

SPAIN

Specific references to women and girls with disabilities
CRPD Committee 2011 Country Review
List of Issues (LOI), 20 June 2012 CRPD/C/ESP/Q/1
Concluding Observations (CO), 2011 CRPD/C/ESP/CO/1

Compiled by Myra Kovary, 31 March 2013

Women and girls with disabilities (Articles 6 and 7):

The Committee requested information on the implementation of the Plan of Action for Women with Disabilities, detailing the measures taken and policies adopted, as well as their results so far. (LOI, Para 33)

The Committee requested information on the implementation of Organic Act No. 3/2007 on effective equality between men and women and its contribution to the improvement of the situation of women with disabilities in the areas of labour, social security and reconciliation of working and family life. (LOI, Para 34)

The Committee asked to what extent the new single register of cases of ill-treatment of children with disabilities has data disaggregated by age, disability and gender. (LOI, Para 36)

The Committee welcomed the State party's adoption of the Third Plan of Action for persons with disabilities which addresses disability along gender-analysis lines, as well as the Global Action Strategy for the Employment of Persons with Disabilities 2008-2012, including its first plan of action covering the years 2008-2010. (CO, Para 7)

The Committee recommended that the State party elaborate and develop strategies, policies and programmes, especially in the fields of education, employment, health and social protection, to promote the autonomy and full participation of women and girls with disability in society, and to combat violence against them. (CO, Para 22 (c))

Freedom from exploitation, violence and abuse (Articles 6 and 16):

The Committee requested data concerning violence against women with disabilities and whether there is systematic and regular collection and analysis of data on all forms of violence against women with disabilities. (LOI, Para 35)

The Committee requested information on the measures taken to assist women with disabilities who are or have been subjected to violence. (LOI, Para 35)

The Committee expressed concern that public programmes and policies on the prevention of gender-based violence do not sufficiently take into consideration the particular situation of women with disabilities. (CO, Para 21)

The Committee recommended that the State party include a more comprehensive consideration of women with disabilities in public programmes and policies on the prevention of gender-based violence, particularly so as to ensure access for women with disability to an effective, integrated response system. (CO, Para 22(a))

Forced sterilization and abortion (Articles 1 - 4, 10, 12, 17, 23 and 25):

The Committee requested information on the new Organic Act 2/2010 of 3 March 2010 on sexual and reproductive health and the voluntary termination of pregnancy, in particular the longer time limits allowed for terminating pregnancies when the foetus has a disability. The Committee asked whether the Government of Spain considered this to be in line with article 4, paragraph 1 (d) of the Convention. (LOI, Para 4)

The Committee took note of Act 2/2010 of 3 March 2010 on sexual and reproductive health decriminalizing voluntary termination of pregnancy, allowing pregnancy to be terminated up to 14 weeks and including two specific cases in which abortion is allowed for longer time limits due to the fact that the foetus has a disability: until 22 weeks of gestation provided there is "a risk of serious anomalies in the foetus", and beyond week 22 when, inter alia, "an extremely serious and incurable illness is detected in the foetus". It also noted the explanations provided by the State party for maintaining this distinction. (CO, Para 17)

The Committee recommended that the State party abolish the distinction made in Act 2/2010 in the period allowed under law within which a pregnancy can be terminated, based solely on disability. (CO, Para 18)

The Committee expressed concern that persons with disabilities whose legal capacity is not recognized may be subjected to sterilization without their free and informed consent. (CO, Para 37)

The Committee urged the State party to abolish the administration of medical treatment without the full and informed consent of the patient, in particular sterilization; and ensure that national law especially respect women's rights under articles 23 and 25 of the Convention. (CO, Para 38)

Work and employment (Articles 6 and 27):

The Committee requested data on the level and type of employment and average income of men and women with disabilities in open employment in comparison with other workers over the past three years. (LOI, Para 27)

The Committee requested information on the unemployment rate of men and women with disabilities. (LOI, Para 28)

The Committee expressed concern that employment policies do not include a comprehensive gender perspective and that unemployment, inactivity and training rates are significantly worse for women than for men with disabilities. (CO, Para 21)

The Committee recommended that the State party include a gender perspective in employment policies, and particularly specific measures for women with disabilities. (CO, Para 22 (b))

The committee recommended the Kingdom of Spain develop open and advanced programs to increase employment opportunities for women and men with disabilities. (CO, Para 46)

Statistics and data collection (Article 31):

The Committee expressed concern regarding the low level of disaggregated data on persons with disabilities. The Committee recalled that such information is indispensable to: understanding the situations of specific groups of persons with disabilities in the State party who may be subject to varying degrees of vulnerability; developing laws, policies and programmes adapted to their situations; and assessing the implementation of the Convention. (CO, Para 49)

The Committee recommended that the State party systematize the collection, analysis and dissemination of data, disaggregated by sex, age and disability; enhance capacity-building in this regard; and develop gender-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and reporting on progress made with regard to the implementation of the various provisions of the Convention. (CO, Para 50)

The Committee recommended that the State party systematically collect, analyse and disseminate data, disaggregated by sex, age and disability, on abuse and violence against children. (CO, Para 52)