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Visite en Espagne

Rapport du Rapporteur spécial sur les droits de l'homme et l'extrême pauvreté*, **

Résumé

Depuis qu'elle a été frappée par la crise économique, l'Espagne, qui est la quatrième économie de l'Union européenne, enregistre une croissance constante : le chômage recule, les salaires et les exportations augmentent. Cela étant, les effets bénéfiques de la reprise profitent surtout aux mieux lotis, alors que les plus démunis sont en grande partie laissés à eux-mêmes par les décideurs.

Cela a pour conséquence de faire perdurer une situation caractérisée par une pauvreté marquée et généralisée, un taux élevé de chômage, un chômage chronique chez les jeunes, une crise du logement aux proportions stupéfiantes, des dispositifs de protection sociale largement insuffisants, un système éducatif fondé sur la ségrégation et de plus en plus anachronique, des politiques fiscales et des politiques de dépenses qui profitent bien davantage aux riches qu'aux pauvres et une mentalité bureaucratique qui permet aux autorités de se soustraire à leurs responsabilités et qui attache une plus grande importance aux procédures formalistes qu'au bien-être de la population. Il apparaît très clairement que le système d'aide sociale est à bout de souffle, sous-financé, impraticable et inaccessible à celles et ceux qui en ont le plus besoin.

La formation d'un nouveau Gouvernement a ouvert des perspectives de changements. En promouvant les droits sociaux et la justice fiscale et en faisant une priorité du bien-être des personnes les plus vulnérables, ce Gouvernement envoie un message bienvenu. Toutefois, il est nécessaire d'aller au-delà de la rhétorique pour passer aux actes. L'Espagne a besoin d'impulsions porteuses d'innovation au niveau national, appuyées par des ressources propres à encourager les communautés autonomes à soutenir la mise en œuvre de réformes structurelles de grande envergure.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le corps du rapport, annexé au résumé, est distribué en anglais et en espagnol seulement.

** Il a été convenu que le présent rapport serait publié après la date normale de publication en raison de circonstances indépendantes de la volonté du soumetteur.



Annex

Report of the Special Rapporteur on extreme poverty and human rights on his visit to Spain

I. Introduction

1. The Special Rapporteur on extreme poverty and human rights, Philip Alston, visited Spain from 27 January to 7 February 2020. The purpose of the visit was to report to the Human Rights Council on the extent to which government policies and programmes relating to extreme poverty are consistent with its human rights obligations and to offer constructive recommendations to the Government and other stakeholders. The Special Rapporteur is grateful to the Government for inviting him and facilitating his visit, and its continuing engagement. The present report is submitted in accordance with Human Rights Council resolution 35/19.¹

2. In the course of 12 days in Spain, the Special Rapporteur visited Galicia, the Basque Country, Extremadura, Andalusia, Catalonia and Madrid, and met with government officials at the municipal, autonomous community and central levels, representatives of civil society, academics and activists, and people affected by poverty in urban and rural areas. He visited numerous community centres and schools, the offices of non-governmental organizations, a centre for people with disabilities, a social services office, an informal settlement for migrant workers, a privatized housing block, a domestic worker centre and several Roma communities. The Special Rapporteur would like to express deep gratitude to the organizations, communities and families who took the time to meet with him and generously shared information, often quite personal, during and prior to the visit.

3. Spain began 2020 with a new Government, one with high hopes and impressive ambitions, especially in the social sphere, but which confronts daunting challenges. While Spain is thriving economically, half of its population is not. The fourth largest economy in the European Union has enjoyed consistent growth in gross domestic product (GDP) since the economic crisis, unemployment is falling, average wages are increasing and exports are growing.² But almost half the Spanish people rank unemployment and economic insecurity as their top concerns.³ It has become abundantly clear that the post-recession recovery that has been so good for some has left many people behind and that all too little has been done for most members of that large group.

4. The country has high unemployment, chronic youth unemployment, a housing crisis of stunning proportions, deep and widespread poverty, largely inadequate social protection arrangements, a segregated and increasingly anachronistic education system, fiscal policies that provide far more benefits to the wealthy than the poor and an entrenched bureaucratic mentality in many parts of the Government that values formalistic procedures over the well-being of people.

5. If strategic plans and voluminous reports could solve poverty, Spain would be riding high. But in the absence of a meaningful commitment to uphold people's social rights to housing, education and an adequate standard of living, these grand designs will continue to be as ineffectual as they have been over the past decade. Spain needs innovative leadership at the national level, backed up with resources and the support of the autonomous communities, to achieve far-reaching reforms. With its embrace of social rights and fiscal

¹ The Special Rapporteur is grateful for the superb research and analysis undertaken by Bassam Khawaja, Rebecca Riddell and staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

² National Institute of Statistics: "Quarterly Spanish national accounts: main aggregates. Fourth quarter of 2019" (31 January 2020) and "Economically active population survey (EAPS). Fourth quarter of 2019" (28 January 2020).

³ Centro de Investigaciones Sociológicas, "Barómetro de enero 2020" available from www.cis.es/cis/open/cm/ES/1_encuestas/estudios/ver.jsp?estudio=14482.

justice, and prioritization of improving the living conditions of the most vulnerable, the Government's message is a welcome one, but its actions must live up to that rhetoric. Poverty is ultimately a political choice and Governments can, if they wish, opt to overcome it.

6. The present report focuses on the key issues that require urgent attention. They include comprehensive and creative measures to ease the housing crisis; decent work conditions, including for those in precarious employment and migrant workers; a national minimum income scheme that ensures a basic standard of living for all in need; an early childhood education programme for all children aged 0–3; and far-reaching fiscal reforms to ensure a strong redistributive impact, reduce tax fraud and avoidance, and make corporate tax arrangements transparent. It is encouraging that since the Special Rapporteur's visit, the Government has already moved to investigate the conditions of migrant workers,⁴ increase tax revenues⁵ and publish an index of nationwide rental prices.⁶ Concerted and effective action on the issues identified below will benefit not just the vulnerable, but all of Spain. Taking seriously the elimination of poverty will facilitate labour mobility, generate more tax revenue to address debt, improve the efficiency of existing spending and set a course for inclusive future growth.

II. Reality of poverty in Spain

7. Spain is a country with a grand history, a global leader in some areas and a cultural beacon. But a close look in the mirror today would not show the country most Spaniards would wish for. The image of a family-based society rooted in deeply shared values and social solidarity has been badly fractured by an economic crisis and subsequent policymaking. The local and familial safety nets that had been historically important continue to work for the well-off, but have been undermined for a large part of the population. Today, Spain ranks close to the bottom in far too many European Union social indicators.

8. Poverty-related indicators are appallingly high: 26.1 per cent of people and 29.5 per cent of children were at risk of poverty or social exclusion in 2018, among the highest rates in Europe.⁷ More than 55 per cent had some degree of difficulty making ends meet⁸ and 5.4 per cent experienced severe material deprivation.⁹ The unemployment rate of 13.78 per cent is more than double that of the European Union average and the situation for youth is particularly distressing with a 30.51 per cent unemployment rate among those below the age of 25.¹⁰ Rising employment figures also obscure one of the highest rates of people at risk of in-work poverty in the European Union, with many people working in low-paid, part-time or temporary jobs, earning salaries that are woefully inadequate to cover basic needs.¹¹ Inequality is shockingly high, with indicators well above European Union averages.¹²

⁴ Andres Gil, "El Gobierno rebaja temporalmente las peonadas e investigará las condiciones laborales de los trabajadores del campo," *El Diario*, 14 February 2020.

⁵ Agence France-Press, "Spain risks US ire after approving digital services tax," *The Guardian*, 18 February 2020.

⁶ Clara-Laeila Laudette, "Spain will publish a price index for its rental market by March," *Reuters*, 19 February 2020.

⁷ Eurostat, "People at risk of poverty or social exclusion by sex" (2018). National Institute of Statistics, "Risk of poverty or social exclusion (Europe 2020 Strategy) and its components, by age and sex".

⁸ National Institute of Statistics, "Persons, by difficulties making ends meet, and age and sex".

⁹ *Ibid.*, "Risk of poverty or social exclusion (Europe 2020 Strategy) and its components, by age and sex".

¹⁰ *Ibid.*, "Unemployment rates" (4th quarter 2019), available from www.ine.es/infografias/tasasepa/desktop/tasas.html?t=0&lang=en; Eurostat, "Unemployment statistics" (January 2020), available from https://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics.

¹¹ International Monetary Fund (IMF), "Spain 2018 Article IV Consultation – press release; staff report; and statement by the Executive Director for Spain", p. 5 (November 2018). The risk of in-work poverty is the second highest among reporting EU countries, at 12.9 per cent as of 2018, Eurostat, "Social scoreboard of indicators".

¹² Eurostat: "Income quintile share ratio (S80/S20) by sex" and "Gini coefficient of equivalised disposable income – EU-SILC survey".

9. Behind these numbers are real people experiencing serious hardship. Across Spain, the Special Rapporteur met with a great many people who were barely scraping by. Many had lost their savings during the crisis and others have had to choose between putting food on the table and heating a home. Far too many were staring down the prospect of eviction, unable to find affordable housing. Almost everyone was avidly seeking decent work. One widowed single mother in Andalusia said she could only find 18 hours of work a week, not enough to provide for her children. A man in Bilbao, abused as a child and subsequently homeless, had been denied social assistance because he could not get municipal registration (*empadronamiento*) and a woman on the outskirts of Madrid was raising children in an area deemed hazardous to human health, amidst the smell of nearby waste incinerators and in a house at risk of collapse.

10. The Special Rapporteur visited areas that many Spaniards would not recognize as a part of their country. A shanty town with far worse conditions than a refugee camp, without running water, electricity or sanitation, where migrant workers have lived for years without any improvement in their situation. Closed-off neighbourhoods of concentrated poverty, where families are raising children with a dearth of State services, health clinics, employment centres, security, paved roads or legal electricity. A segregated school in a poor neighbourhood with a 100 per cent Roma student body and a 75 per cent rate of early leaving.

11. The single word heard most over the two-week visit was “abandoned.” People felt abandoned in a rural town without public transportation to visit the doctor and no money to pay for private transport. Abandoned in a stigmatized low-income suburb that the police avoid. Abandoned to unscrupulous landlords, unconscionable rent raises or unmaintained public housing and abandoned to an arbitrary bureaucratic system that denies vital support without explanation. The common thread was an absence of government support to ensure that people do not needlessly experience the worst effects of poverty, a situation many face because of phenomena largely beyond their control, such as job loss, structural discrimination or illness.

12. People feel abandoned for good reason. The benefits of the economic recovery have largely flowed to corporations and the wealthy, while many of the public services and protections that were severely curtailed after 2008 have not been restored. Income growth has been primarily captured by those at the top: between 2007 and 2017, the incomes of the top 1 per cent grew by 24 per cent, while the bottom 90 per cent experienced below-average income growth of 2 per cent.¹³ Corporate profits have largely recovered since the crisis but corporate tax revenue fell by half between 2007 and 2019, from 22.3 per cent of total tax revenue to 11.9 per cent.¹⁴ Prior to the crisis, Spain had been relatively immune to the rising inequality afflicting so many other countries, but inequality has exploded since 2010.¹⁵ With deregulation and hefty corporate tax cuts, it is hardly surprising that the wealthy and corporate interests have fared so well.

13. In comparison, people in poverty have been largely failed by policymakers. It is abundantly clear that social and economic rights are rarely taken seriously, even if they are frequently invoked rhetorically. People face skyrocketing housing costs, privatization of apartment blocks and aggressive evictions, yet low cost social housing is almost non-existent, despite widespread agreement on the necessity for it. The system for providing social assistance is broken. It ought to play a significant role in reducing poverty but is remarkably ineffective, with wealthy families benefiting more from cash transfers than poor families.¹⁶ The system is fragmented, impossible to navigate and is not reaching the poor people who need it most. The capacity of existing cash transfers to reduce poverty is among the lowest in the European Union.¹⁷

¹³ Amory Gethin, Clara Martínez-Toledano and Marc Morgan, “Rising inequalities and political cleavages in Spain”, World Inequality Database (April 2019), pp. 2–3.

¹⁴ Information provided by the Ministry of Treasury, 4 February 2020.

¹⁵ Organization for Economic Cooperation and Development (OECD), “Income inequality”.

¹⁶ OECD *Economic surveys: Spain* (November 2018), pp. 43–44 (citing 2013 data).

¹⁷ Ministry of Health, Consumer Affairs and Social Well-being, *Estrategia Nacional de Prevención y Lucha contra la Pobreza y la Exclusion Social 2019–2023* (March 2019), p. 71.

14. A long line of domestic and external actors, such as the Independent Authority for Fiscal Responsibility,¹⁸ the Organization for Economic Cooperation and Development (OECD)¹⁹ and the European Commission have come to similar conclusions.²⁰ The International Monetary Fund (IMF) – hardly a knee-jerk defender of the need for adequate social protection – recently reported that Spanish social assistance programmes do not deliver fully on their objectives, that expenditure is low, that gaps in adequacy and coverage stand in the way of reducing poverty, that bureaucratic hurdles decrease uptake and that the least social assistance is directed to the most vulnerable children and low-income households.²¹

15. Many politicians and civil servants agreed that there were deep structural problems. Poverty and precarity, many acknowledged, were baked into the system, but while the new Government was committed to far-reaching reforms, too many officials seemed complacent and content to blame “other” parts of the system. Some officials dismissed high rates of poverty on the grounds that the cost of living was lower in some autonomous communities. Recent increases to the family and child benefit and the minimum wage are important first steps, but are far from adequate. There is remarkable consensus around the extent of the harm caused by existing housing and social protection policies and what needs to be done, but precious little action.

16. A vibrant third sector is doing admirable work, with many staff and volunteers deeply dedicated to supporting people seeking to achieve economic security and adequate living standards. However, the Government has direct obligations to fulfil human rights that cannot be effectively outsourced and it cannot abandon its own responsibilities to a patchwork of underfunded third sector groups. The latter cannot replace the State, nor can it offer the comprehensive, systematic support needed to fight poverty at scale and ensure that people are protected against the worst of its impacts.

III. Key challenges

17. If the new Government is to deliver on its commitment to make Spain a leader in social rights, it will need to address the following main issues.

A. Social protection

Social assistance

18. Social assistance in Spain does a poor job of tackling poverty. The impact of social transfers on poverty reduction is the sixth lowest among reporting European Union countries.²² In 2014, no more than 10 per cent of transfers accrued to the bottom 20 per cent of households, half of what they would have received under an equal distribution.²³ According to Caritas, the majority of the 1.8 million people living in severe poverty as of 2018 did not use social protection mechanisms²⁴ and the share of poor adults in a jobless

¹⁸ Autoridad Independiente de Responsabilidad Fiscal, *Los Programas de Rentas Mínimas en España* (June 2019).

¹⁹ OECD, *Economic Surveys: Spain* (March 2017), pp. 43–44.

²⁰ European Commission, “Council recommendation on the 2019 national reform programme of Spain and delivering a Council opinion on the 2019 stability programme of Spain” (June 2019), pp. 5 and 8.

²¹ Svetlana Vyturina, “Effectiveness and equity in social spending: the case of Spain”, IMF working paper 20/16, p. 21.

²² For social transfers excluding pensions, Spain achieved a 22.94 per cent reduction in the rate of people at risk of poverty or social exclusion in 2018, compared to an average of 33.2 per cent in the European Union, Eurostat, “Social scoreboard of indicators”.

²³ Oretta Causa and Mikkel Hermansen, *Income Redistribution Through Taxes and Transfers Across OECD Countries*, OECD Economics Department working paper No. 1453 (July 2019), p. 18.

²⁴ Caritas uses the term “expelled society” to refer to 1.8 million people who score worst on their 35-indicator multidimensional poverty index. Submission from Caritas, available from www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/32_Caritas_FOESSA_EN.pdf.

household who received benefits in 2016 was more than 15 percentage points below the European Union average.²⁵

19. When support does reach people, the amount can be extremely low, as is the case for the national means-tested child benefit: just 341 euros per year for low-income families and 588 euros for the extremely poor.²⁶ That is actually less generous than the child tax allowance available to high-middle and upper-income families who have tax liabilities.²⁷ Similarly, for those who have not earned a full pension, the basic non-contributory pension is a mere 392 euros per month.

20. Spain gets what it pays for in social protection. It spends comparatively little and the results show it. In 2017, Spain spent 16.6 per cent of GDP on social protection, below the European Union average of 18.8 per cent.²⁸ Expenditure per head was 5,439.72 euros in 2017, compared to 7,808.61 euros in the European Union, just over 40 per cent more.²⁹ Spain spent significantly less than other European Union countries on disability (1.6 per cent of GDP compared to a 2 per cent average), family benefits (1.2 per cent compared to 2.3 per cent), and housing and other social exclusion (0.3 per cent compared to 1.1 per cent).³⁰

21. Over-bureaucratization of the social assistance system is a major cause of exclusion, and excessive and impracticable document requirements serve as obstacles to support it. In many municipalities, registration is the key to accessing social services, yet the requirements are prohibitive for people experiencing poverty who may be homeless, in temporary housing or unable to respond to highly specific document requests.

22. The decentralized structure of much of the non-contributory social assistance, alongside an absence of any national standard for what minimum assistance must be offered, has led to great variation among autonomous communities. That is especially true for the last layer of the social safety net, intended to prevent poverty and help low-income people without access to other benefits, the minimum income schemes (*renta mínima de inserción*) of autonomous communities. While some schemes clearly help people avoid poverty, others are abject failures. Support levels are low, waiting periods can extend to many months, punitive residency requirements can bar access to new residents for as long as three years and exclude homeless people completely, programmes are often incompatible with short-term or part-time jobs that might be the only options available, people aged under 25 are generally ineligible and the paperwork burden proves an insurmountable obstacle for many.³¹

23. The system in Madrid illustrates the inadequacy of such safety nets. Madrid has the second highest GDP in Spain, a comparatively low unemployment rate and a high cost of living. Although its severe poverty rate more than doubled in 10 years, from 3 per cent in 2008 to 7.8 per cent in 2017,³² its minimum income scheme provides a miserly 400 euros a month, the lowest in Spain. It reaches only 1.5 per cent of the population (33,000 households or 106,746 people)³³ and the Special Rapporteur heard from many who were formally and de

²⁵ European Commission, *Country Report Spain 2019*, (February 2019), p. 54.

²⁶ Agencia Estatal Boletín Oficial del Estado, “Real Decreto-ley 8/2019, de 8 de marzo, de medidas urgentes de protección social y de lucha contra la precariedad laboral en la jornada de trabajo”.

²⁷ The precise amount of child tax credit depends on the tax rate in the parents’ autonomous community, for example 528 euros per child in Madrid.

²⁸ Eurostat, “Social scoreboard of indicators”.

²⁹ Ibid., “Country profiles”, available from <https://ec.europa.eu/eurostat/guip/introAction.do?profile=cpro&theme=euroind&lang=en&country1=ES&country2=eu28>.

³⁰ Eurostat, “Expenditure on social protection benefits by function, 2017 – table 1”, available from https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Expenditure_on_social_protection_benefits_by_function,_2017-table_1.png.

³¹ See, for example, Autoridad Independiente de Responsabilidad Fiscal, *Los Programas de Rentas Mínimas en España*; Luis Ayala Cañón and others, *El Sistema de Garantía de Ingresos en España: Tendencias, Resultados y Necesidades de Reforma. Informe Completo* (December 2016), available from www.msbs.gob.es/ssi/familiasInfancia/ServiciosSociales/EstudiosNacionales/SistemGarantIngresosEnEsp.pdf.

³² Juan Carlos Llano Ortiz, “El estado de la pobreza seguimiento del indicador de pobreza y exclusión social en España 2008–2017”, European Anti-Poverty Network (2018), p. 13.

³³ Comunidad de Madrid, *Renta Mínima de Inserción. Informe 2018*, p. 23 (2019).

facto excluded because of onerous requirements. One woman explained that she had lost the benefit when she accepted a job on a probationary basis, but could not restart the benefit after she was not hired permanently and became homeless.

24. The way the Madrid programme has been administered in recent years has made it only more irrelevant. The approval rate of initial applications fell drastically from 50 per cent in 2016 to 23 per cent in 2018³⁴ and the number of suspensions and terminations more than doubled (approximately 4,850 to 10,040 suspensions and 2,708 to 5,767 terminations). Such appalling results suggest that the system either intentionally excludes people or is extremely poorly designed.

25. A well-designed and adequately funded national minimum income scheme could go a long way to fixing what is broken, but it needs to avoid key shortcomings. Both the Independent Authority for Fiscal Responsibility and Oxfam have made such a proposal.³⁵ It should have at least the following characteristics: full portability between autonomous communities; compatibility with the existing labour market so that people do not lose support for accepting low-paid or temporary work; an adequate amount that tracks the cost of living to ensure that people are not living in poverty; an individualized and flexible approach to administration that minimizes burdensome paperwork; availability to people aged under 25; and a lack of excessive conditions linked to job searching that bureaucratize the system and depress uptake.

26. Reducing the high level of poverty in Spain will require major additional spending to fix a broken social assistance system. Tax deductions are no substitute, as they necessarily only benefit wealthier people who pay income taxes, nor can employment alone alleviate poverty. People in poverty very much want to work, but often cannot find decent jobs amid high unemployment and precarious job opportunities.

Education

27. Education and poverty are closely linked. In Spain, 33.7 per cent of those with a primary education or lower were at risk of poverty or social exclusion in 2018, compared with just 12.6 per cent of those with higher education,³⁶ yet absolute public investment in education as a percentage of GDP fell significantly between 2009 and 2017.³⁷ There are real problems with the cost and quality of education in Spain, as well as segregation by socioeconomic status and ethnicity.

28. Spain provides free education, but families may need to cover the cost of transportation, food, books and other supplies, despite initiatives to cover these expenses. According to Save the Children, such expenses increased by 34 per cent between 2009 and 2016³⁸ and 32 per cent of families reportedly face difficulty paying education costs. The European Commission found that as of 2017, 25.7 per cent of households with children at risk of poverty had great difficulty in paying education costs.³⁹

29. Spain led the European Union in school dropouts in 2018, with a 17.9 per cent rate of early leavers.⁴⁰ That comes at an estimated cost of between 5.9 and 10.7 per cent of total

³⁴ There were approximately 13,800 initial stage adjudications in 2016 and 12,650 in 2018, Comunidad de Madrid: *Renta Mínima de Inserción. Informe 2018*, p. 54, and *Balace Anual de Gestión de la Renta Mínima de Inserción. Comunidad de Madrid 2016*, (2017), p. 13.

³⁵ Autoridad Independiente de Responsabilidad Fiscal, *Los Programas de Rentas Mínimas en España*; Manuel V. Gómez, “Oxfam Intermón propone una renta contra la pobreza del 30% del salario medio,” *El País*, 20 February 2020.

³⁶ National Institute of Statistics, “Risk of poverty or social exclusion (AROPE indicator), by educational level attained (persons aged 16 years old and over)”.

³⁷ In 2017 the figure was 4.24 per cent of GDP (49.458 million euros) compared to 4.99 per cent of GDP (53.895 million euros) in 2009, European Anti-Poverty Network, “Poverty watch Spain 2019”, available from www.eapn.es/publicaciones/367/poverty-watch-2019, pp. 32–33.

³⁸ European Commission, *Country Report Spain 2019*, p. 50.

³⁹ European Commission, *Country Report Spain 2019*, p. 55.

⁴⁰ Eurostat, “Early leavers from education and training”.

GDP.⁴¹ It also has the second highest grade repetition rate in the European Union,⁴² with the most economically disadvantaged students six times more likely to repeat the year.⁴³ These troubling figures are an indictment of the overall education system and a major drain on the economy.

30. An alarming 44 per cent of students and 72 per cent of children in vulnerable situations study in de facto segregated schools that have a large concentration of children from poor socioeconomic backgrounds, Roma and migrant children, and those with higher support needs.⁴⁴ School segregation increases grade repetition, failure and dropouts, decreases assessment scores and adversely affects students' expectations of pursuing university studies.⁴⁵ The Special Rapporteur visited one school in Andalusia with a 100 per cent Roma student body, where 75 per cent of students dropped out before completing secondary school and families received remarkably little support, despite living in one of the poorest areas in the country. Concentrating children from the poorest backgrounds in the same schools is no recipe for educational success or overcoming poverty.⁴⁶

Health care

31. Spain is justifiably proud of its excellent health-care system, with near universal health coverage, but important gaps remain for those who may need coverage the most.

32. According to a 2019 study, around 5 per cent of people in poor households who needed medical assistance, 25.5 per cent of those who needed dental care and 3 per cent of those who needed mental health services were unable to receive care for economic reasons. Almost 7 per cent were unable to access prescription drugs. The National Health Survey indicates that almost 10 per cent of people at risk of poverty are not involved in preventative health practices⁴⁷ and rising precarious employment means that taking a sick day is just not possible.

33. In 2018, Spain largely repealed Royal Decree-Law No. 16/2012, which had limited universal health coverage, including for migrants. However, the current system leaves out some migrants in their first 90 days in Spain⁴⁸ and one network (Red de Denuncia y Resistencia al RDL 16/2012) has documented 4,755 cases of exclusion from the national health system since 2014.⁴⁹ The Ministry of Health acknowledged this gap and politicians have promised to address it, but they have presented no plan for doing so.

34. The increasing privatization of elements within the health-care system is troubling, and risks prioritizing profits over service provision. Representatives of the Ministry of Health maintained that this was done only in exceptional circumstances, for reasons of efficiency and necessity, and that the quality of care was unaffected. However, they could not provide estimates of how much of the system had been privatized or assessments of the impact.

Autonomous communities

35. Autonomous communities bear significant responsibility for social protection, but austerity-related funding cuts have significantly affected their ability to invest in it, undermined their capacity to combat poverty and negatively impacted many people. Total social spending by autonomous communities in 2018, including on health care, education

⁴¹ European Anti-Poverty Network, "Poverty watch Spain 2019", p. 38.

⁴² OECD, *Economic Surveys: Spain* (November 2018), p. 53.

⁴³ Save the Children "The future we want to grow up in" (February 2019), p. 5.

⁴⁴ European Anti-Poverty Network, "Poverty watch Spain 2019", p. 34; Save the Children, "All join in: from socioeconomic segregation to inclusive education", p. 3.

⁴⁵ European Anti-Poverty Network, "Poverty watch Spain 2019", p. 34.

⁴⁶ Save the Children, "Mézclate conmigo" (April 2018).

⁴⁷ European Anti-Poverty Network, "Poverty watch Spain 2019", p. 27.

⁴⁸ Submission from the Spanish Ombudsman, available from www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/11_Defensor_del_Pueblo.pdf, p. 6 (in Spanish).

⁴⁹ Red de Denuncia y Resistencia al RDL 16/2012, "Leave no one out: the urgency of ensuring universal health care" (October 2018), pp. 4, 6, 7 and 12.

and social protection, was still 3.4 per cent lower than before the crisis, despite significantly increased demand as a result of the crisis and its after-effects.⁵⁰

B. Housing

36. Despite the Government's recognition that housing is crucial to addressing poverty, remarkably little has been done to secure the right to housing. According to the FOESSA Foundation, 24 per cent of the population faced housing exclusion in 2018 and 4.6 million people lived in inadequate housing.⁵¹ Housing costs are rising at alarming rates. The affordability of the private rental market is amongst the lowest in the OECD and more than 38 per cent of private tenants paying market rates are overburdened by the cost of rent.⁵² The Bank of Spain found that the price of rental housing increased by more than 50 per cent from 2013 to 2019,⁵³ while salaries have lost 7.8 per cent of their purchasing power in the last decade. Spain has also come under fire for allowing private equity and investment firms to purchase low-income and affordable housing and then substantially raise rents, forcing tenants out of their homes.⁵⁴ At one housing block outside Madrid, people said their rents had doubled overnight as a result of the decision to sell large-scale social housing to Blackstone.

37. The rise in housing costs has been accompanied by shocking rates of evictions. The annual number of evictions rose from 16,097 in 2006 to 59,671 in 2018, with a total of 712,723 evictions between 2006 and the third quarter of 2019.⁵⁵ That is an incomplete picture that does not account for the evictions of squatters or the total number of people affected.

38. Despite the clear need, low cost rental housing is almost non-existent: just 2.7 per cent of the population was renting below the market rate as of 2018.⁵⁶ Housing Europe estimates that social housing in Spain comprises 2.5 per cent of the national occupied housing stock, compared with 30 per cent in the Netherlands, 24 per cent in Austria, 17.6 per cent in the United Kingdom of Great Britain and Northern Ireland and 16.8 per cent in France.⁵⁷ In addition, new construction of public housing has plummeted from 63,900 new units in 2008 to 2,737 in 2018.⁵⁸ Meanwhile, the most recent national housing census in 2011 found 3.4 million vacant homes, while Housing Europe estimates that there were 3.8 million in 2017.⁵⁹

39. Statistics on homelessness are inadequate, but the Ministry of Health, Social Services and Equality estimated that there were between 27,500 and 33,000 homeless people in 2015⁶⁰ and the FOESSA Foundation estimates that another 2 million people are at risk of

⁵⁰ Asociación Estatal de Directoras y Gerentes en Servicios Sociales, "El gasto social por comunidades: sanidad, educación y servicios sociales" (September 2019), p. 1.

⁵¹ Fundación FOESSA, "Rights violation: housing", pp. 2–3, available from https://caritas-web.s3.amazonaws.com/main-files/uploads/sites/16/2019/06/FOESSA.-Focus-Housing_EN.pdf.

⁵² Eurostat, "Housing cost overburden rate by tenure status – EU-SILC survey" (2018).

⁵³ Submission from Amnesty International, available from www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/31_Amnesty_International.docx p. 4; David López-Rodríguez y María de los Llanos Matea, "Evolución reciente del mercado del alquiler de vivienda en España", *Banco de España Boletín Económico*, (August 2019), p. 6.

⁵⁴ OHCHR, "States and real estate private equity firms questioned for compliance with human rights", March 26, 2019.

⁵⁵ Figures from 2006–2012 available from <https://bit.ly/2S2DoBo>; figures from 2013–2018 available from <https://bit.ly/382hT95> (in Spanish).

⁵⁶ National Institute of Statistics, "Households, by tenancy regime of the dwelling, and age and sex of the reference person".

⁵⁷ Housing Europe, "*The State of Housing in the EU, 2019*" (October 2019), available from www.housingeurope.eu/resource-1323/the-state-of-housing-in-the-eu-2019.

⁵⁸ Ministerio de Fomento, "Vivienda protegida, series annual, (1.5) número de calificaciones definitivas: planes estatales" (2019), available from <https://apps.fomento.gob.es/BoletinOnline2/sedal/31305000.XLS> (in Spanish).

⁵⁹ National Institute of Statistics, "Censos de población y viviendas 2011", available from <https://inmalome.files.wordpress.com/2012/09/cifine01-2013.pdf>, p. 8; Housing Europe, "*The State of Housing in the EU 2019*", p. 85.

⁶⁰ Ministry of Health, Social Services and Equality, "Comprehensive national strategy for the homeless 2015–2020" (November 2015), p. 19.

homelessness.⁶¹ The policy response is often incoherent. In Extremadura, one official stated that they “don’t have homelessness”. Preventative policies are practically non-existent⁶² and people affected by homelessness stressed the serious difficulty of accessing social services without a permanent address, preventing those in the most precarious situations from getting the support to which they are entitled. Among homeless people, 19.8 per cent did not have a health-care card as of 2015, including 32.7 per cent of foreign nationals.⁶³ Autonomous communities should urgently rectify this situation and approach housing as a right, implement housing-first policies and pursue preventative strategies that emphasize intervention and support before people are thrown out on the street.

40. Furthermore, almost 10 per cent of the population could not afford to keep their dwelling at an adequate temperature in 2018 – people are obliged to choose between heating their homes and feeding their children. Spain should expand access to the social bonus that subsidizes utility payments for those who need it and ensure that utilities are not cut off in vulnerable households. The law on energy poverty in Catalonia, the outcome of sustained housing advocacy, is a step in the right direction.

41. Discussions with key officials in the national Government revealed a deep mismatch between needs and the policy responses being considered. No one doubts that urgent measures are required. A national housing plan for the period 2018–2021 includes an allocation of 20,000 public housing units over four years⁶⁴ but that is a far cry from what is needed. New laws that increase the minimum length of rental contracts and discharge housing debt in the event of foreclosure and repossession are positive developments, although the latter should be applied retroactively.

42. Spain should substantially increase the availability of low-cost housing, but that will bring little short-term relief. Based on much past experience, a proposed significant reliance on public-private partnerships is likely to benefit the middle classes but not those most dramatically affected. While rent controls have been embraced in Barcelona, they remain controversial at the national level and were given short shrift by central government officials. This seems to be a mistake and it is not clear that official analyses of the options have been either thorough or probing. The experience in Paris, Berlin and an increasing number of cities in the United States of America indicates that rent stabilization schemes can work well, provided they are carefully designed to avoid the clumsiness and inflexibility of schemes devised decades ago in very different circumstances.⁶⁵ In addition, the Government should immediately design fiscal measures to incentivize rental of the millions of apartments that remain vacant.

43. Finally, the Government must do far more to give substance to the right to housing, as Portugal has through its Basic Housing Law of 2019. Despite constitutional recognition, it is clear that for practical purposes the right to housing in Spain is largely irrelevant. While the right may not be justiciable in national courts without a constitutional amendment or new legislation, that does not excuse the blatant disregard for the obligations of the State. Housing laws, policies and strategies should be shaped by the fact that housing is, both constitutionally and as a matter of international law, a human right.

C. Tax policy

44. If Spain is serious about fighting poverty and making much-needed investments in social assistance, education and housing policies, it also needs to change its tax policies.

⁶¹ See www.caritas.es/noticias/viii-informe-foessa-la-exclusion-social-se-enquista-en-una-sociedad-cada-vez-mas-desvinculada/ (in Spanish).

⁶² Gregorio Rodríguez Cabrero and others, “ESPN thematic report on national strategies to fight homelessness and housing exclusion: Spain”, European Social Policy Network (2019), p. 12.

⁶³ Ministry of Health, Social Services and Equality, “Comprehensive national strategy for the homeless 2015–2020”, p. 25.

⁶⁴ OECD, *Economic Surveys: Spain* (November 2018), p. 98.

⁶⁵ Manuel Pastor, Vanessa Carter, and Maya Abood, “Rent matters: what are the impacts of rent stabilization measures?”, University of Southern California Program for Environmental and Regional Equity (2018).

Current revenue is not enough to fulfil social rights and achieve a balanced budget, the system is inadequately progressive and tax fraud and avoidance potentially cost the country billions each year.

45. Tax revenue is relatively low: the tax-to-GDP ratio was 35.4 per cent in 2018, much lower than the European Union average of 40.3 per cent or the Eurozone average of 41.7, and especially low compared to peer countries like Italy (42.1 per cent) and France (48.5 per cent).⁶⁶

46. Corporate tax rates have been cut since 2006 from 35 to 25 per cent⁶⁷ and firms take advantage of generous deductions and subsidies to pay far less than the nominal rate. The Government refuses to disclose how much individual corporations pay in taxes, citing companies' right to confidentiality, and despite support for prudent reforms at the international level, it has not implemented robust corporate tax disclosure requirements domestically. According to Oxfam, the Government's method of calculating effective corporate tax rates fails to take into account significant exemptions and other adjustments that occur prior to determining the tax base. That approach is problematic, given the public interest involved and the new Government's pledge to bring the effective rate up to a minimum of 15 per cent. Corporate tax revenue has declined massively in recent years: between 2007 and 2018, corporate taxes fell from 22.34 to 11.9 per cent of total revenue (from 44.82 to 24.84 billion euros).⁶⁸ Between 2007 and 2017, total tax revenue actually declined by about 6.7 billion euros.⁶⁹

47. Aside from failing to raise needed revenue, the tax system is inadequately progressive and barely begins to harness the capacity of taxes to address inequality. Inequality skyrocketed after the crisis: between 2007 and 2015, the Gini index rose by 2.1 points, the S80/20 by 0.9 and the Palma ratio by 1.4,⁷⁰ yet the redistributive effect of household direct taxation is much lower than the European Union average, reducing the S80/S20 ratio by 8.6 per cent in 2016, compared to 12.4 per cent in the European Union.⁷¹ Indirect taxes actually increased inequality by 3.5 per cent.⁷²

48. Spain is increasingly reliant on value added tax (VAT), with a rate increase from 16 to 21 per cent between 2009 and 2013, raising its percentage of total revenue from 27.83 to 33.63 per cent.⁷³ That is problematic because the tax is generally regressive and in Spain even more so, owing to a number of deductions that benefit wealthier people, such as for hotel bills. Some autonomous communities also have an extremely low inheritance tax, allowing children and spouses to inherit as much as 1 million euros tax free.⁷⁴

49. Tax fraud deprives the Spanish State of massive resources. In a recent study, the IMF estimated the size of the shadow economy at 20.3 per cent of GDP, even higher than in 2007, potentially reducing tax revenue by as much as 23 per cent.⁷⁵ In 2018, companies on the IBEX 35 index had 805 subsidiaries in tax havens, suggesting that significant amounts of revenue are being lost to tax avoidance.⁷⁶

⁶⁶ Eurostat, "Tax-to-GDP ratio up to 40.3% in EU" (October 2019).

⁶⁷ European Commission, "Top statutory corporate income tax rates (including surcharges), 1995–2019".

⁶⁸ Information provided by the Ministry of Treasury on 4 February 2020.

⁶⁹ Ibid.

⁷⁰ OECD, "Income inequality" (accessed on 18 October 2019).

⁷¹ European Commission, *Country Report Spain 2019*, p. 32.

⁷² Ibid.

⁷³ Information provided by the Ministry of Treasury on 4 February 2020.

⁷⁴ OECD, *Economic Surveys: Spain* (November 2018), p. 48.

⁷⁵ Ben Kelmanson and others, "Explaining the shadow economy in Europe: size, causes and policy options", IMF working paper 19/278 (2019), p. 26; Funcas Foundation, "Economía sumergida y fraude fiscal en España: ¿Qué sabemos? ¿Qué podemos hacer?" (2018), p. 40.

⁷⁶ Oxfam, "Quien parte y reparte: la huella en la desigualdad de las empresas del IBEX 35" (2019), p. 2.

D. Climate change

50. Climate change will have a dramatic impact on the lives of people in poverty and Spain must ensure that its social protection policies support those already in poverty and those who will be pushed into it by climate change (see A/HRC/41/39). Heat waves have already led to the deaths of hundreds of people and poor families without access to electricity or air conditioning are increasingly at risk.⁷⁷

51. In 2019, the Government announced a 47 billion euro public investment plan to tackle climate change over 10 years, with the goal of making Spain carbon neutral by 2050.⁷⁸ It declared a climate emergency in January⁷⁹ and has significantly reduced its dependence on coal.⁸⁰ Congress should immediately enact a long-awaited law on climate change.⁸¹

52. It is encouraging that the Government already has an agreement with the International Labour Organization (ILO) on implementing a “just transition”⁸² and it must ensure that workers displaced during the transition have adequate social support and access to training programmes. The inadequacy of the current overall social protection system indicates that this will be a major challenge.

E. Administrative transparency and accountability

53. Many interlocutors commented on a lack of transparency in relation to government decision-making and the difficulty of making sense of, let alone using, much of the published information provided by official sources. As one official said, “Information is not lacking. It’s just that it’s impossible to figure out what the underlying strategy is, or how to assess the results or impact of the policy.”

54. Bureaucratic procedures, including seemingly endless verification processes, have wrought havoc in many areas of social protection. Many of the requirements and underlying assumptions seem more appropriate to the nineteenth than the twenty-first century. Given the costs and inefficiencies on the government side and the pain and inconvenience on the side of residents and others, as well as the need to adapt to the digital era, the Government should initiate a far-reaching inquiry designed to reduce unnecessary red tape and transform bureaucratic practices in the field of social protection. Such a review could be undertaken by an expert group appointed for the purpose or by the Independent Authority for Fiscal Responsibility. The goals should include reducing bureaucratic hurdles, streamlining application processes, digitizing data with due regard for human rights, facilitating municipal registration and ensuring that people are aware of the benefits to which they are entitled.

IV. Poverty among specific groups

55. Becoming a leader in social rights also requires paying attention to the disproportionate impact of poverty on select groups, including the following.

⁷⁷ Study by the State Meteorological Agency with the Ministry for Ecological Transition, “Efectos del cambio climático en España” (March 2019), available from www.aemet.es/en/noticias/2019/03/Efectos_del_cambio_climatico_en_espanha; Greenpeace, “Así nos afecta el cambio climático” (November 2018), p. 43.

⁷⁸ Reuters, “Spain proposes \$53 billion public investment in climate change plan”, 20 February 2019.

⁷⁹ Associated Press, “Spain declares climate emergency, gets climate plan ready”, 21 January 2020.

⁸⁰ Manuel Planelles, “Greenhouse gas emissions drop in Spain as power plants ditch coal”, *El País*, 6 January 2020.

⁸¹ Congreso de los Diputados, “Proposición de ley sobre cambio climático y transición energética”, available from www.congreso.es/public_oficiales/L13/CONG/BOCG/B/BOCG-13-B-48-1.PDF.

⁸² Ministry for Ecological Transition, “The just transition strategy within the strategic energy and climate framework” (2019).

A. Women

56. Compared to men, women in Spain have higher rates of relative poverty, severe material deprivation, low intensity of employment and severe poverty. They are worse off on nearly all labour market indicators.⁸³

57. Royal Decree-Law No. 6/2019 introduced some measures to ensure equal treatment and opportunities in employment, but many challenges remain.⁸⁴ In 2019, Spain had the second highest rate of female unemployment in the European Union by a significant margin.⁸⁵ Unpaid care work takes a toll on women's incomes: 47 per cent of women who work part-time do so for reasons of childcare, compared to 7 per cent of men. Twenty-three per cent of women with children are unemployed, a full 10 percentage points higher than among men.⁸⁶

58. Gender-based violence is also a cause of poverty. Multiple women explained the economic hardship they faced after leaving abusive relationships, including one woman who was unable to access social assistance because she had fled to another autonomous community and had not yet met the one-year residency threshold. According to one report in 2019, 61.2 per cent of the women surveyed who were victims of gender-based violence were unemployed and an additional 6.9 per cent were working without contracts.⁸⁷

59. Low spending on social assistance for families and children is especially harmful for women. Eighty-two per cent of single-parent households are headed by a woman and half of those were at risk of poverty or social exclusion in 2018, up from 45 per cent in 2008.⁸⁸ Within that group, 53.5 per cent could not handle an unforeseen expense and 17.4 had fallen behind on paying the cost of housing or utilities as of 2018.⁸⁹ Extending early childhood education to children aged between 0 and 3 and developing affordable after-school services for school-age children can help parents, and especially mothers, maintain employment. The share of school-age children covered by after-school services stands at 8 per cent, well below the OECD average of 29 per cent.⁹⁰

60. While government officials explained a range of policies designed to promote gender equality, there was a notable absence of attention to the deep economic structures that perpetuate inequality. Greater attention should be given to the economics of unpaid care work and ways to compensate and replace it. Despite the central importance of sophisticated economic analysis in the fight for gender equality, the Ministry of Equality unfortunately appears to rely on generalists, some of whom have studied economics, rather than employing specialists for this purpose.

B. Children and youth

61. Figures from the National Institute of Statistics show that 29.5 per cent of children were at risk of poverty or social exclusion in 2018 and 6.5 per cent experienced severe material deprivation.⁹¹ Child poverty rates are even more intense in rural areas among immigrant, refugee and Roma populations, and in families with people with disabilities.⁹²

⁸³ European Anti-Poverty Network, "Poverty watch Spain 2019", pp. 13–14.

⁸⁴ Agencia Estatal Boletín Oficial del Estado, "Real Decreto-ley 6/2019, de 1 de marzo, de medidas urgentes para garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación"; Solidar, *Social Rights Monitor 2019*, p. 102.

⁸⁵ Eurostat, "Unemployment by sex and age - monthly average".

⁸⁶ Save the Children "The future we want to grow up in", p. 7.

⁸⁷ Fundación Adecco, "Un empleo contra la violencia" (November 2019), p. 15.

⁸⁸ European Anti-Poverty Network, "Poverty watch Spain 2019," p. 18; National Institute of Statistics, "Risk of poverty or social exclusion (AROPE indicator), by type of household".

⁸⁹ National Institute of Statistics, "Households with material deprivation, by type of household".

⁹⁰ OECD, *Economic Surveys: Spain* (November 2018), pp. 51 and 54.

⁹¹ National Institute of Statistics, "Risk of poverty or social exclusion (Europe 2020 Strategy) and its components, by age and sex". See also Save the Children, "Familias en riesgo" (January 2020).

⁹² Submission from the European Anti-Poverty Network, available at www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/17_EAPN_SP.pdf, p. 2.

Households with children or adolescents have a higher risk of poverty or social exclusion⁹³ and a full 29 per cent of households with children described “great difficulties” in making ends meet.⁹⁴ Surprisingly, officials from various autonomous communities said that the best way to deal with child poverty was by addressing household poverty, problematically discounting the unique characteristics and lifelong impact of childhood poverty.

62. Public spending on family benefits is not only poorly targeted but remains among the lowest in the European Union, with limited impact. As of 2017 spending was around half the European Union average⁹⁵ and, according to Save the Children, had achieved a reduction of 6.9 points in the rate of child poverty, compared, for example, to 32 points in Ireland. Spain is almost unique among European Union countries in lacking a universal, non-contributory child and family benefit scheme.⁹⁶ In 2019, the family benefit for dependent children was increased to 341 euros per year for children at risk of poverty (1.3 million children), and to 588 euros for families in severe poverty (630,000 children). That is still very low at roughly 28 euros per child per month and almost half of children in poverty (1 million children) do not have access to the benefit.⁹⁷

63. The situation for youth is also challenging, with low rates of employment and high rates of dropout. There was a 30.51 per cent unemployment rate among those below the age of 25 as of the fourth quarter of 2019⁹⁸ and more than 70 per cent of young workers were on temporary employment contracts, significantly higher than the European Union average.⁹⁹ As of 2018, 12.4 per cent of youth aged 15–24¹⁰⁰ and 19.6 per cent of those aged 20–34 were not employed or in education or training.¹⁰¹

64. Spanish policies for eliminating pervasive child poverty are shamefully inadequate and represent both a moral failure and a self-inflicted economic wound.¹⁰²

C. Roma

65. Spain has one of the largest Roma communities in the European Union, approximately 750,000 people or 1.6 per cent of the population,¹⁰³ but official employment and social indicators do not provide disaggregated statistics, on the grounds that doing so would contravene constitutional protections against discrimination. That is a deeply problematic interpretation, which helps to make the situation of the Roma people officially invisible. Ministry of Education officials insisted they were not permitted to collect data on Roma children, yet the widely-respected surveys undertaken by the Fundación Secretariado Gitano show that Roma people face staggeringly high rates of poverty and disadvantage in Spain.

⁹³ European Anti-Poverty Network, “Poverty watch Spain 2019”, p. 4.

⁹⁴ FOESSA Foundation, “Rights violation: childhood”, p. 3, available from https://caritas-web.s3.amazonaws.com/main-files/uploads/sites/16/2019/06/FOESSA-Focus-Childhood_EN.pdf.

⁹⁵ Eurostat, “Expenditure on social protection benefits by function, 2017-table 1”; submission from Plataforma de Infancia, www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/5_Plataforma_de_Infancia.pdf, p. 4.

⁹⁶ Olga Cantó Sanchez and Luis Ayala Cañon, “*Políticas Públicas para Reducir la Pobreza Infantil en España: Análisis del Impacto*” (United Nations Children’s Fund, March 2014), p. 73; ILO and UNICEF, “Towards universal social protection for children: achieving SDG 1.3”, p. 41 (2019).

⁹⁷ Solidar, *Social Rights Monitor 2019*, p. 7; Agencia Estatal Boletín Oficial del Estado, “Real Decreto-ley 8/2019, de 8 de marzo, de medidas urgentes de protección social y de lucha contra la precariedad laboral en la jornada de trabajo”; European Commission, *Country Report Spain 2019*, p. 55.

⁹⁸ National Institute of Statistics, “Unemployment rates” (Q4 2019); Eurostat, “Unemployment statistics” (January 2020).

⁹⁹ Eurofound, “Young people, particularly those low qualified, bear the brunt of social inequalities in Spain”, 11 October 2019.

¹⁰⁰ Eurostat, “Social scoreboard of indicators”; European Commission, *Country Report Spain 2019*, p. 12.

¹⁰¹ Eurostat, “Statistics on young people neither in employment nor in education and training”.

¹⁰² Alto Comisionado para la Lucha contra la Pobreza Infantil, “DB012 – mapa territorializado de la pobreza infantil en España”.

¹⁰³ European Commission, *Country Report Spain 2019*, p. 56.

66. More than 80 per cent of the Roma population face poverty or social exclusion and 46 per cent are extremely poor, with a monthly income below 310 euros. The child poverty rate stands at 89 per cent and unemployment at 52 per cent. Roma women suffer a clear disadvantage in all areas, with an employment rate that only reaches 16 per cent and large numbers of Roma children attend de facto segregated schools, with only 17 per cent of those over 16 completing secondary education or higher.¹⁰⁴ A 2016 survey carried out by the European Union found that among Roma people, 98 per cent were at risk of poverty, 97 per cent had some difficulty making ends meet, and just 16 per cent were employed.¹⁰⁵

67. The Special Rapporteur visited two Roma communities, in Polígono Sur in Andalusia and Cañada Real just outside Madrid. Although these are extreme examples, not necessarily representative of the conditions of most Roma in Spain, the extent to which the relevant governmental authorities appear to have abandoned people is nevertheless shocking. In both places, residents were engaged in a losing battle to secure basic government support or services. In Cañada Real, people were living without a clinic, employment centre, school, or even legal electricity, on an unpaved road directly adjacent to incinerators in an area deemed hazardous to human health. Despite an agreement in 2018 to relocate them from the area, only 34 families have so far benefited and officials in Madrid could not provide any definitive date by which the rest would be safely relocated. Arrangements for meaningful consultation also appeared to be lacking, despite the existence of various formal structures for that purpose.

68. The Special Rapporteur also received troubling reports of Roma people living in dire circumstances in the Los Asperones shanty town in Malaga, lacking adequate shelter and public services for the past 30 years. The Government of Andalusia has not responded to an intervention by the Andalusian Ombudsman and inexplicably could not provide the Special Rapporteur with any information about its plans for the neighbourhood.

69. Government officials agreed that the situation of many Roma people was dire, but were apparently resigned to accepting that the relevant groups had been relegated to third-class status without access to most of the rights to which they are entitled. Some officials seemed only concerned to have ticked certain action boxes and cared little about achieving any tangible results. Years of undoubtedly well-intentioned plans and benchmarks have left Roma poverty indicators at deplorable levels. There is now a real need for a crisis-level mobilization.

D. Migrants

70. There are approximately 6 million migrants in Spain.¹⁰⁶ Those from outside the European Union have the highest risk of poverty and social exclusion (56 per cent) followed by European Union citizens (47.7 per cent) – both significantly higher than the Spanish population (23.1 per cent).¹⁰⁷ For children with at least one migrant parent, the risk of poverty or social exclusion jumps to 49.6 per cent, the highest in the European Union.¹⁰⁸

71. Civil society organizations described a resettlement system that left migrants and refugees unable to work and facing serious obstacles to decent housing because of the

¹⁰⁴ Fundación Secretariado Gitano, “The Fundación Secretariado Gitano presents a ‘Comparative study on the situation of the Roma population in Spain in relation to employment and poverty’”, (September 2019).

¹⁰⁵ European Union Agency for Fundamental Rights, “Second European Union minorities and discrimination survey: Roma – selected findings” (November 2016), pp. 14, 15 and 18.

¹⁰⁶ Ministerio de Trabajo, Migraciones y Seguridad Social, “Extranjeros residentes en España a 30 de junio de 2019: principales resultados” September 2019, p. 1.

¹⁰⁷ National Institute of Statistics, “Risk of poverty or social exclusion (AROPE indicator), by nationality (persons aged 16 years old and over)”.

¹⁰⁸ Eurostat, “Children at risk of poverty or social exclusion” (January 2019), p. 6, available from <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/50126.pdf>.

shortage of supply, requirements for access and discrimination in allocation. They often ended up in precarious or overcrowded situations.¹⁰⁹

72. Civil society organizations described highly distressing situations for migrant women and girls, especially those working in agriculture, including situations of high vulnerability, sexual and commercial exploitation, institutional violence and a lack of protection at the most basic levels. According to Women’s Link Worldwide, female agricultural workers are often deceived as to the terms of their employment and face 10-hour days, sudden termination, wages of far less than the promised 40 euros per day and unreliable payments.¹¹⁰

73. Unaccompanied children, a vulnerable population that has been demonized in the current political debate, face an extremely concerning situation. Spain continues to use debunked, unreliable age assessments to determine the age of unaccompanied minors, including invasive and humiliating genital examinations, despite international censure (CRC/C/81/D/16/2017, paras. 12.7–12.10). The rejection of minor status can leave the individual without access to support or adult or child shelters, creating a gap that can push children into poverty and lead to trafficking, sex work, sexual abuse, drug dependence or even disappearance.¹¹¹

74. In Huelva, workers are living in a migrant settlement in conditions that rival the worst the Special Rapporteur has seen anywhere in the world. They are kilometres away from water and live without adequate sanitation or legal access to electricity. Many have lived there for years and can afford to pay rent but said that no one would accept them as tenants. They are earning as little as 30 euros per day and have almost no access to any form of government support. One person said, “When there’s work, Spain needs migrants, but no one is interested in our living conditions.” According to civil society, 2,300–2,500 people live in similar conditions during the strawberry season. In 2018–2019 the strawberry crop in Huelva was worth 533 million euros.¹¹² The largest producer is Driscoll’s and its associated companies, which have a set of labour standards that they state “apply to all workers in our supply chain, with no distinction.” Given that the conditions in Huelva are simply inhuman and the dominance of this multinational corporation in the local and global strawberry industry, the Special Rapporteur plans to play a part in monitoring and improving the unconscionable labour conditions prevailing in this area.

E. Rural poverty

75. Just under one fifth of the population live in rural areas,¹¹³ where the real average income per capita fell 13.5 per cent between 2009 and 2018.¹¹⁴ Individuals experiencing poverty in “empty Spain” (*la España vaciada*) face unique challenges and a very high risk of poverty or social exclusion (31 per cent).¹¹⁵ Rural areas are experiencing depopulation and acute ageing. Fourteen provinces are heavily affected by “demographic decline,” with more than 25 per cent of their population aged 65 or older.¹¹⁶

76. People in rural areas stressed the benefits of rural living, including proximity to nature, but also described isolation, exclusion and poverty. A group in Extremadura explained that they experienced days-long power cuts, were at times unable to visit a doctor because of a

¹⁰⁹ Submission from Comisión Española de Ayuda al Refugiado, p. 3, available from www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/15_CEAR.pdf.

¹¹⁰ Submission from Women’s Link Worldwide, pp. 2–3 and 5, available from www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/20_Women_Worldwide.pdf.

¹¹¹ Submission from Fundación Raíces, pp. 1–2, available from www.ohchr.org/Documents/Issues/Poverty/VisitSpainSubmissions/16_Fundacion_Raices.pdf.

¹¹² Fresh Plaza, “Spain: Strawberry campaign in Huelva closes with positive figures”.

¹¹³ The World Bank, “Rural population (% of total population) – Spain” (2019), available from <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=ES>.

¹¹⁴ European Anti-Poverty Network, “Poverty watch Spain 2019”, pp. 23–24.

¹¹⁵ Eurostat, “Living conditions in Europe – poverty and social exclusion”, available from https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living_conditions_in_Europe_-_poverty_and_social_exclusion.

¹¹⁶ European Commission, *Country Report Spain 2019*, p. 70.

lack of public transportation or money to pay for a taxi and felt that their votes did not matter to the central Government. In an area in Galicia with no specialist health care, day care or secondary education, a woman explained, “My daughter says she doesn’t see a future for herself here.” People also described high prices for the Internet, posing risks of digital exclusion for low-income and poor families, especially as the Government moves to digitize aspects of social support.

77. The Government should not leave this large group to suffer from market forces completely beyond their own control and should draw up a comprehensive strategy to deal with the problems that affect large and growing numbers of people.

F. Persons with disabilities

78. Persons with disabilities face many forms of structural discrimination and disadvantage in Spain, including in relation to employment, income, education and housing. Roughly one third of persons with disabilities in Spain (31.1 per cent) were at risk of poverty or social exclusion in 2018, compared to 24.1 per cent of those without disabilities.¹¹⁷ And the employment rate was just 25.8 per cent, well under half of that for those without a disability (65.9 per cent).¹¹⁸

79. A lack of accessible housing makes things even worse. Only 0.6 per cent of the 9.8 million residential buildings in Spain meet the criteria of universal accessibility for people with reduced mobility or disabilities.¹¹⁹ According to one survey in 2019, 1.8 million people with reduced mobility required assistance to leave their home and 100,000 were never able to leave.¹²⁰ Of children with disabilities, 16.5 per cent are receiving segregated education outside the mainstream education system.¹²¹

80. Persons with disabilities across Spain spoke powerfully about the discrimination they face in the job market and in society, and the battles they must go through in order to enforce their rights. The Government should accord a higher priority to eliminating these many forms of discrimination.

G. Domestic and care workers

81. Estimates of the number of domestic workers in Spain range from an official figure of 453,000 domestic employees¹²² to a civil society estimate of 700,000 people working as household or care workers. Women account for 97.9 per cent of them¹²³ and they are marginalized by Spanish law, which places such work in a “special regime” with fewer rights.¹²⁴

82. Civil society reported that one in three domestic workers in Spain lives in poverty, and many are working in the informal economy for employers who are not making social security payments. They can work double their contracted eight hours per day and earn just 800 euros per month, yet typically have to rent a room to stay for their weekly night off, while the cost of food can be deducted from their salary. Undocumented workers are

¹¹⁷ Eurostat, “Europe 2020 indicator of at-risk-of-poverty or social exclusion AROPE by level of activity limitation 2018 2.png”.

¹¹⁸ National Institute of Statistics, “Employment of persons with disabilities (EPD)” (December 2019), p. 1, available from www.ine.es/en/prensa/epd_2018_en.pdf.

¹¹⁹ Fundación Mutua de Propietarios, *La Accesibilidad de las Viviendas en España* (March 2018).

¹²⁰ Confederación Española de Personas con Discapacidad Física y Orgánica, “1,8 millones de personas con movilidad reducida dependen de la ayuda de terceros para salir de su casa y 100.000 no salen nunca,” 12 June 2019.

¹²¹ Ministerio de Educación y Formación Profesional, *Las Cifras de la Educación en España. Curso 2016–2017 (Edición 2019)*, main results, p. 11.

¹²² National Institute of Statistics, “Active population by sex and occupation. Absolute values and percentages with respects to the total of each occupation”.

¹²³ Ibid.

¹²⁴ Futuro en Común, *Una Agenda 2030 Transformadora para las Personas y la Planeta* (October 2018), p. 18.

especially vulnerable to exploitation and some employers have reportedly confiscated workers' passports.

83. At the Servicio Doméstico Activo, a centre that plays an extremely important role in promoting the rights and well-being of domestic workers, the Special Rapporteur heard troubling accounts of working conditions, women working for years in what felt like a "jail," facing sexual harassment, working constant uncompensated overtime and lacking access to social security or pensions. "I'm about to turn 72 and I continue to struggle," one woman said. The existence of the centre is now apparently under threat because the Government of Madrid has withdrawn funding. Given the extent of the need, it would be a tragedy if it were forced to close.

84. The new coalition Government has pledged to ratify ILO Domestic Workers Convention, 2011 (No. 189). Full implementation of the terms of the Convention would mark a major step forward in Spain.

V. Key recommendations

85. **In addition to the many recommendations outlined above, it is of particular importance that the Government should:**

- (a) **Adopt a national minimum income scheme that enables recipients, including persons under 25, to live in dignity, to move freely within Spain, to avoid burdensome administrative requirements and not be punished for taking low-paid or temporary work. A means-tested national child benefit and a universal, non-contributory child and family benefit scheme should be introduced;**
- (b) **Take seriously the right to housing. At a minimum this should include new right-to-housing legislation, greatly increased public housing investments, fiscal disincentives for leaving housing vacant, serious consideration of sophisticated and flexible rent control arrangements in key cities, measures to discourage manipulation of housing markets by "vulture funds", action to prevent the privatization of existing low-cost housing stock, enhanced protection for vulnerable households from utility shut-offs and more support for those at risk of homelessness;**
- (c) **Undertake a full review of the education system to address alarming levels of early school-leaving, grade repetition and school segregation. Cover the full education-related costs of children at risk of poverty and introduce national programmes for the education of children aged 0 to 3 and for after-school support;**
- (d) **Make the tax system more progressive and raise total fiscal revenues so that they more closely align with the European Union norm, thus providing the resources needed to adequately fund social protection. Stop hiding the effective corporate tax rate and invest in more effective programmes to combat tax evasion and fraud;**
- (e) **Conduct an independent comprehensive review to evaluate why years of governmental support programmes for Roma people have left so many living in unacceptable conditions, with children doomed to repeat the cycle of poverty and exclusion. That should lead to a coordinated response commensurate to the crisis and involve collecting the statistics necessary to measure improvements;**
- (f) **Provide migrants with decent work conditions and a path to legal status that does not require years of waiting and a full-time job offer;**
- (g) **Conduct a thorough inquiry to reduce unnecessary red tape and transform bureaucratic practices in the field of social protection to streamline the application process and reduce bureaucratic hurdles and excessive requirements;**
- (h) **Empower the Independent Authority for Fiscal Responsibility to carry out audits and research on its own initiative, without an external request from a public authority.**