on the extent of gender integration in the formulation and implementation of climate change mitigation policies;

(c) The Committee is concerned that the policies on gender equality of the autonomous communities are insufficiently coherent;

- (d) The insufficient assessment policies based on relevant indicators.

18. The Committee recommends that the State party:

(a) **Strengthen the coordination between the relevant ministries working on gender equality and women's rights with the autonomous regions to ensure a convergent and coherent application of the Convention;**

(b) **Strengthen the mandate of autonomous communities to promote gender equality, including by adopting measures of judicial convergence among them, in particular regarding the application of the law;**

(c) **Ensure that a gender perspective is systematically integrated in the development and implementation of climate change mitigation policies and, if necessary, revise existing policies accordingly;**

(d) **Strengthening the existing system of data collection and the coordination mechanisms.**

Temporary special measures

19. The Committee welcomes the series of laws on the rights of women, such as Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom, a comprehensive regulatory framework on comprehensive protection of women against all forms of violence. It also notes the State party's intention to establish an observatory of equality. It notes with concern, however, that the implementation of these gender equality-based laws does insufficiently take into consideration an intersectional approach to adequately address to the situation of Roma women, refugee and migrant women, and other women subjected to intersectional discrimination. It is further concerned by the climate refugees in the State party, whose majority are women and children and by the disproportionate impact of the climate crisis on women and girls which calls for specific and urgent measures.

20. The Committee recommends that the State party:

(a) **Continue to systematically use temporary special measures to correct imbalances and ensure their effective implementation to anticipate structural changes and urgently tackle the causes and the impact of climate change on women and girls;**

(b) **Take the necessary steps to ensure that adequate resources are allocated to the Observatory for Equality, and provide it with a mandate to consider complaints on women's rights violations;**

(c) **Maintain and broaden the project Cali to empower Roma women;**

(d) **Ensure the effective application of the Organic Law 1/2023 on sexual and reproductive health for vulnerable women, including women with disabilities.**

Stereotypes

21. The Committee welcomes the efforts made by the State to strengthen the support for gender equality in society, in particular via the policy of co-responsibility which provides for a balanced division of labour between men and women regarding care and domestic work, the effective prosecution of gender-based discrimination against women, the strengthening of education on gender equality, action against stereotypes in the media and in particular the image observatory in charge of identifying and removing images promoting stereotypes in the public domain, including Internet. The Committee is concerned by new forms of violence emerging out of new frontiers of technology such as artificial intelligence.

22. The Committee also notes the adoption of the Organic Law 20/2022 on Democratic Memory and its potential for the eradication of stereotypes, especially by promoting the role of women in the history of Spain's democratic transition in education curricula.

23. The Committee recommends that the State party:

(a) **Continue and strengthen information and awareness campaigns, in particular in the area of education;**

(b) **Maintain and strengthen the policies promoting the co-responsibility and the effective implementation of the Organic Law 10/2022;**

(c) **Take the legislative and policy measures to strengthen the self-regulation of internet platforms to combat stereotypes, to reform the regulatory landscape to eradicate gender bias in artificial intelligence and domesticate the new European Union Artificial Intelligence Act;**

(d) **Strengthen the effective prevention and criminalization of sexist behaviours.**

Gender-based violence Against Women

24. The Committee welcomes the many legislative and policy efforts taken by the State party to build a policy to prevent and address gender-based violence against women, such as the adoption of the Organic Law on Comprehensive Guarantee of Sexual Freedom 10/2022, removing the burden of proof from the victim. It notes with concern, however, that:

(a) Gender-based violence against women is prevalent with a high rate of femicide and that women and girls with intersecting identities are particularly vulnerable, notably to forced marriage and female genital mutilation;

(b) Legislation and efforts to address specific forms of gender-based violence against women and girls, such as incest and pervasive cyber violence against women and girls are insufficient;

(c) There are no specific structures in place to provide the necessary support to children witness of gender-based violence against women;

(d) The emergence of new forms of violence online targeting women and children;

(e) The retrogressive effect of the principle of retroactivity, such as in the case of the law Organic Law 10/2022 on the Comprehensive Guarantee of Sexual Freedom, leading to a significant number of reduced condemnations and releases from prison of detainees sentenced for gender-based violence.

25. **The Committee recommends that the State party:**

(a) **Consolidate policies of prevention of violence against women, notably by reinforcing the identification of vulnerable situations and prevention of recidivism;**

(b) **Strengthen the Observatory of femicide;**

(c) **Conduct an assessment of the domestic legal framework to combat gender-based violence against women and of its implementation with a view to strengthening its efficiency;**

(d) **Take the necessary legislative measures to recognize sexist killing in the law;**

(e) **Engage with European Union for prompt adoption of a draft law on Artificial Intelligence that include measures to mitigate and prevent the high risks posed in terms of violence against women, in line with pioneering law 10/2022;**

(f) **Evaluate the child protection policy and the consideration of direct and indirect violence suffered by children and the legal consequences on parental authority;**

(g) **Take into account new forms of violence, such as online harassment and hate speeches and the need for specific legislation as well as violence affecting minorities, such as forced marriage and female genital mutilation.**

Trafficking and exploitation of prostitution

26. The Committee notes the steps taken by the State party to combat trafficking including via the adoption of the National Strategic Plan against Trafficking and Exploitation of Human Beings for 2021-2023 and the National Strategy against Organized Crime and Serious Crime for 2019-2023. The Committee is, concerned, however that:

- (a) A comprehensive legislation on trafficking is lacking;
- (b) The majority of victims of trafficking are women and girls trafficked for the purpose of sexual exploitation, often undetected by border officials and face obstacles to access to justice;
- (c) A significant number of female migrants have been trafficked for the purpose of forced labour, particularly in the agricultural sector;
- (d) The lack of a holistic approach to address the demand side of prostitution which is interrelated to the trafficking for sexual purposes;
- (e) The limited definition of pimping.

27. The Committee recommends that the State party:

- (a) Ensure the prompt adoption of the Draft Organic Law against trafficking and exploitation of human beings and strengthen its focus on prevention and protection against trafficking, continuing its close collaboration with civil society;**
- (b) Continue to evaluate and strengthen public policies to combat human trafficking and sexual exploitation, particularly in terms of victim identification procedures, as well as simplification of the procedures for access to justice and strengthen support for women victims of trafficking;**
- (c) Prevent and combat trafficking of migrant women becoming victims for forced labour, also ensuring of application of the principle of non-refoulement to guarantee protection against Gender-Based Violence Against Women;**
- (d) Adopt without delay and as a matter of urgency legislation to prevent sexual exploitation through control, abuse or/and situation of superiority or need or vulnerability over a woman to perform any work or service, including benefits of a sexual nature;**
- (e) Adopt a comprehensive definition of pimping to make possible the adequate prosecution of those who exploit prostitution, a recommended in its previous concluding observations (CEDAW/C/ESP/CO/7-8, para 23 (d)).**

Participation in political and public life

28. The Committee notes with appreciation the State party's commitment to achieving gender equality in decision-making bodies and welcomes the positive developments in this area, such as the women representation in the government, with 14 women and 8 men ministers, 44% of the seats in Congress and 39% in the Senate. However, the participation of women in other areas of political and public life remain low, such as in the high courts, in particular in the Constitutional Court, and in the sports, the diplomatic career, or in the private sector.

29. The Committee recommends that the State party:

- (a) Continue and further strengthen its measures to ensure women's equal participation in all areas, such as in the parliament, the administration and diplomacy, with a special focus in the highest instances of justice, such as the Constitutional Court;**
- (b) Institutionalize the requirement of achieving gender equality as one of the main criteria when appointing and promoting staff in the public sector; appointment systems in all State services;**
- (c) Institutionalize measures to also reach parity at the local level of governance, including within the framework of the new project for the organization of municipalities;**
- (d) Continue activities for the increasing women in management and high-level positions, such as CEO in private sector, entrepreneurship and media holdings.**

Education

30. The Committee notes with satisfaction the adoption of the Organic Act 3/2020 that recognizes the right to education, leading to increased equal opportunities, as well as the adoption of the National Strategy for Roma Equality, Inclusion and Participation 2021-2030. The Committee, is concerned, however, about:

- (a) The underrepresentation of women in vocational training and in science, technology, engineering and mathematics (STEM);
- (b) The low level of education among Roma women and girls, and the obstacles faced by refugee and migrant women to access education;
- (c) The need for sexual and reproductive health education to reflect the legislative developments in the area;
- (d) The frequent absence of digital literacy among students, parents and teachers, in particular among women and girls.

31. **The Committee recommends that the State party:**

- (a) **Continue and strengthen its policies to increase the participation of women in the area of science, technology, engineering and mathematics (STEM), including in the context of the European Union;**
- (b) **Allocate adequate resources to ensure the effective implementation of the Organic Law 3/2020 on education and ensure equal access to education for all women, by ensuring that Roma women have access to education, by establishing additional educational infrastructure in the area where they live;**
- (c) **Ensure effective implementation of the Organic Law 1/2023 and strengthen comprehensive and age appropriate sexual and reproductive health education at school, ensuring that it is rights-based, addresses issues of power and consent, responsible sexual behaviour and respect for sexual orientation, and the promotes joint responsibility between men and women and the elimination of gender-based violence; and assess the innovative experience on education to responsibility;**
- (d) **Develop trainings at school and for the public at large on artificial intelligence and new technologies, ensuring women's and girls' access to these on an equal basis with men and boys.**

Employment

32. The Committee commends the State Party for the recognition of the the right to social security in Article 41 of its Constitution and the adoption of the Royal Legislative Decree 2/2023, on Urgent Measures for the Expansion of Pensioners' Rights, the Reduction of the Gender Gap and the Establishment of a New Sustainability Framework for the Public Pension System, March 2023. The Committee notes with appreciation the adoption of the Strategic Plan on Equal Opportunities, the Plan for Gender Equality in the Fishing and Aquaculture Sector 2021-2027. It also welcomes the progress made to facilitate the reconciliation of family responsibilities with employment, such as the innovative menstrual leave for women. The Committee also takes note of the Organic Law on minimum income and the State party's will to strengthen intersectionality in promoting gender equality for rural women and other disadvantaged women, such as Roma and migrant and refugee women. However, the Committee is concerned that:

- (a) These laws and policies have been insufficiently effective, in light of data showing that despite women being more educated than men, they are less represented in employment than men;
- (b) Women remain disproportionately responsible for traditional care work, which frequently hampers the successful reconciliation of family responsibilities with work in the formal sector.

33. **The Committee recommends that the State party:**

- (a) Carry out an assessment of the impact of existing legislation designed to strengthen gender equality in the area of employment with a view to improving their implementation including in the autonomous territories;
- (b) Maintain and enhance efforts to eradicate wage inequalities, particularly with regard to female seasonal workers and migrant workers and ensure access to social security for all women, through the effective implementation of the Royal Legislative Decree 2/2023;
- (c) Ensure the inclusion of co-parenting and co-responsibility as principles for *both* women and men in workplace policies and their equal use of related measures e.g. flexible schedules, parental leave and childcare services, to increase women's access to employment and decision-making positions;
- (d) Ensure that private companies with over 50 employees develop and adopt gender equality plans and monitor the effective implementation of these plans;
- (e) Improve women's access to employment in the police, fire and other protective services;
- (f) Fight against all forms of discrimination at work through the effective implementation of existing legislation, such as the Royal Decree-Law 6/2019, Royal Decree 902/2020 and Royal Legislative Decree 32/2021;
- (g) Develop systems of artificial intelligence to better detect gender bias in recruitment with a view to eradicating gender bias more effectively.

Health

34. The Committee notes with appreciation the recognition of the rights to assisted procreation and to abortion, governed by the Organic Act 2/2010 of 3 March, on sexual and reproductive health and the voluntary interruption of pregnancy via Organic Law 1/2023. The Committee also notes with appreciation the efforts taken by the State party to combat obstetric violence, following the Committee's Communication 154/2020. It is concerned, however, that the application is not systematic and characterized by significant disparities between regions. The Committee is further concerned by unattended health issues at work, in particular mental health after the COVID-19-pandemic, and that a significant number of women suffer from addictions, such as drug users.

35. **The Committee recommends that the State party:**

- (a) Increase allocation of all necessary human, technical and financial resources to effectively implement the recommendations contained in the Committee Communication 154/2020;
- (b) Ensure the effective and widespread application of the legislation on abortion (Organic Law 1/2023) through an increase of services at local level by regional authorities, preserving universal access to care, with a particular attention to women in disadvantaged situations, especially migrant women and Roma women;
- (c) Take measures to address mental health, particularly work-related, and ensure that availability, accessibility and quality of mental healthcare services and gender-sensitive addiction rehabilitation services at national and local level.

Rural Women

36. The Committee remains concerned that despite the existence of Organic Law 35/2011 of 4 October, on shared ownership of farms to redress inequality and invisibility of rural women in the agricultural sector, the percentage of women farm owners is still below that of men.

37. **The Committee recommends that the State party:**

- (a) Allocate the necessary resources to ensure effective implementation of Organic law 35/2011 throughout the State party in order to achieve parity in the ownership of farms;

(b) **Ensure the recognition of the specific situation of Roma and refugee and migrant women in the agricultural sector as well as in all areas covered by the Convention;**

(c) **Accelerate and conclude development of the draft Equality Strategy for Rural Women within the national strategic plan CAP 2023-2027 to effectively implement actions in favour of all women working in the agricultural sector, in particular regarding the access to ownership and access to social security.**

Disadvantaged groups of women

Roma women

38. The Committee welcomes the adoption of the National Strategy for Roma Equality, Inclusion and Participation in Spain (2021-2030). It is, nevertheless, concerned by the lack of specific legislation and remaining gaps between Roma women and other women, in all areas, such as education, employment, health, social protection and participation.

39. **The Committee recommends that the State party:**

(a) **Adopt a national organic law in consultation with representatives from the Roma community, ensuring that women and men are equally represented in these consultations;**

(b) **Ensure that this law includes temporary special measures and permanent measures to eliminate discrimination and achieve substantive equality for Roma women in all areas;**

(c) **Ensure the effective application of the law throughout the State party in coordination with the Autonomous Communities.**

Refugees and Migrant women

40. The Committee notes with appreciation the support provided to refugee and migrant women. It also welcomes the opening of four centres for refugees from Ukraine. It is concerned, however, that asylum procedures are not gender-sensitive, especially for those refugee and migrant in the Autonomous Cities Ceuta and Melilla, arriving irregularly by sea.

41. **The Committee recommends that the State party:**

(a) **Reinforce gender-sensitive reception conditions and develop strong measures of prevention and response to sexual and gender-based violence in the reception system itself;**

(b) **Adopt guidelines and adequately train asylum officers on gender-based persecution of women to ensure effective and accelerated border procedures and the adequate assessment of asylum application;**

(c) **Adopt and implement standard operating procedures and referral mechanisms on disembarkation to attend to the specific needs of women arriving irregularly by sea;**

(d) **Strengthen the steps taken to reinforce the international protection system, such as the opening of two police offices in Ceuta and the new digital system for case follow-up;**

(e) **Strengthen measures to support and integrate Ukrainian refugee women located in the four centres in line with the Convention.**

Marriage and family relations

42. The Committee notes with appreciation the adoption of the Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence. The Committee notes with concern:

(a) That despite the legal age of marriage having been raised to 18 years of age, exceptions are allowed for marriages above age 16 with approval of the guardianship's authority or of a judicial authority;

(b) The lack of regulations and protocols to address forced marriage, which still occurs among certain communities, including among migrant as well as Roma communities;

(c) The negative economic consequences for women in case of widowhood, due to the insufficient protection of the legal framework relating to inheritance law;

(d) The ongoing application of the parental alienation syndrome, despite its prohibition by Organic Law 8/2021, when considering the custody of children in case of domestic violence, which may place the mother and the children at risk of domestic violence.

43. The Committee recommends that the State party:

(a) **Adopt the necessary legal amendments to remove all exceptions to the legal minimum age of 18 years and strengthen its efforts to combat child and forced marriage;**

(b) **In reiteration of its previous concluding observations and in line with the Committee's Communications 47/2012 and 154/2020, ensure that guardianship and visitation rights without supervision are not granted to fathers in cases in which the rights, well-being and safety of children may be jeopardized (CEDAW/C/ESP/CO/7-8, para. 39 (a) and CEDAW/C/58/D/47/2012 and CEDAW/C/84/D/154/2020);**

(c) **Improve the legal framework relating to the right of succession of spouses to protect women and avoid the negative economic consequences caused to them in case of widowhood;**

(d) **Take the necessary measure to prevent and redress harmful practices within the families, such as forced marriage and female genital mutilation.**

Beijing Declaration and Platform for Action

44. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

45. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

46. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to concluding observations

47. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 18 (c), 27 (a), 39 (a) and 41 (d) above.

Preparation of the next report

48. The Committee will establish and communicate the due date of the # periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions

prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

49. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).**
