



MINISTERIO
DE LA PRESIDENCIA, JUSTICIA
Y RELACIONES CON LAS CORTES

ABOGACÍA GENERAL DEL ESTADO

SUBDIRECCIÓN GENERAL
DE ASUNTOS CONSTITUCIONALES
Y DERECHOS HUMANOS

TO THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

THE KINGDOM OF SPAIN'S SUBMISSION

IN REPLY TO THE COMPLAINANT ORGANISATION'S RESPONSE TO
THE OBSERVATIONS ON THE MERITS

COLLECTIVE COMPLAINT
No. 241/2024

MOUVEMENT INTERNATIONAL ATD QUART MONDE
v. Spain

The Kingdom of Spain has been notified of the submission lodged by the organisation INTERNATIONAL MOVEMENT ATD – FOURTH WORLD in the framework of the Collective Complaint No. 241/2024, whereby that organisation replies to the observations submitted by the Government of Spain on the merits of the present complaint.

By means of the present observations, and within the time-limit granted for that purpose – following an initial extension granted by the Committee at the request of this party – we hereby transmit to the Committee, to which we respectfully address ourselves, the comments submitted by the competent national authorities in response to the reply filed by INTERNATIONAL MOVEMENT ATD – FOURTH WORLD to our Observations on the merits.

To that end, we hereby provide to the Committee the respective reports drawn up by the Ministry of Inclusion, Social Security and Migration, and by the Ministry of Economy, Trade and Business of the Government of Spain, which are appended hereto as Annex No. 1 and Annex No. 2 respectively. Those reports address a number of aspects dealt with by the complainant organisation in its submission, providing various explanations and making numerous clarifications and further specifications in respect of the matters set out therein.

The reports appended hereto and the explanations contained therein should be regarded as a **supplement** to the response submitted by the State to the Collective Complaint in its **Observations** on the merits and the documentation annexed thereto, in particular the **report drawn up in July 2025 by the Ministry of Inclusion, Social Security and Migration**, which carried out a detailed analysis of the most relevant issues raised in the Collective Complaint giving rise to the present proceedings.

Without prejudice to the content of both reports, to which reference is made, which, as indicated, set out the comments of the competent authorities that those authorities consider it necessary to convey to the Committee so that they may be taken into account in its examination of the issues raised in the Complaint, we set out below two general observations concerning the prospects of the latter.

- **On the various aspects to be taken into account when assessing whether a State's policies comply with the standards arising from Articles 30 and 13 § 1 of the Charter.**

First, we must draw attention to the approach set out in the submissions on the merits (paragraphs 36 to 41), where reference was made to the various factors and elements of analysis that the Committee must take into account when examining whether a State aligns with the standards arising from Article 30 or Article 13§1 of the Charter.

For these purposes, the Committee should not examine the *mínimum básico* income benefit in isolation. Rather, it should take into account the various factors that determine whether a person does, or does not, enjoy a decent standard of living for the purposes of the Charter.

The complainant organisation has largely glossed over this explanation, confining itself to a mere mention of the argument without engaging with it in any substantive manner, beyond asserting that, if other components of the system of social assistance and protection have not been taken into account, this is supposedly because they “do not exist”. In so doing, it manifestly disregards the reality of a system such as the Spanish one, which encompasses numerous, highly significant and diverse instruments of social protection, to which no attention has been devoted.

By way of a purely illustrative example, we would refer to the universal public healthcare system in force in Spain, which ensures that all persons resident within the national territory, irrespective of their economic, employment or administrative status, have full access to the public health system solely by virtue of residing in Spain, and thereby to the necessary medical care (which, moreover, is expressly referred to in Article 13 of the Charter) at all levels, under conditions of equity and universality. This constitutes a pillar of social cohesion, providing particularly strong protection for vulnerable groups and preventing any form of exclusion: in Spain, no person is deprived of full access to healthcare on account of a lack of resources.

The analysis carried out by the complainant organisation is extensive with regard to the minimum income benefit, addressing a wide range of aspects relating both to the legal framework governing the benefit and to its practical implementation.

However, in order to conclude, as is sought by the complainant entity, that Spain is in breach of its obligations under Articles 30 or 13§1 of the Revised European Social Charter, a

combined analysis of the various public policies and instruments which, taken together, shape the State's action in the field of social protection and the fight against poverty and social exclusion would have been required, since all of these operate in a complementary manner within the system and none of them can be considered in isolation.

In conclusion, in the view of this representation, the Committee should not assess whether the Kingdom of Spain has breached the commitments arising from Articles 30 or 13§1 of the Charter unless the various public policies and instruments referred to are submitted for examination in a combined manner.

- **General observations concerning the complainant organisation's sweeping criticism of the system, both as regards its normative framework and its implementation in practice.**

The minimum basic income benefit is a social benefit that was introduced relatively recently in Spain, in 2020, with the aim of responding to the urgent need to strengthen social protection in a context characterised by the fragmentation of regional minimum income schemes, and which was introduced against the backdrop of an acute health, economic and social crisis.

Since June 2020, this benefit has protected more than 2.5 million beneficiaries.

The **total amount** disbursed in respect of minimum income benefit payments since its introduction **has amounted to nearly EUR 20 billion** (20,000 millions.)

It is a "living" benefit, which has been subject to continuous development since its initial design:

- i) At the regulatory level, since its initial legislative design, the regulation of the benefit has been subject to ongoing amendments aimed at improving it.
- ii) At the level of implementation, the administrative management of the benefit has progressively improved since it was first brought into operation.

The **improvements** that the system has undergone since its initial design and entry into operation are due, to a large extent, to the **continuous oversight and supervision** to which it is subject by various public institutions, which have been carrying out intensive

monitoring activities, as well as evaluation and analysis of the system's effectiveness and efficiency and of the achievement of the objectives it pursues.

This does not preclude the authorities from continuing their efforts and work to improve the system, as has been the case since its inception and continues to be so at present. However, the scope for further improvement of the system and of its practical implementation should not detract from the fact that it constitutes an instrument designed to serve as a benchmark guarantee of minimum income for the population in situations of extreme vulnerability, which has achieved to date notable results and is intended to become a genuine pillar of social cohesion.

On the request for immediate measures attached to the reply to the State's observations on the merits.

In its reply to the State's observations on the merits, the complainant organisation submits a request for the adoption of immediate measures, seeking the provisional suspension of recovery proceedings—whether already initiated or liable to be initiated in the future—concerning the reimbursement of benefits unduly received in the form of the minimum income benefit, under the terms indicated.

This request constitutes a reiteration of the application initially submitted by the complainant organisation and expressly rejected by the Committee, by fourteen votes to one, in its Decision of 15 May 2025. Accordingly, the present request amounts, *de facto*, to a form of appeal against that Decision, which is not provided for under the rules governing the procedure before the Committee.

For this reason alone, we consider that the request submitted cannot be granted.

In any event, we draw attention to the fact that the Committee has not invited the Government of Spain to submit observations in respect of the request for immediate measures, pursuant to Rule 36 of the Committee's Rules. Accordingly, we consider that it is not appropriate to make any comments in this regard.

Madrid for Strasbourg, 30 April 2026
THE COAGENT OF THE SPANISH KINGDOM



Heide-Elena Nicolás Martínez

Annexes

Annex 1. Report issued by the Ministry of Inclusion, Social Security and Migration (General Secretariat for Inclusion).

Annex 2. Report issued by the Ministry of Economy, Trade and Business.