



29/06/2023

RAP/RCha/ESP/1 (2023)

EUROPEAN SOCIAL CHARTER **(REVISED)**

Comments submitted by
Confederación Intersindical Galega (CIG)
on the 1st National Report on the implementation of the
European Social Charter (revised)

Report registered by the Secretariat
on 29 June 2023

CYCLE 2023



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**Comments by the
Confederación Intersindical Galega (CIG)
to the
35th report
presented by the Spanish Government to the European Committee of
Social Rights, in relation to the Kingdom of Spain's fulfilment of the
European Social Charter
Articles 7, 8, 16, 17 and 19**

European Social Charter
Cycle 2023
Period 01/01/2018 - 31/12/2021

1. The 35th report¹ was submitted by the Government of Spain on 16 January 2023 and concerns the accepted provisions relating to thematic group 4, concerning “*Children, families and migrants*”, which includes the following articles:
 - the right of children and young persons to protection (Article 7),
 - the right of employed women to protection of maternity (Article 8),
 - the right of the family to social, legal and economic protection (Article 16),
 - the right of mothers and children to social and economic protection (Article 17),
 - the right of migrant workers and their families to protection and assistance (Article 19).
2. Spain ratified the European Social Charter on 6 May 1980 and the Revised European Social Charter on 17 May 2021, accepting all of its 98 paragraphs.
3. The reference period was 1 January 2018 to 31 December 2021. However, we will try to provide more up-to-date information when necessary and possible.
4. In its report, Spain proceeds as follows:
 - a. It responds to the findings of non-compliance and requests for additional information issued by the ECSR in its Conclusions XXI-4 (2019)². The articles of the CSE concerned are the following:
 - i. Findings of non-compliance: articles 7§5, 8§2, 8§3, 16, 19§4, 19§6 and 19§10.
 - ii. Requests for additional information in order to assess the situation: Articles 7§3, 7§9, 7§10, 17, 19§2, 19§3 and 19§9.

¹ <https://rm.coe.int/rap-cha-esp-35-2023/1680aa182e> (French)

² <https://rm.coe.int/rapport-esp-en/16809cfbea> (English)

- b. Since this is the first time that it is provided information regarding the application of the Revised European Social Charter (RESC), the report provides information relating to Articles 8§4, 8§5, 17§2, 19§11, 19§12, 27 and 31.
5. Trade unions, employers' organisations, non-governmental organisations, human rights institutions and equality bodies were invited to submit their comments on the aforementioned report under the reporting procedure by 30 June 2023³.
6. The Confederación Intersindical Galega (Galician Unions' Confederation) is a trade union that:
- defends the national identity of Galicia and the self-organization of the Galician workers;
 - practices solidarity and internationalism;
 - considers democracy and participation a fundamental principle;
 - maintains independence from any other organization or institution;
 - expresses itself in Galician language and promotes the Galician culture.

Article 7 – The right of children and young persons to protection

§1 - to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education

7. In its report, Spain limits itself to providing a list of the administrative infractions found in terms of the minimum age for access to work in the period 2018 to 2021. This does not seem to be sufficient information, taking into account that the Committee requested complete data, including the informal economy.
8. According to the United Nations, Spain is among the main transit and destination countries for trafficking, especially of women and girls for the purpose of sexual exploitation. However, the true extent of the phenomenon is unknown. Although in recent years the Ministry of Interior has produced official statistics on the number of victims broken down by sex and nationality, the formal identification of the detected victims continues to be a challenge, as responsibility for the process falls on the victim herself.
9. In addition, there continues to be a tendency to focus on trafficking for the purpose of sexual exploitation, and specifically on trafficking for the purpose of forced prostitution, although sexual exploitation can occur in other forms and in other contexts (eg. pornography, massage parlors, chats and erotic web, etc.). Its impact is undeniable, since it affects more than half of the victims identified worldwide, of which the vast majority are women and girls. However, the current perspective may be underestimating the other purposes of trafficking, such as labour exploitation,

³ <https://www.coe.int/en/web/european-social-charter/-/third-party-organisations-are-invited-to-submit-additional-information-to-the-ecsr-on-the-rights-of-children-families-and-migrants-by-30-june-2023>

begging, commission for criminal activities, domestic servitude or organ removal. Likewise, it does not allow a correct recognition of how men, women, boys, girls and transgender people experience trafficking, the consequences they experience and their vulnerabilities, nor does it permit the identification of appropriate protection and assistance measures according to individual needs.

10. For more extensive information on this issue, which conceals true humanitarian dramas, we refer to the report “*La otra cara de la trata. Informe diagnóstico sobre otras formas de trata que afectan a las mujeres*” (2019)⁴, authored by Laura Carrillo Palacios and Teresa De Gasperis and edited by Accem (NOVICOM Project).
11. In any case, we understand that the conclusion must be deferred due to lack of information from the Spanish Government.

Article 7 – The right of children and young persons to protection

§5 - to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances

12. In its previous Conclusions XXI-4 (2019), the Committee concluded that the situation in Spain is not in conformity with Article 7§5 of the 1961 Charter on the grounds that: (a) young workers’ wages are not fair; (b) it has not been established that apprentices’ allowances are adequate.
13. Regarding the unfairness of the wage, the non-conformity situation must be maintained. The Government emphasizes in its report the rise of the interprofessional minimum salary (SMI) in recent years, which is applicable regardless of age or sex. But it should be remembered that the Committee itself, in its recent Conclusions XXII-3 (2022)⁵, has declared that Spain continues not to comply with article 4§1 of the 1961 Charter, on the grounds that: (a) it has not been established that the minimum wage in the private sector can ensure a decent standard of living; (b) it has not been established that the minimum wage in the public sector can ensure a decent standard of living.
14. In addition, in the report that is the subject of these observations, the Spanish Government maintains its practice of not providing information on the net amount of salary, despite the fact that the Committee has insistently demanded it. Thus, as Professor Xosé Manuel Carril Vázquez explains in a recent article⁶, “*remuneration is fair when the minimum wage is not less than 60% of the net national average wage, based on the assessment in net amounts (that is, once taxes and social security contributions have been deducted), without prejudice to resorting to the Gross national average wage when States only report the gross amount of the minimum wage, without providing figures on its net amount. The economic data used by the ECSR to justify its decisions come from the*

⁴ <https://www.accem.es/publicacion-la-otra-cara-de-la-trata/> (Spanish)

⁵ <https://rm.coe.int/conclusions-xxii-3-2022-spain-e/1680aa9859> (English)

⁶ Carril Vázquez, X.M. (2023), “*En 1000 palabras, el (in)cumplimiento español en materia salarial de la Carta Social Europea (Nihil novum sub sole)*”, Briefs AEDTSS 2023 | https://www.aedtss.com/wp-content/uploads/2023/06/43_CARRIL_salarios-minimos.pdf (Spanish)



statistical office of the European Union (Eurostat) and are obtained on its website, through the section "Annual net earnings", by going to its "Earnings structure" section, which allows selecting the "gross earnings" and "net earnings" by States, and to its "earnings case" section, in which it is necessary to mark "Single person without children earning 100% of the average income [Single person without children earning 100% of the average earning]".

15. Applying this criterion, the average gross annual salary in Spain in 2021 (last year affected by this reporting cycle) was, according to Eurostat, 27,570.48 euros, so that 60% of that amount amounted to 16,542, 28 euro. However, the annual SMI for 2021 was 13,510 euros, so it was 49% of the average gross salary. Therefore, it is inevitable to conclude that Spain continues to breach the Charter, also in relation to Article 7§5.
16. The non-conformity situation must be also maintained regarding the inappropriateness of apprentices' allowances. As the Government indicates in its report, both the new "alternating training contract" (Article 11.2 of the Workers' Statute) and the new "training contract to obtain professional experience" (Article 11.2 of the Workers' Statute) establish the SMI calculated pro rata of effective working time as a minimum wage reference, and we have already seen how said SMI it does not guarantee a decent standard of living.
17. For all these reasons, the conclusion of non-conformity must be maintained.

Article 7 – The right of children and young persons to protection

§9 - to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control

18. In its Conclusions XXI-4 (2019), the Committee requested complementary information from Spain to assess the situation: general legal framework and eventual reforms, measures for the application of the legal framework, and statistics or other relevant information.
19. In its report, the Spanish Government cites the general regulations on monitoring the health status of workers, which do not contain any specific provision on the regular control of the health of employees under 18 years of age, which is a clear breach of the Charter.
20. Therefore, the conclusion must be non-conformity.

Article 7 – The right of children and young persons to protection

§10 - to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work

21. Similarly to the previous section, the report notes that Spain lacks specific legislation to protect children and young persons from their specific risks at work and the report does not report any initiative or project to adapt internal regulations to the requirements of the Charter.
22. Therefore, the conclusion must be non-conformity.

Article 8 – The right of employed women to protection of maternity

§2 - to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period

23. In its previous Conclusions XXI-4 (2019), the Committee declared that the situation of Spain was not in conformity with Article 8§2 of the 1961 Charter on the ground that the reasons for dismissal of an employee during pregnancy or maternity leave go beyond the admissible exceptions, such as serious misconduct justifies terminating the worker's employment, if the company ceases to operate or if the period prescribed in the employment contract expires.
24. However, Spanish legislation maintains the possibility of dismissing pregnant workers in other cases, such as a collective redundancy, even if the company has not ceased to operate. In this sense, the *iuris tantum* presumption of nullity of the dismissal of Article 53.4 of the Workers' Statute admits proof to the contrary by the company, so that the redundancy of a pregnant woman continues to be a valid cause for her dismissal for "objective reasons".
25. It is not admissible for the Government's report to cite again in defense of its position the CJEU ruling of 22 February 2018 (C-103/16, Porrás Guisado), which had already been analyzed in the Committee's previous conclusions. Therefore, we conclude that the grounds for dismissal of an employee during pregnancy or maternity leave go beyond the admissible exceptions and that the situation is consequently not in conformity with Article 8§2 of the Charter.
26. Regarding the request for information on specific examples of compensation in cases of illegal dismissal of pregnant workers or on maternity leave, the report limits itself to citing three specific judgments of higher courts that set compensation for violation of fundamental rights in response to the particular circumstances of the plaintiffs, which are not specified in the report. In our opinion, this is not a significant sample that allows us to affirm that the situation is in accordance with the Charter.
27. Therefore, the conclusion must be non-conformity.

Article 8 – The right of employed women to protection of maternity

§3 - to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose

28. In its previous Conclusions XXI-4 (2019), the Committee declared that the situation of Spain was not in conformity with Article 8§3 of the 1961 Charter on the ground that women working in the public sector are entitled to paid breastfeeding breaks.
29. For civil servants, the nursing leave in Article 48.f) of the Basic Statute of Public Employees, which establishes that for breastfeeding a child under twelve months they will be entitled to one hour of absence from work that may be divided into two fractions. This right may be replaced by a reduction in the normal working day by half an hour at the beginning and end of the day, or by one hour at the beginning or end of the day, for the same purpose.
30. For people with a labour contract, the reference standard is Article 37.4 of the Workers' Statute, which establishes that workers will have the right to one hour of absence from work, which they can divide into two fractions, for the care of the infant until this one is nine months old. When both parents exercise this right with the same duration and regime, the period of enjoyment may be extended until the infant turns twelve months, with a proportional reduction in salary from the completion of nine months or the applicable collective agreement establishes a longer period.
31. In our opinion, the difference in the duration of the leave based on the person's legal relationship is not justified (up to twelve months for civil servants and up to nine months for other workers) and, in any case, it does not seem like a duration "sufficient" within the meaning of the Charter. According to the World Health Organization (WHO) and the American Academy of Pediatrics (AAP), the Breastfeeding Committee of the Spanish Association of Pediatrics⁷ recommends exclusive breastfeeding for the first six months of the child's life and continuing with breastfeeding together with other foods that complement the diet up to two years of age or more, as long as the mother and child wish.
32. Therefore, we consider that the conclusion should be non-conformity.

Article 8 – The right of employed women to protection of maternity

§4 - to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants

33. The report explains the regulation of article 36 of the Workers' Statute and article 26 of the Occupational Risk Prevention Law, which lead to the evaluation of occupational risks that must be carried out at the level of each company the decision to limit or prohibit night work as a protection measure for female workers in the situations referred to in Article 8§4 of the Charter.

⁷ https://www.aeped.es/sites/default/files/recomendaciones_english_2014.pdf (English)



34. However, there is no general regulation on this matter that imposes prescriptive measures taking into account the risks of each sector of activity, which makes union, administrative and judicial control difficult.
35. For this reason, we understand that the conclusion must be non-conformity.

Article 8 – The right of employed women to protection of maternity

§5 - to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women

36. Similarly to the previous section, the report confirms the absence of a general rule of a state nature that identifies the sectors or activities in which it is prohibited to carry out work activities that are dangerous, unhealthy or arduous for women in the situations described in Article 8§5 of the Charter. The legislation chooses to defer this decision to the evaluation of occupational risks that is carried out at the level of each company.
37. Therefore, we understand that the conclusion must also be non-conformity.

Additional information on obstetric violence

38. In addition to the purely financial benefits, maternity protection also includes health care, about which nothing is said in the report. With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, recognized in Article 8 of the Charter, we would like to present the problem of obstetric violence, on which the Government report does not pronounce itself despite being the object of increasing attention by specialists.
39. Obstetric violence refers to the practices and behaviours carried out by health professionals on women during pregnancy, childbirth and the puerperium, in the public or private sphere, which by action or omission are violent or can be perceived as violent. It includes inappropriate or non-consensual acts, such as episiotomies without consent, painful interventions without anaesthetics, forcing birth in a certain position or providing excessive, unnecessary or iatrogenic medicalization that could cause serious complications. This violence can also be psychological, such as treating the user as childish, paternalistic, authoritarian, contemptuous, humiliating, with verbal insults, depersonalized or with humiliation.
40. Obstetric violence constitutes gender discrimination and represents a violation of human rights from a perspective of health rights and the sexual and reproductive rights of women, understood as inalienable and indivisible rights of human rights. These dehumanizing practices constitute a real problem for the State and public health in various countries around the world, including Spain. Transgressions during



childbirth generate high economic and social costs⁸. In any case, beyond the costs, there is an ethical and moral imperative that has to do with achieving fairer and more equitable societies, free of all types of violence.

41. Given the absence or communication interference between health professionals and users, it is advisable to create areas that encourage fluid dialogue, with an exchange of perceptions and perspectives. In this sense, it would also be advisable to implement a birth plan that fully respects the autonomy of women. Another interesting aspect to improve the current situation would be to implement programs that make gender violence visible in the health field, promote research related to obstetric violence and achieve interventions that reinforce the autonomy of users. The recognition of the existence of obstetric violence in our health system is the first step to achieve a more just, equitable and democratic society⁹.
42. Next, we present a series of court rulings that we consider expressive of the seriousness of the problem.
 - a. Judgment of the Contentious-Administrative Court no. 1 of Mérida, 17 June 2021 (proc. 53/2020). Condemns the Health Administration for cerebral palsy due to malpractice in childbirth.¹⁰
 - b. Judgment of the Contentious-Administrative Court no. 2 of Palma, 21 April 2016 (proc. 64/2013). Condemns the Health Administration for opposing the decision of a pregnant woman who claimed her right to refuse an episiotomy.¹¹
 - c. Judgment of the Contentious-Administrative Court no. 1 of Santander, 2 September 2019 (proc. 333/2018). Condemns the Health Administration for neglect in the emergency room resulting in intrauterine foetal death.¹²

Article 16 - Right of the family to social, legal and economic protection

43. In its previous Conclusions XXI-4 (2019), the Committee declared that the situation of Spain was not in conformity with Article 16 of the 1961 Charter on the ground that the level of family benefits is inadequate as it does not constitute a significant income supplement.
44. The Government emphasizes in its report that the non-contributory family benefit consisting of a financial allowance for a dependent child aged under 18, not disabled

⁸ P. Terán, C. Castellanos, M. González Blanco, et al. *Violencia obstétrica: percepción de las usuarias*. Rev Obstet Ginecol Venez., 73 (2013), pp. 171-180.

⁹ Rodríguez Mir, J and Martínez Gandolfi, A. (2021) *La violencia obstétrica: una práctica invisibilizada en la atención médica en España*. Gaceta Sanitaria, Vol. 35. Núm. 3. pp. 211-212

¹⁰ <https://www.franciscafernandezguillen.com/wp-content/uploads/2021/03/Sentencia-resumen-caso-real-V.pdf>

¹¹ <https://www.franciscafernandezguillen.com/wp-content/uploads/2021/04/ST-JDO.-DE-PALMA-EPISIOTOMIA-21-04-16.pdf>

¹² <https://www.franciscafernandezguillen.com/wp-content/uploads/2021/03/Sentencia-resumen-caso-real-V.pdf>

or with a disability rate of less than 33%, fixed in 2022 at 341-588 euros/year (291 euros up to in 2019) – which is the element on which the Committee of Social Rights relied to estimate that family allowances represent only around 2% of the median monthly income adjusted by EUROSTAT, which clearly reflects the loss of their protective nature and justifies the conclusion of non-conformity with Article 16 of the Social Charter – has been abolished and is now replaced by the new subsistence minimum income benefit or “ingreso mínimo vital” (IMV).

45. However, in a recent report¹³, the Independent Authority for Fiscal Responsibility (AIReF) notes little progress in the deployment of the minimum vital income:

- a. As of December 2022, there was still the same number of IMV beneficiaries as the previous year; 284,000 households out of the 800,000 that could receive the benefit, which in turn represents 47% of potential spending. This figure is lower in the new childhood supplement, which if fully implemented could benefit 1.5 million families and at the end of 2022 was limited to covering 274,000 households.
- b. In addition, AIReF also detects difficulties in the field of management. Thus, the IMV refusal rate in 2022 stands at 69%, a figure very similar to that of 2021. On the other hand, 83% of the IMV beneficiaries saw a change in the amount received on their monthly payroll as consequence of the reviews carried out by the National Institute of Social Security (INSS), once the definitive income data is known. Specifically, 67% of the beneficiaries saw the amount revised and 16% drop the benefit after the review, for which they are asked to return an average of 2,500 euros. According to the AIReF analysis, the numbers of potential non-applicant beneficiaries (non-take-up) are at the same level as the previous year (58%) and the new childhood supplement in its first year shows a non-take-up that exceeds that of the IMV (76%).

46. In our opinion, the figures are too low. The administrative requirements, the delays in the evaluation of the files and the complexity of the concession and use procedure have played against an urgent instrument in the fight against poverty and social exclusion. The IMV is an essential mechanism, but to fully achieve its objectives it is necessary to rethink the procedure for access to it. Its recipients are objectively the most unprotected segments of the population and also the most disconnected from the Administration, and any management in it can become a labyrinth in which it is only possible to move if there is an adequate network of primary care social services that, unfortunately, it has not reached a satisfactory level of development. Having a generous budget item is of little use if the network of offices and social services that should facilitate and guide families in accessing the benefit is collapsed, underfunded, or inaccessible to a population that feels it is far away, too complex, or even unaware its existence.

¹³ AIReF. *Segunda opinión sobre el ingreso mínimo vital* (June 2023) | <https://www.airef.es/es/centro-documental/segunda-opinion-sobre-el-ingreso-minimo-vital/> (Spanish)



47. For all these reasons, the conclusion of non-conformity must be maintained.

Additional information on gender violence

48. Gender violence is a violation of human rights. According to the World Health Organization, 35% of the female population has suffered at some time in their lives physical and/or sexual violence from a sentimental partner or sexual violence from another man without that relationship; In addition, violence by a partner begins very soon, since 24% of young people between the ages of 15 and 19 have already suffered it at least once. Facts and figures on the different forms of violence against women and girls compiled by UN Women complete this chilling social portrait.
49. The statistical deficit in the number of women murdered by men who are not partners or ex-partners has been corrected as of 2019, when all victims of sexist violence began to be counted, regardless of their relationship with the aggressor. This was agreed by the State Pact on Gender Violence approved by Spanish Parliament in 2017, which followed the 2011 recommendations of the Council of Europe Convention on Preventing and Combating Violence against Women, known as the Istanbul Convention, who advocated recognizing as gender violence all types of violence against women for the mere fact of being so.
50. There are other hidden figures in gender violence in Spain. According to the 2019 Violence Against Women Macro-Survey¹⁴ –whose broad sample makes it one of the most accurate portraits of the situation–, 11% of women aged 16 and over have suffered physical or sexual violence of violence throughout their lives. their partners or ex-partners. That percentage is equivalent to 2.2 million women. And the figure reaches 24.4% (4.9 million women) when the aggressors also include other men without that sentimental relationship. Vicarious violence is a form of violence against children that, in addition, the aggressor uses to punish the woman by harming her children.
51. Despite the insistence of the authorities on the need for the victims to file a complaint in order to initiate intervention resources, few women continue to take this step (only 21% of those murdered since 2003 have done so), which confirms that there are still many barriers to overcome.
52. In fact, according to a study by the Government Delegation for Gender Violence carried out by the Igual a Igual Foundation¹⁵, victims of sexist violence take an average of eight years and eight months to express their situation, either in support services and legal advice, either filing a complaint against your attacker. The drops that usually break the camel's back are above all the serious psychological damage (54%), the physical damage of the last attack (41%) or the conviction that their children are already aware of the domestic violence (30%).

¹⁴ <https://violenciagenero.igualdad.gob.es/violenciaEnCifras/macroencuesta2015/Macroencuesta2019/>

¹⁵

http://www.violenciagenero.igualdad.mpr.gob.es/violenciaEnCifras/estudios/investigaciones/2019/pdfs/Estudio_Tiempo_Denuncia4.pdf



53. Among the reasons for the delay in reporting – several answers could be given – "fear of the aggressor's reaction" occupies a prominent place (50%), while 45% believed that they could solve the problem alone and 36% "did not recognized themselves as victims". 32% said they felt guilty and responsible for the situation, and 29% said they felt sorry for the aggressor.
54. Personal circumstances are also important, such as lack of resources (64% were financially dependent on their aggressor when the abuse began, and 44% when they asked for help), age (women under 35 react earlier, and later those over 65), maternity or not (those who do not have children report earlier) or the level of training (women with university studies take less time).

Additional information on family benefits

55. As indicated in the Government report, for citizens of member states to receive non-contributory family benefits, a minimum residence time is not required, but the requirement of legal residence is. This condition is not required, however, for registration, which allows access to other services such as health care or schooling. In the case of minors, it seems necessary to us that family aid is not conditioned for this reason.

Additional information on vulnerable families and evictions

56. The Government approved a rule (Royal Decree-Law 20/2022, of December 27) to suspend evictions that remains in force until June 30, 2023. However, the suspension is subject to certain requirements:
- Being unemployed.
 - Having lost almost half (40%) of the income.
 - Do not exceed family thresholds of three times the IPREM, that is, do not collect about 1,613 euros per month for the whole family.
57. These requirements do not prevent the social drama: 4,076 evictions in the last quarter of 2022 and 40% more in just three months, as a result of the sudden stop in the purchase and sale of housing and the difficulties in paying mortgages.



58. Evictions in general rise by almost 40%, especially among individuals. It is the maximum in the historical series, while the eviction of companies (11.36%) is the minimum in the historical series. The number of evicted people rises two points compared to the last quarter.

59. Among the evicted, nine out of ten are Spanish and only 9.81% of the evictions are among foreigners. The evictions are mainly concentrated in four territories in which three out of every four executions or evictions accumulate:



60. The majority are Spanish because foreigners who have bought a home tend to have a higher level of income, but the composition of nationalities also shows that there are evictions because there is not enough money to pay the mortgages. The British lose what are usually their second homes and, from there:

- Moroccans: 11%
- Ecuadorians: 8.7%
- Romanians: 6.6%
- Ukrainians: 3.6%
- Colombians: 3.3%

Additional information on widow's pensions

61. A fundamental aspect for the economic protection of the family on which the Government of Spain is silent in its report are the death and survival benefits, designed to compensate for the situation of economic need that the death of others produces for certain people.

62. The widow's pension is an economic benefit, granted by Social Security, received by people who have had a marriage relationship, or a *more uxorio* relationship, with the deceased. The objective of the widow's pension is to avoid a possible 'lack of protection' of the beneficiary (and/or of the family unit) after the death of the person who "originates" the benefit, especially if this was the one who generated most of it (or all) of the income. The widow's pension should therefore help to cover the economic needs that may be experienced in the future.

63. Widow's pensions constitute a fundamental pillar of the welfare state since they prevent situations of poverty during old age for a large number of women. Indeed, 96% of the widow's pensions are received by women and 40% of them do not have the right to receive the retirement pension because they did not contribute enough¹⁶. For men, on the other hand, widow's pensions do not play an important role. The main reason is that men have a lower life expectancy than women, but also because, unlike women, most of them are entitled to a retirement pension. In fact, there is significant gender inequality in contributory pensions in Spain.

Tabla 3: Pensión de jubilación y de viudedad de Mujeres (media) -2019-Estadísticas INSS

	Jubilación	Viudedad	% pensiones de Jubilación
65-69	1.103,3	786	85
70-74	906,6	779	77
75-79	740,3	752	63
80-84	648,9	728	49
85 y más	608,8	685	39

Fuente: eSTADISS – Estadísticas del INSS.

¹⁶ Fuster, Luisa (2021). *Las pensiones de viudedad en España*. Fedea, Estudios sobre la Economía Española - 2021/06 | <https://documentos.fedea.net/pubs/eee/eee2021-06.pdf> (Spanish)

64. We want to draw attention, however, to the small amount of widow's pensions:

- a. The amount charged, as a widow's pension, is, as a general rule, 52% of the regulatory base that would correspond to the originator of the pension.
- b. The amount can be increased to 70% of the regulatory base if these requirements are met: (a) the pensioner has a dependent family member (for example, children under 26 years of age or disabled people); (b) the widow's pension is the main, or only, source of income (that is, the amount obtained will represent more than 50% of the income received by the pensioner); (c) the annual income of the pensioner in 2022, for all the concepts of his declaration, does not exceed the amount of €19,627.6.
- c. Since January 1, 2019, the percentage to be received (with respect to the regulatory base) of the widow's pension has risen to 60% for those over 65 years of age, provided that: (a) They are not entitled to another public pension and In addition, they do not have other income (from work for others or their own account); (b) Does not have other income, movable or real estate capital, as well as capital gains or income from economic activities that exceed €7,707.00/year.

65. The minimum widow's pension to be collected by the beneficiary is specified in the following table:

	Euros/month	Euros/year
Person who has family responsibilities	905.86	12,682.13
Person with 65 years of age or, instead, with a disability that exceeds 65%	783.04	10,962.62
Person aged between 60-64 years	732.59	10,256.29
Person less than 60 years of age	593.27	8,305.89

Additional information on the aid for funeral

66. We also want to address another issue ignored in the government report: the ridiculous amount of aid for funerals. This is a Social Security benefit intended to help the persons who are presumed to bear it (the spouse, the surviving cohabitant, the children of the deceased who habitually lived with him and the relatives who lived with the deceased).

67. It is a single amount of 46,50 euros¹⁷, obviously insufficient to cover the funeral expenses. According to the Organization of Consumers and Users¹⁸, the price of a simple burial exceeded 3,700 euros in 2001, and cremation, just slightly less.

¹⁷ <https://www.seg-social.es/wps/portal/wss/internet/InformacionUtil/44539/45659/45676> (Spanish)

¹⁸ <https://www.ocu.org/dinero/seguros/informe/servicios-funerarios-morir-sale-caro> (Spanish)

Article 17 - The right of children and young persons to social, legal and economic protection

§2 - to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools

Additional information on the free and equitable nature of education

68. The enrollment rate in the first cycle of infant education (0-3) in Spain varies widely according to income level. Undoubtedly, the most important factor is the high cost associated with a non-compulsory and non-universal level of education. The reduction in public educational spending in the years of crisis -15% between 2009 and 2014 (MECD 2018)- reduced the contributions of a large part of the regional governments to this section of schooling, with which the private spending of families in education it increased to 28% (Pérez and Uriel, 2016)¹⁹. The increase in private costs and the scarcity of bonus or social pricing systems have accentuated inequalities in access to early childhood education.
69. The scholarship system is mainly concentrated in the university stage, to the detriment of other post-compulsory stages. By education levels, 50.3% of the scholarship recipients are students of pre-school, compulsory education and special education, while 27.8% of beneficiaries are studying university education and 21.9% non-university post-compulsory education. However, the amount of the scholarships is concentrated in 50.1% in university education. Taking into account the lower access to the post-compulsory stages of the most disadvantaged social groups, the scholarship system as a whole has a very low redistributive impact that harms families from the most vulnerable social groups (Martínez-Celorrio, 2015)²⁰.
70. According to data from PISA 2015, Spain is one of the European countries with the highest school segregation by socioeconomic level (dissimilarity index 0.38 and isolation index 0.326), with similar figures to Eastern countries (Murillo & Martínez-Garrido, 2018)²¹. In addition, the dissimilarity indices for students who live in homes with a higher and lower socioeconomic level (first and fourth quartiles), place Spain among the countries with the highest levels of school segregation. School segregation between Autonomous Communities is particularly unequal. While the Balearic Islands, Galicia and Aragon present indices that are among the lowest in Europe, the Community of Madrid registers a very high segregation, only surpassed by some territories in Hungary.
71. The dualization between the public and private sectors in Spain is reflected in the social composition of schools. According to a recent study, in Spain 88.4% of 15-

¹⁹ Pérez, F. y Uriel, E. (2016). "Cuentas de la Educación en España, 2000-2013: Recursos, gastos y resultados". Fundación BBVA.

²⁰ Martínez-Celorrio, Xavier. (2015). "Les Beques a Examen". Fundació Jaume Bofill. Barcelona: Fundació Jaume Bofill. <https://doi.org/10.13140/RG.2.1.2022.1523>.

²¹ Murillo, J y Martínez Garrido, C. (2018). "Magnitud de la Segregación escolar por nivel socioeconómico en España y sus Comunidades Autónomas y comparación con los países de la Unión Europea", Revista de Sociología de la Educación (RASE), vol 11 (1), pp.37-58. <https://doi.org/10.7203/RASE.11.1.10129>

year-old students who come from the 10% of families with the lowest economic level study in public schools. This figure is 36.3% in the case of students who come from families that are in the 10% highest socioeconomic level (Murillo et al. 2018). Despite these differences, school segregation in Spain is not exclusively a dualization problem between sectors. School segregation of immigrant students within the public sector itself is very high and has increased with the economic crisis (Bonal and Zancajo, 2018)²².

Additional information on school dropout

72. The Active Population Survey published on 26 January 2023²³ reveals that early educational abandonment in 2022 remained relatively stable with 13.9% of people between the ages of 18 and 24 who had not completed the second stage of Secondary Education (Medium Grade FP, Basic or Baccalaureate) and did not follow any type of training. After two years of pronounced drop influenced by the pandemic (1.2 and 2.7 percentage points in 2020 and 2021, respectively, the rate has been readjusted in 2022 with a slight increase (0.6 percentage points) compared to the previous year and marks the second lowest figure in the historical series. Since 2012, the early leaving rate in Spain has decreased by almost 11 points, from 24.7% to 13.9%. The difference between men (16.5%) and women (11.2%) is still very significant (5.3 percentage points), but it should be noted that the male early leaving rate improved in 2022 with a decrease of 0.2 points.

Porcentaje de abandono escolar temprano

Personas entre 18 y 24 años sin acabar la segunda etapa de la educación secundaria

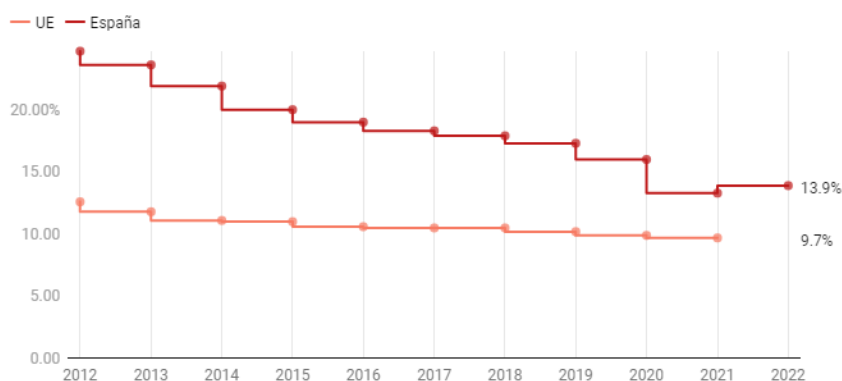


Chart: Público · Source: Ministerio de Educación · Get the data · Created with Datawrapper

73. In this way, school dropout in Spain rebounds for the first time in the decade, but the Ministry of Education assures that it is due to unusual effects of the pandemic. Even with everything, the Spanish historical minimum does not even equal the maximum of the European Union in the last decade. Currently, the difference is 4.2%. The average has risen slightly but between 2020 and 2021 it had fallen by almost 3%.

²² Bonal, X. y Zancajo, A. (2018). "School segregation in the Spanish quasi-market education system: local dynamics and policy absences". en: Bonal, X. y Bellei, C. (eds) *Understanding school segregation: patterns, causes and consequences of spatial inequalities in education*. London: Bloomsbury.

²³ <https://www.educacionyfp.gob.es/servicios-al-ciudadano/estadisticas/laborales/epa.html> (Spanish)

74. The high rate of early school leaving in Spain has not been sufficiently compensated through the expansion of second chance programs that allow the educational reintegration of many young people. In this way, to their labour exclusion must be added the difficulty of finding educational reintegration schemes or specific programs suited to their needs. There is ample room to establish new training pathways for young people and adults, pathways that allow them to reintegrate into professional or academic training flexibly, and programs that recognize their skills.

Additional information on the teaching of the Galician language

75. As the Committee has stated, States Parties must establish and maintain an accessible and effective system of education. There must be a mechanism to control the quality of teaching and the methods used in public as well as private educational institutions (Conclusions 2003, Bulgaria).
76. A very relevant aspect in the configuration of the right to a fair, equitable and quality education is the right of children to receive education in their own language. That is why we want to dedicate a section of these comments to briefly explain the situation of the official and autochthonous language of Galicia in the educational field, despite the fact that the Government report is silent in this regard.
77. In this sense, the European Charter for Regional or Minority Languages²⁴ was ratified by Spain on 9 April 2001, entered into force on 1 August 2001 and applies to the Galician language in Galicia, in all fields of public life.
78. As stated in the recent report of the Committee of Experts of 23 March 2021 — MIN-LANG (2021) 7²⁵— the distribution of languages between school subjects is not equal. The number of subjects taught in Galician in schools where English has been introduced is as low as 33%. Galician is present in only a fraction of the pre-schools. There is detectable public opposition against further implementation of Decree 79/2010 and solid support for the introduction of a language immersion teaching model. Teaching material in Galician is also insufficient. As a result of this situation the percentage of children under 15 years of age who cannot speak Galician is 23.9%, according to a study carried out by the Galician Statistics Institute. This trend could lead to a steady increase of those who cannot speak Galician at all.
79. The Committee of Experts points out that Spain ratified Article 8.1 ai, bi, ci, di of the European Charter for Regional or Minority Languages which means that education must be provided with Galician as the medium of instruction. The existing legal framework is contrary to Spain's undertakings. The Committee of Experts reiterates the importance of providing a sufficient level of language education throughout the entire range of education and asks the state authorities to report on the undertakings in the next evaluation report. In addition, it seems necessary to consult the speakers on the issue of choice of the educational model that best suits their needs. The

²⁴ <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/text-of-the-charter>

²⁵ <https://rm.coe.int/spainevaliria5-en/1680a26f9e> (English)

Committee of Experts considers that not all the limitations to teaching in Galician have been removed.

80. In our opinion, this intolerable situation is also relevant when determining non-compliance with article 17§2 of the European Social Charter, as it affects the right to education of Galician children, for which reason all obstacles must be removed, in teaching this language.

Additional information on the right to education of children with special needs

81. Spain does not report that it has violated the right to inclusive education of a child with Down syndrome who was sent to a special education centre by national authorities, despite his parents' objections.
82. The Committee on the Rights of Persons with Disabilities has found (Views adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 41/2017, date of adoption 28 August 2020)²⁶. In its first decision on the right to inclusive education, the Committee concluded that Spain failed to assess the child's specific requirements and to take reasonable steps that could have allowed him to remain in mainstream education. Thus the State party failed to fulfil its obligations under the Convention on the Rights of Persons with Disabilities.
83. And in its recommendations the Committee states the following:

“the Committee refers to the recommendations contained in its concluding observations (CRPD/C/ESP/CO/2-3, paras. 46 and 47) and in its inquiry concerning Spain under article 6 of the Optional Protocol (CRPD/C/ESP/IR/1). In particular, it requests the State party, in close consultation with persons with disabilities and the organizations that represent them, to:

- (i) Expedite legislative reform, in line with the Convention, to fully eliminate the medical model of disability and clearly define full inclusion of all children with disabilities and its specific objectives at each level of education;*
- (ii) Take measures to ensure that inclusive education is considered as a right, and grant all students with disabilities, regardless of their personal characteristics, the right of access to inclusive learning opportunities in the mainstream education system, with access to support services as required;*
- (iii) Formulate a comprehensive, inclusive education policy with strategies for promoting a culture of inclusion in mainstream education, including individual rights-based assessments of educational needs and necessary accommodations, support for teachers, respect for diversity in ensuring the rights to equality and non-discrimination, and the full and effective participation of persons with disabilities in society;*

²⁶

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolNo=CRPD%2fC%2f20%2f3&Lang=en (English and Spanish).

- (iv) *Eliminate any educational segregation of students with disabilities in both special education schools and specialized units within mainstream schools;*
- (v) *Ensure that the parents of students with disabilities cannot be prosecuted for neglect if they demand that their children's right to inclusive education on an equal basis with others be respected".*

84. Spain, to date, has not complied with these recommendations, so that the right to education of young people with disabilities and special needs is not guaranteed. And for the same reason, it does not comply with Article 17§2 of the Social Charter, which provides that the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Additional information about school insurance

85. As a last contribution in relation to Article 17§2 of the Charter, we want to draw attention to the meager amount of school insurance benefits, another issue on which the Spanish Government avoids ruling in its report.

86. It is a benefit regulated in Francoist legislation, the Law of 17 July 1953, on the establishment of School Insurance in Spain. The risks covered are: school accident, family misfortune (situation in the student's home, which prevents him from continuing the studies already begun and which may be caused by the death of the head of the family or by family ruin or bankruptcy) and illness.

87. The benefits²⁷ are absolutely negligible:

- a. For example, if the accident results in permanent and absolute incapacity for studies already begun, compensation is paid ranging from 150.25 to 601.01 euros, fixed in proportion to the time of studies already carried out and to the reduction of subsequent capacity for a professional activity.
- b. If the accident results in death, the family members will be paid 30.05 euros for burial expenses. If the accident occurred in a place other than the family residence, these expenses can range between 30.05 and 120.20 euros.
- c. In case of family misfortune, the amounts of the benefit are also absurdly low: 86.55 euros for students belonging to non-large families; €103.85 for students belonging to large families of general category; 129.82 euros for students belonging to large families of special category.

Article 19 - The right of migrant workers and their families to protection and assistance

²⁷ <https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/28622/28635>

§2 - to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey

Additional information on health care for migrants

88. Responding to a specific request for information from the Committee in its Conclusions XXI-4 (2019), the Government refers to the conditions of access to health services by migrant workers, both at the time of their arrival in the country and during the trip.
89. In accordance with the new Royal Decree-Law 7/2018, of July 27, on universal access to the National Health System, foreign citizens who reside in Spain but are not registered or authorized as residents must meet the following requirements:
- a. Having overcome the stay situation; that is to say, that more than 90 days have elapsed since the entry into Spain.
 - b. Not having a valid visa or residence permit or being registered in the Register of Citizens of the European Union.
 - c. Be registered in Spain for a minimum period of 3 months.
 - d. Not having the obligation to prove the coverage of the benefit by another means, in application of the community regulations for the coordination of Social Security systems or of the bilateral agreements that include the provision of health care, and other applicable regulations.
 - e. Absence of a third party obligated to pay.
90. Admitting that it is a substantial improvement compared to the previous situation, the fact that the right to health care is conditioned on habitual residence does not offer adequate coverage in situations of entry into the country and during the trip, which were the specifically raised by the Committee.
91. Therefore, we understand that the conclusion must be non-conformity.

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§4 - Equality regarding employment, right to organise and accommodation

92. In its previous Conclusions XXI-4 (2019), the Committee declared that the situation of Spain was not in conformity with Article 19§4 of the 1961 Charter on the ground that it has not been established that non-discriminatory treatment is ensured in law

and in practice with regard to enjoyment by foreign workers of the benefits afforded by collective agreements.

93. The Government does not respond to the Committee's specific request for information in relation to MIPEX 2015 index. In MIPEX 2020²⁸, Spain obtains a score of 60/100, higher than the average country score of 49. The situation is worse in the specific section of “anti-discrimination”, which is qualified as “halfway favourable”: Victims of racial, ethnic and religious discrimination are protected by law in Spain. Immigrants who are discriminated against can benefit from strong enforcement mechanisms, but the country’s equality body is weak.
94. As stated in previous conclusions, it is not enough to justify the absence of discrimination in legal regulations, but it is necessary to prove that concrete measures are taken and that they are effective. In this sense, Spain continues without providing any specific data on the degree of unionization of foreign workers and on the absence of de facto discrimination in the benefits derived from collective bargaining.
95. In the absence of specific data, it is possible to affirm that the majority of migrants are assigned to precarious contracts in sectors such as commerce, construction, hospitality and, more generally, small businesses, means that the intensity of their union affiliation is low and short duration, since short stays in a union generally correspond to workers with temporary contracts and who work in companies without other affiliated workers. In contrast, workers in industry and in areas where there is more union presence tend to have more stable and long-lasting membership trajectories.
96. For these reasons, there is nothing to establish that the situation is according with the Charter on this point and the conclusion of non-conformity must be maintained.

Additional information on the right to housing of migrants

97. The most common source for analyzing the housing pattern of the immigrant population in Spain is the 2011 Population and Housing Census, which notes a change in the residential model, both for Spaniards and foreigners. In general, the percentage of owned homes has fallen in the last ten years to 78.9%, while that of rental homes has increased to 13.5%. Thus, the number of rental homes has grown by 51.1% in a decade and stands at 2,438,574 homes. In this sense, 83.8% of households with all their members of Spanish nationality live in a home under the property regime (50.2% fully paid or by inheritance or by donation and 33.6% with pending payments). while in the case of households with a member of foreign nationality, the percentage of owners stands at 44.6% (17.0% fully paid or by inheritance or by donation and 27.6% with pending payments), that is to say, the percentage of Spanish owning families is almost 40 points higher than that of immigrants.

²⁸ <https://www.mipex.eu/spain>

98. In the field of the market, the population of immigrant origin is currently facing a market with a primacy of housing for purchase, with prices at upward trend and a rental market deregulated and in some areas of urban centres, stressed by the pressure from investment funds that speculate on prices and hoard housing. The market, as part of the private sector have a relevant importance. Real estate developers, construction companies, infrastructure developers work constantly and directly on the construction of a considerable amount of park of housing. For this reason, companies also participate in the administration and maintenance of buildings and homes. In this sense, countries, purchase contracts, leasing agreements are a important portion of the needs that act in regard of housing. Thus, it is precisely the private sector that can maintain a negative effect on the right to adequate housing²⁹.

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§4 - remuneration and other employment and working conditions

Additional information on third-country nationals on board Spanish fishing vessels

99. Spain does not indicate anything in its report on the situation of third-country nationals (or non-EU workers) who work on board Spanish fishing vessels under the sustainable fishing collaboration agreements concluded by the European Union with third countries (or non-EU countries)³⁰. These third countries with fishing agreements with the European Union are Cape Verde, Comoros, Ivory Coast, Gabon, Guinea-Bissau, Solomon Islands, Kiritabi, Liberia, Madagascar, Morocco, Mauritania, Mauritius, Micronesia, Mozambique, Sao Tome and Principe, Senegal and Seychelles.

100. Under many of these agreements, there are plenty of Spanish vessels that fish in the jurisdictional waters of these States, with the obligation that shipowners have to hire nationals of these third States to work on board their vessels. Despite working on board Spanish ships (with the Spanish flag and, therefore, ships to which the European Union and Spanish Law on labour and social security should be applied, in application of the flag law), these nationals from third countries do not have the same living and working conditions on board as those applied to Spanish fishermen who work on board the same fishing vessels.

101. If the ship is Spanish (and, therefore, European), the logical thing is that the working conditions (salaries, mainly) and social protection (social security benefits in case of accidents, illnesses, death and retirement, among others) are those of Spain, at least by applying the criteria for determining the applicable labour and social

²⁹ Estrada-Villaseñor, Cecilia and Rodríguez-Calles, Luis (2022). «El derecho humano a la vivienda entre la población inmigrante en España». Deusto Journal of Human Rights, No. 9: 57-77.

³⁰ These agreements can be consulted at the web address: https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en

security legislation to sea workers. And these criteria (and their exceptions), which are very common in international social security legal standards (particularly bilateral and multilateral social security agreements and European Union regulations on social security coordination of the Member States), are not provided for in the sustainable fishing collaboration agreements negotiated by the European Union with third countries. This is what, ultimately, implies applying the flag law, which is the Spanish one (both labour and social security).

102. This situation (already studied and denounced in Galician university research works) violates Convention 188 of the International Labour Organization, on work in fishing, but also Article 19§4 a) of the European Social Charter (treatment not less favourable than that of their own nationals).
103. Spain should report the situation of these third nationals on board its fishing vessels, the living and working conditions on board and the social security protection that these workers have. But, especially, justify the reasons why there is a difference in treatment, which is clearly discriminatory and violates fundamental rights.

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§6 – Family reunion

104. In its previous Conclusions XXI-4 (2019), the Committee declared that the situation of Spain was not in conformity with Article 19§6 of the 1961 Charter on the ground that: (a) social welfare benefits are excluded from the calculation of the worker's income for the purposes of family reunion; (b) it has not been established that the requirements for suitable accommodation to house family members or restrictions relating to language or healthcare are not so restrictive as to prevent any family reunion.
105. The Government's report reiterates the arguments expressed in previous reports, in order to justify that social assistance benefits are excluded from the calculation of the worker's income for the purposes of recognizing the right to family reunification for the first time. It is accepted, with this, that the regulations have not changed (Royal Decree 557/2011, of April 20, is still in force) nor is there any forecast that it will change, despite the repeated conclusions of non-conformity.
106. The report does not provide the requested comprehensive information on restrictions relating to language or healthcare, beyond generic references to the principle of integration that regulates the law.
107. In relation to the right to housing, the report refers to article 55 of the regulations of the Immigration Law, which requires having adequate housing as an essential requirement for family reunification, so that it falls on the migrant himself and not on the State the realization of the right. In this sense, a state must eliminate any legal obstacle preventing the members of a migrant worker's family from joining him (Conclusions II (1971), Cyprus). Any limitations upon the entry or continued

present of migrant workers' family must not be such as to be likely to deprive this obligation of its content and, in particular, must not be so restrictive as to prevent any family reunion (Conclusions XVII-I (2004), the Netherlands; Conclusions 2011, Statement of Interpretation on Article 19§6).

108. Therefore, we understand that the conclusion of non-conformity must be maintained.

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§10 – Equal treatment for the self-employed

109. In its previous Conclusions XXI-4 (2019), the Committee declared that the situation of Spain was not in conformity with Article 19§10 of the 1961 Charter as the grounds of non-conformity under Articles 19§4 and 19§6 apply also to self-employed migrant workers.

110. In its report, the Government of Spain reiterates what has already been stated in the corresponding sections, on which we have already commented that the situation of non-conformity persists. It should also be taken into account that many migrants choose to become self-employed due to the lack of opportunities as salaried workers, which is an aggravating factor in the situation.

111. In recent years, the number of those who decide to start a business in Spain has multiplied and, today, they already account for 20% of the new self-employed who register each year in the special Social Security regime for self-employed workers (RETA). At the end of 2021, 11% of RETA affiliates were foreigners, more than 385,000 of whom, the vast majority, come from non-EU countries. According to statistics from the Ministry of Inclusion, Social Security and Migrations, 15% of foreigners who decide to start a business in Spain come from China, and there are already more than 58,300 self-employed. They are followed by entrepreneurs of Romanian, Italian and Moroccan nationality.

112. Therefore, we understand that the conclusion of non-conformity must be maintained.

Article 19 - The right of migrant workers and their families to protection and assistance

§11 – to promote and facilitate the teaching of the national language of the receiving state

Additional information on the teaching of the Galician language

113. As explained in the Government report, Spanish educational legislation establishes as objectives that students have full and equivalent competence in the



Spanish language and, where appropriate, the official language of the place of residence, which in the case of Galicia is the Galician.

114. However, as we have already indicated in relation to Article 17§2, obstacles to the teaching of the Galician language persist, in a clear breach of the European Charter for Regional and Minority Languages, verified by the recent report of the Committee of Experts of 23 March 2021 —MIN-LANG (2021) 7. The consequences of this non-compliance are especially serious for children from migrant families who, by not normally having Galician as their family language, lose a valuable means for their integration into the host society, such as knowledge of the Galician language.

115. For this reason, we ask the Committee to take into account the situation of Galician in teaching for the purposes of a possible declaration of non-conformity in relation to articles 17§2 and 17§11 of the Charter.

In view of the foregoing, the Galician Unions' Confederation (CIG) submits these allegations to the European Committee of Social Rights, highlighting:

- **The reiteration of infringements by the Spanish Government.**
- **The insufficient information provided by the Spanish Government, in relation to the indicated aspects, in all the sections giving rise to this report.**
- **The non-compliance with the European Social Charter in the aspects mentioned in each of the above sections and in all the articles to which these allegations refer.**

And requesting the adoption of the necessary measures, in order to ensure the labour and social rights guaranteed by the said instruments.

Santiago de Compostela, 29 June 2023