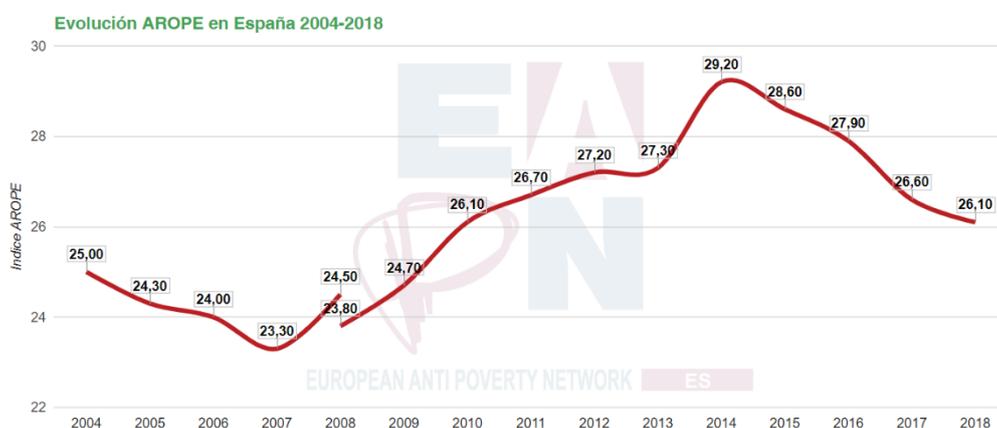


EAPN-ES Briefing for the United Nations Special Rapporteur on extreme poverty and human rights

Report on Poverty and human rights in Spain, October 2019

- The nature of poverty and inequality in Spain, including how poverty is or should be defined and measured, its prevalence, and its distribution.
- People disproportionately impacted by poverty, including women, children, young people, the unemployed, minorities, non-citizens, and people living in urban and rural areas.
- The impact of poverty on civil and political rights, as well as on economic, social and cultural rights such as the rights to health, housing, food, education and social security.

How many people at risk of poverty and exclusion are there in Spain today?¹ After economic transfers (pensions, benefits, etc.) the current rate of people at risk of poverty and exclusion (ARPE) is **26.1% of the population**, 2.3 pp higher than the rate of 2008. **Between 2008 and 2018 the overall number of people in AROPE grew from 11 to 12.2 million.** In 2019, 55% of households have difficulties making ends meet. There are 570,000 households (more than 1 million individuals) without any income. Thus, **poverty and social exclusion constitute the most widespread violation of human rights in Spain.**



[Fuente: Elaboración propia a partir de los datos de la ECV (INE, varios años)]

Are all the people experiencing poverty unemployed? No, they are not. Unemployment is crucial to determining the risk of falling into poverty and social exclusion, affecting almost 6 in 10. The unemployed have registered an increase in their AROPE rate of 16.8 percentage points since 2008. However, 3 out of 4 people in AROPE do not live in homes in which all the

¹ EAPN-ES, "[IX Informe El Estado de la Pobreza en España](#)" (EAPN-ES own elaboration based on data from the [Instituto Nacional de Estadística](#))

adults are unemployed, which means that having a job is not enough to avoid poverty or material deprivation. **15.9% of all workers are at risk of poverty**².

Is gender inequality playing a role in this process of impoverishment? Definitely, women were more affected by the dismantling of the publicly funded reconciliation services and the long-term care facilities as results of the austerity measures, as they had to reassume bigger responsibilities in terms of reproductive and unpaid care work. Women suffer employment segregation, have more precarious jobs and are less occupied. They endure wage and pension gaps of 20%-25% and 39% respectively. While men began to recover jobs and wages since 2016, women lagged behind. **Currently, more women than men are unemployed (15.92% and 12.17%) and in AROPE (27% and 25.1%).** Women with **single-parent households** (82% of the overall single-parent households) **face a 50% AROPE rate**. Higher female poverty levels are replicated in all age groups and are as well consistent if data is disaggregated by other variables, such as nationality or education level. These are just some examples of gender inequality, which is widespread into other areas, as time, power, participation and science.

Are the younger generations avoiding poverty? Unfortunately, not. **Regarding the AROPE by age groups, the most affected are young people, aged 16 to 29 (33.8 %³), followed by children and adolescents.** Child poverty rates are more intense in rural areas, in immigrant/refugee and Roma backgrounds, and in families with disabled individuals. They are also associated with specific family compositions: 11.6% of poor children are members of a single-parent family and other 23.5% are part of a large family (3 or more siblings). Raising a family entails a higher risk of becoming poor. Young Spaniards have the second highest unemployment rate in Europe (36%), occupy the first positions in early school dropout and are the last ones at the time of becoming independent from home. To this is added the low birth rate in Spain, which is causing an aging population; that will tip the balance of political decisions even more in favour of the elderly. Improving the situation of young people and children is one of the great challenges for the next years, as the nation will have the world highest longevity rate by 2040.⁴

Are immigrants the most impoverished? Yes, they are. In 2019, the population of Spain reached 47,007,367 inhabitants, of which 41,982,103 are Spaniards (89.3%) and 5,025,264 have a foreign nationality (10.7%). Of these, 1.8 million are from the EU and 3,225,264 from outside the EU. Nationality grants differentiated rights: Non-EU residents do not have political rights and their work-permit is determined by the access and maintenance of a job. **They have the highest AROPE rate (56%), followed by the EU citizens (47.7%) and, lastly, by the Spaniards (23.1%).**⁵

² EAPN-ES, "[IX Informe El Estado de la Pobreza en España](#)" (EAPN-ES own elaboration based on data from the [Instituto Nacional de Estadística](#))

³ www.ine.es/jaxiT3/Datos.htm?t=11201

⁴ Holding an university degree does not prevent the risk of being in poverty or exclusion, as 12.6% of people with university degrees are in poverty. People with lower secondary education have the highest rate of AROPE, almost 34%.

⁵ The overall population group in AROPE is composed by 82.8% of Spaniards and only 17.2% of foreigners.

- The role of austerity measures, public finance management and taxation policy in relation to poverty.

Why did poverty and social exclusion grow in the last decade? Is the economic crisis to be blamed? There were multiple reasons. The economic crisis was one of them, as it destroyed millions of jobs, rising the number of unemployed to more than 26.94% of the active population (6,278,200 were jobless in the first term of 2013). The anti-cyclical macroeconomic policies were coordinated by the European Commission for the Eurozone, with a “golden rule” based on a strict deficit and public debt control, without considering the social consequences. Thus, **strong cuts in social expenditures** -such as healthcare, education, social housing, social services, pensions and benefits- were implemented by regional and national governments, affecting the relatively new Spanish Welfare State and its already insufficient social protection level. The **consequences stroke the most vulnerable groups: children, single-parent families, ethnic minorities as Roma, immigrants, long-term unemployed, low-skilled workers, people with disabilities, and people in benefits as widows, orphans and non-contributory pensions or income**. As part of this economic package, other relevant policy measures were taken, which paid their toll on the same groups: **pensions were frozen; retirement-age was increased; healthcare ceased to be universal; the labour market was deregulated (trade unions lost great part of their bargaining power) and wages suffered an “internal devaluation”** in order to foster the external competitiveness of the Spanish economy and to promote exports. However, **the economic crisis is not an isolated explanatory factor. The other key reasons lie in the policies that were put in place to tackle it, which redistributed wealth in a way that accentuated the previous unequal distribution**. Therefore, the extension (and chronicity) of poverty can be linked to a **persistent inequality rate**, were 20% of the population with the highest income level multiplied by 6 or 7 times the income of the 20% with the lowest income level. This resulted in a **profound social polarisation**, with the pauperisation of middle classes and the uplift of the new wealthy classes. **In 2019, while 2.6 million people live in “extreme poverty”** (less than 355 euro/month for a single-person household) **and 4.3 million people live in “severe poverty”** (less than 473 euro/month for a single-person household), **more than 800,000 new millionaires were added, making Spain the tenth world country by number of millionaires**, with 979,000.⁶

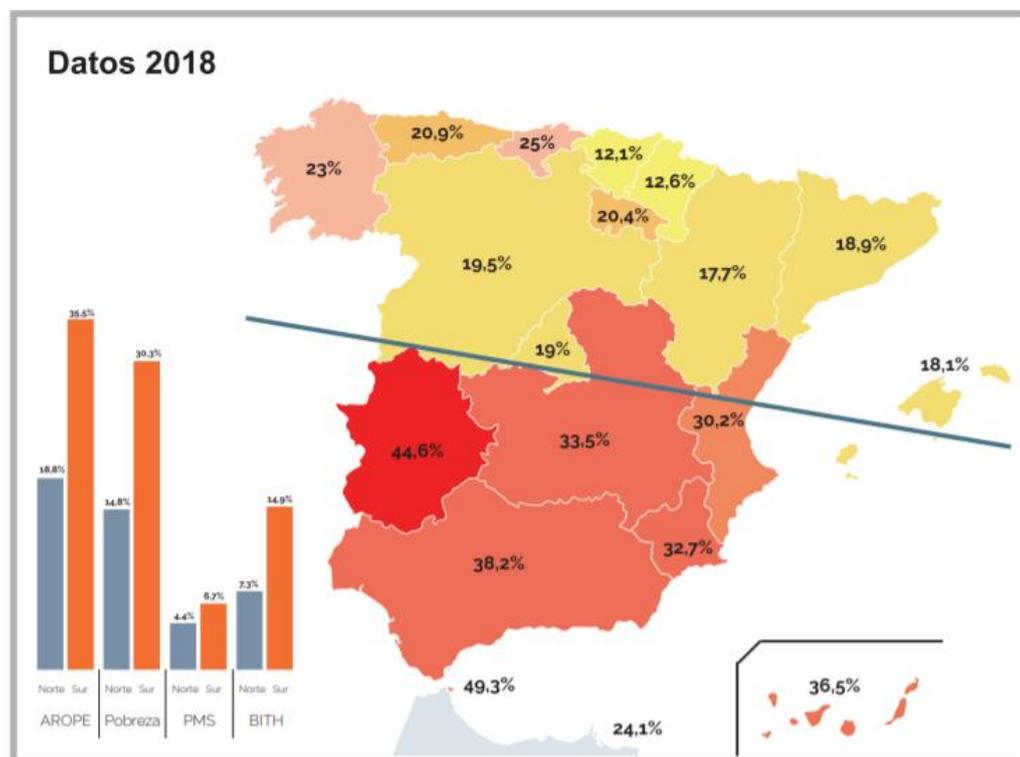
- Autonomous communities, provinces, municipalities, or communities in Spain that the Special Rapporteur should visit because of their particular relevance to poverty and human rights.

Are there regional disparities? Regional disparities are outstanding. For the social analysis, **Spain could be divided into two halves**: from Madrid to the North, the Autonomous Communities have low unemployment and AROPE rates, below the national average, and similar to the most developed EU member states. Conversely, the Southern Autonomous Communities have high unemployment and AROPE rates, above the national average and in line with the poorest EU member states. There are several factors which may explain this contrast, as GDP composition, GDP performance, and the population size. However, **regional social investment policies are also key**, as the Northern regions invest more percentage of

⁶ Credit Suisse, "World wealth report", 2019.

their GDP in social protection -in overall and per capita terms- that the Southern. Moreover, due to the nearly federal State organization, minimum standards in social protection and schemes are not established or -if they exist- are not compulsorily being followed.

AROPE DATA 2018⁷:



- The major challenges and human rights-related problems facing people living in poverty.

Which are other burning issues regarding the violation of human rights in Spain?

- (a) **Intimate-partner violence** is one of the most serious human rights violations. More than 1,000 women were killed by their partners or ex-partners since 2003, a figure that only constitutes the tip of the iceberg. From 2010 to 2018, 83 children and adolescents were murdered due to intra-family violence.
- (b) **Prostitution and trafficked women** are at high stake in the violation of human rights scale. In Spain, prostitution is a "tolerated" activity (that is, it is not illegal to perform as a prostitute or to buy her services, although pimping is illegal). Women trafficking is based on the recruitment of young, desperate immigrants through mafias who exploit them sexually, taking advantage of their vulnerability, their lack of knowledge of the language, their irregular residence status and their helplessness in an unknown society. These mafias operate throughout Europe, but in Spain they flourish due to the legal

⁷ Instituto Nacional de Estadística: www.ine.es/jaxiT3/Datos.htm?t=10011

"tolerance" of prostitution. Spain is the first country in Europe and the third in the world in prostitution demand and is one of the key hubs for women trafficking.⁸

- (c) **Homelessness and residential exclusion** constitute a violation of the right to housing. Only in the last quarter of 2018, 9,557 evictions were registered. There are around 30,000 homeless individuals, mostly in the capital cities, and it is estimated that 47% of them were victims of hate crimes.⁹ The minimum salary of 900 euros/month does not allow to rent a house for a family of 4 because of high prices in the main capitals. Tenants must allocate at least 24% of their salary to paying the rent; this prevents them from maintaining a decent standard of living, spending in education, healthcare, food and utilities bills.
- (d) **Civil liberties.** The *Ley Orgánica 4/2015, de 30 de marzo 2015, de protección de la seguridad ciudadana*, also known as "Citizen Safety Law" or "Gag Law", constitutes a violation of right to freedom of opinion and expression. This controversial law, approved by the Popular Party in 2015, threatens freedom of peaceful assembly, expression and information, and is leading to the criminalisation of the poor in public spaces. In 2015 **Maina Kiai**, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, noted: "This project of reform unnecessarily and disproportionately restricts basic freedoms such as the collective exercise of the right to freedom of opinion and expression in Spain"¹⁰.
- (e) **The CIES** (Foreigners Internment Centres) were set up to detain foreigners who are going to be expelled from the national territory. CIEs negatively changed Spanish legislation, by introducing the legal capacity to deprive a person of her/his freedom without any crime or offense involved. CIEs were created to control migratory flows, curb the arrival of immigrants and expedite returns. Today, they do not fulfil any of their functions: in 2017, 28,572 people entered irregularly in Spain, 49% more than in 2016; and of the people admitted to a CIE, eventually 62% did not get expelled. Increasingly, "express expulsions" occur directly from cells, without complying with the obligation to bring detainees to justice. Moreover, mistreatment is widespread. Human rights organizations have denounced the abuse, physical aggressions to inmates, arbitrariness in the organization of visits, humiliating treatment in visits' searches, internment of people with psychiatric problems, injuries, coercion and threats by police personnel.¹¹

⁸ See <https://cedawsombraesp.wordpress.com/2019/05/15/informe-sombra-sobre-la-aplicacion-en-espana-2015-2018-de-la-cedaw/>

⁹ HATENTO is an Observatory against hate crime, at <http://hatento.org>

¹⁰ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15597&LangID=E

¹¹ Currently, a trial is taking place against the CIE of Aluche, in Madrid, for the death of Congolese immigrant Ms. **Samba Martine** on December 19, 2011, after 39 days of confinement, without receiving the corresponding medical attention and after several days of agony. More information www.elsaltodiario.com/cie-de-aluche/nuevas-denuncias-por-vulneracion-de-derechos-en-el-cie-de-aluche **Josep Buades Fuster**, from the Servicio Jesuita de Atención a Migrantes, is an expert on this matter.

- (f) **Severe labour exploitation** is widespread in sectors such as agriculture, forestry and fisheries, restaurants and hotels, and domestic work as "internal maids", mainly affecting immigrants from outside the EU (especially those without work permits). Workers are grossly underpaid, dangerously overworked, physically abused, sexually harassed and forced to live in squalor. Fear of losing wages or even the possible expulsion results in few violations reported, so offenders face little risk of prosecution. Fines for companies that exploit foreign workers are too low and there is "social tolerance" for this issue. Spain is one of the thirteen EU countries with more frequent cases of severe labour exploitation.¹²

- Proposals. What can be done?

Please see **Annex II**, Proposals of the XIII People Experiencing Poverty Meeting (2019, Santiago de Compostela).

Furthermore:

- **Combat poverty through decent, living wages, minimum income and pensions. Child benefits could reduce family poverty as well (SDG 1, 10).**
- **Invest in people through improved and extended education, healthcare, social services and housing. (SGD 2, 3, 4).**
- **Combat labour exploitation (SDG 8).**
- **Implement the Istanbul Convention and the Beijing+20 to their full potential to combat gender discrimination, violence and women trafficking (SDG 5).**
- **Eradicate homelessness, residential exclusion and energy poverty (SDG 7).**
- **Reform the fiscal system. Articulate a progressive fiscal system that guarantees that the necessary public resources are generated to increase the coverage and impact of social policies as key elements for social cohesion.**
- **Ratify and enforce the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Close the CIEs. Protect migrants' and refugees' human rights. Repeal the "Gag Law".**
- **Guarantee meaningful participation of people experiencing poverty and exclusion in addressing deprivation and discrimination.**

- Individuals and organizations with whom the Special Rapporteur should meet during his country visit

Please see **Annex I**, Contact list.

¹² According to the 2019 IV Report "Protecting migrant workers from exploitation in the EU: workers' perspectives" by the European Agency for Fundamental Rights <https://fra.europa.eu/en/publication/2019/victims-severe-labour-exploitation>