



DESC Platform Spain is a Spanish civil society space where different organisations congregate (social entities, Human Rights organizations, development cooperation organizations, environmental, disability organizations, unions ...) and get together to ensure compliance with the International Covenant on Economic, Social and Cultural Rights, with special attention to the follow-up that the Spanish State makes of the recommendations and verdict issued by the ICESCR Committee.

Right to Housing: We are currently immersed in the biggest housing affordability crisis in this country, due to the combination of the reduction in family income and the huge increase in rental and purchase housing prices.

To change this situation, the recommendations are:

- Develop the necessary legislation and a strategic plan that guarantees effective access to the human right to housing, so that housing is considered as public equipment, rental and rehabilitation is promoted, sufficient funds are provided for social housing, priority is given to people's rights and coordination between administrations is facilitated.
- Comply with the housing expert opinions of the ESCR Committee to Spain, adopting the necessary legislative and administrative measures for the prevention and specific protection in the case of loss of housing, and guaranteeing the mandatory relocation by the administration in case of being in a situation of vulnerability and lack of housing alternative.

Access to Justice: In the Spanish Constitution, the effective exercise of the rights contemplated in the ICESCR, has a lower guarantee than civil and political rights, since, with the exception of the right to education, they are recognized within Chapter III of Title I as Guiding principles of social and economic policy. In recent months, both our Constitutional Court and our Government have insisted on this: social rights are guiding principles and not fundamental rights. Therefore, they are not covered by the constitutional norm of article 10 that refers to international treaties for the interpretation of fundamental rights. Thus, rights such as housing, health, social protection are out of the right to the access to justice.

In this way, ESCRs are deprived of the necessary guarantees to ensure the effective realization of any right, giving rise to a legal regime that is not substantially equal for all human rights.

To change this situation, the recommendations are:

- Reform the Spanish Constitution to provide ESCR with the same hierarchy and degree of protection as civil and political rights, articulating the possibility of invoking these rights before the judges and courts of the corresponding jurisdiction.
- Establish an effective procedure for the execution of the decisions and recommendations of the organs of the Treaties and Conventions of International Human Rights Law ratified by the Spanish State in the internal Courts.
- Promote a training plan in International Human Rights Law in the Judiciary and State Prosecutors, so that the application of binding treaties and resolutions of Committees to Spain begin to be applied effectively in the judicial sentences.

Poverty: In 2019, 21.5% of the Spanish population, just over 10 million people, are at Risk of Poverty. The two main policies aimed at the attention of the poorest people, the child benefit at national level and the regional minimum income are residual systems. These policies are unable to reduce poverty due to significant territorial differences, difficult access for the most vulnerable groups, operational problems and limited coverage.



To change this situation, the recommendations are:

- Guarantee the right to a minimum income by recognizing it legally with precise rules that avoid arbitrary decisions and increase levels of self-sufficiency to ensure a decent standard of living, improve the benefit for dependent children both in coverage and in amount by increasing the amount up to 100 euros per month and addressing the special vulnerability of single-parent families by developing a definition and legislation at the national level.

Right to a Decent Work: Unemployment continues to be our country's main economic, social and labor problem, affecting almost 3.2 million people in October 2019, 58.96% of whom are women. Labor rotation is at maximum levels and the percentage of workers with some type of precarious employment (temporary contract, part-time contract or both) is higher than that of workers with full-time indefinite contracts (52% against 48%). In 2018, 35% of contracts were signed part-time. As a result of this precarious employment situation, more than 10% of the working population is at risk of poverty and exclusion.

To change this situation, the recommendations are:

- Establish active employment policies which include an increase in vocational training and which target particularly affected groups such as young people, women, the long-term unemployed and those over 50; control temporary recruitment by avoiding excessive rotation, pursue and bring the black economy to the surface, guarantee the employment rights of all workers and equal pay and access to employment.
- Derogate Law 3/2012, of 6 July, on urgent measures for the reform of the labour market and article 52.d. of the Workers' Statute, which allows dismissal of persons with justified medical leave.

Right to Health: The approval of Royal Decree-Law 7/2018 (RDL) has been an important but insufficient step in implementing the Committee's recommendation, but there are still significant loopholes that maintain the exclusion of a large number of people, especially irregular migrants.

To change this situation, the recommendations are:

- Adopt the necessary measures to ensure that there are no situations of health exclusion and, specifically, that irregular migrants have access to all necessary health services, without discrimination, in accordance with articles 2 and 12 of the Covenant.

Right to Education: We are concerned about the impact that austerity measures continue to have on the effective access to and quality of education, particularly affecting children at risk of poverty and social exclusion, and the persistent school segregation that particularly affects disadvantaged and minority groups such as Roma, migrants, disabled people and children in economic vulnerability.

To change this situation, the recommendations are:

- Increase public expenditure on education to reach the OECD average and protect it, by Law, from future cuts, taking into account territorial inequalities in terms of investment and scholarships between the Autonomous Communities and the different public-private offer regimes in each territory.
- Promote public policies and laws in education that guarantee equity, equality and inclusion, prevent segregation between and within schools, recognise diversity and provide a specific response to specific problems in order to guarantee equal opportunities.
- Ensure the universalization of public pre-school education and adopt compensatory education measures to pay due attention to the groups most affected by early school leaving.