



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Spain*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Spain (CRPD/C/ESP/2-3) at its 445th and 446th meetings (see CRPD/C/SR.445 and 446), held on 18 and 19 March 2019. It adopted the present concluding observations at its 463rd meeting, held on 29 March 2019.
2. The Committee welcomes the combined second and third periodic reports of Spain, which were prepared in accordance with the Committee's reporting guidelines and in response to its list of issues prior to reporting (CRPD/C/ESP/QPR/2-3).
3. The Committee appreciates the fruitful dialogue held with the State party's high-level delegation and commends the State party for the strength of its delegation, which included many representatives of relevant government ministries.

II. Positive aspects

4. The Committee welcomes the adoption of the following legislative measures:
 - (a) Organic Act No. 2/2018, which modifies Organic Act No. 5/1985 on the general electoral system, as a first step to guaranteeing the right of all persons with disabilities to vote without discrimination;
 - (b) The law on the rights and social inclusion of persons with disabilities (approved by Royal Legislative Decree No. 1/2013), which is aimed at increasing the level of participation, employment and social insertion of persons with disabilities, by, inter alia, improving the availability of decent work opportunities and combating discrimination;
 - (c) The amendments to the revised text of Act No. 9/2017 on public sector contracts, which establish a legal obligation to set employment quotas for persons with disabilities;
 - (d) Organic Act No. 13/2015 amending the Criminal Procedure Act, with a view to reinforcing procedural safeguards, regulating technological investigative methods and strengthening the rights of persons with disabilities who have been charged with or arrested for a criminal offence;
 - (e) Organic Act No. 1/2015, which amends the Criminal Code to take into consideration the Convention;

* Adopted by the Committee at its twenty-first session (11 March–5 April 2019).



(f) Organic Act No. 1/2017, which ensures that persons with disabilities are not excluded from court juries.

5. The Committee commends the State party's adoption of the Action Plan of the Spanish Strategy on Disability 2014–2020 at the national level and other related plans developed by the different autonomous communities.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

6. The Committee is concerned that several national, regional and municipal laws and policies, particularly the revised text of the general act on the rights of persons with disabilities and their social inclusion (2013) and the Personal Autonomy Promotion Act (2006), are not compliant with the Convention or the human rights model of disability. It is concerned that this lack of compliance results in reliance on the medical model of disability, through which persons are categorized on the basis of diagnosis and excluded from the broad scope provided in the Convention, according to which disabilities are recognized in relation to impairments and barriers in the social environment, especially with regard to psychosocial disabilities. The Committee is also concerned about:

(a) The predominance of a paternalistic approach and the lack of human rights-based provisions within mental health systems, and the lack of explicit strategies aimed at ensuring that persons with disabilities are protected from discrimination and ill-treatment;

(b) The lack of progress to implement the recommendation made by the Committee in its previous concluding observations (CRPD/C/ESP/CO/1, para. 18) to abolish legal provisions that reinforce a negative perception of disability by allowing the late termination of pregnancy based on fetal impairment, and the lack of progress to abolish legislative initiatives aimed at allowing euthanasia in cases of disability;

(c) The limited progress in ensuring the equal and full involvement and participation of persons with disabilities through their representative organizations in all matters that concern them, including the formulation of public policies and laws;

(d) The lack of training for professionals in fields such as education, health and the judiciary to raise awareness about the rights of persons with disabilities and the standards enshrined in the Convention.

7. The Committee recommends that the State party review and amend all laws, policies and practices relating to the provision of services for persons with disabilities at all levels and across all autonomous communities, in accordance with the principles enshrined in the Convention and in line with the human rights model of disability. The Committee also recommends that the State party:

(a) Design and implement a policy with a focus on ensuring full respect for the rights of persons with disabilities, particularly psychosocial disabilities, including by ensuring that human rights-based provisions are applied in mental health systems;

(b) Abolish any distinction made in law to the period within which a pregnancy can be terminated based on a potential fetal impairment, and ensure that there are no provisions in place to allow euthanasia on the grounds of disability, as such provisions contribute to the stigmatization of disability, which can lead to discrimination;

(c) Ensure the continued involvement of and meaningful consultation with various organizations of persons with disabilities, including but not limited to those representing women, children, refugees and asylum seekers, lesbian, gay, bisexual, transgender and intersex persons, persons with psychosocial disabilities or with intellectual, hearing or visual impairments, persons living in rural areas and persons in need of high levels of support, in the designing and amending of new and current laws, policies and programmes to ensure their compliance with the Convention, in line

with the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention;

(d) Continue to provide professionals, including judges and law enforcement officials, health-care professionals, teachers and all personnel working with persons with disabilities, with training to raise their awareness of the rights enshrined in the Convention.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

8. The Committee is concerned about the lack of explicit recognition and prohibition of multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life. It regrets that a number of mental health conditions are not considered to be disabilities under Spanish law. It is also concerned that the denial of reasonable accommodation is not recognized as a form of discrimination in all areas of life.

9. **The Committee recommends that the State party refer to the Committee's general comment No. 6 (2018) on equality and non-discrimination and targets 10.2 and 10.3 of the Sustainable Development Goals, to revise its anti-discrimination legislation, policies and strategies, including the Equality Act, to adhere to the Convention and to explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life. In that regard, the Committee reminds the State party that the scope of the Convention includes all persons with mental health conditions as persons with psychosocial disabilities. The Committee recommends that the State party recognize the denial of reasonable accommodation as a form of discrimination and ensure effective mechanisms to provide legal redress and reparation.**

Women with disabilities (art. 6)

10. The Committee is concerned that:

(a) Women with disabilities face multiple forms of discrimination due to their gender and disabilities, and may also be at risk of gender-based violence;

(b) Public policies on disability and gender equality do not include measures to combat multiple and intersectional discrimination against women with disabilities.

11. **With reference to the Committee's general comment No. 3 (2016) on women and girls with disabilities and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Committee recommends that the State party:**

(a) **Take, as a matter of urgency, effective measures to identify, prevent and provide protection from multiple discrimination against women and girls with disabilities, in particular women and girls with intellectual or psychosocial disabilities, and allocate adequate resources to support those measures;**

(b) **Adopt effective and specific measures to ensure equality and prevent multiple and intersectional forms of discrimination against women and girls with disabilities in its gender equality policies, and mainstream a gender perspective into its disability-related legislation and policies.**

Children with disabilities (art. 7)

12. The Committee is concerned about:

(a) The fact that children with disabilities are institutionalized in the State party and that measures taken to ensure the comprehensive deinstitutionalization of all children with disabilities are still insufficient;

(b) The lack of access to universal and accessible health-care services for children with disabilities, particularly in rural areas;

(c) The lack of measures aimed at enabling children with disabilities to freely express their views on all matters affecting them on an equal basis with other children.

13. The Committee recommends that the State party:

(a) **Take immediate measures to end the institutionalization of children with disabilities by, inter alia, developing and implementing a strategy to promote safe and supported family settings in the community, with specific time frames and an adequate budget;**

(b) **Ensure universal access to primary health-care services, including early intervention services, for all children with disabilities;**

(c) **Ensure that all children with disabilities can express their views freely on all matters affecting them by, inter alia, ensuring disability- and age-appropriate assistance for those children.**

Awareness-raising (art. 8)

14. The Committee is concerned about:

(a) The limited change in the social perception of persons with disabilities achieved through awareness-raising programmes and the lack of focus of those programmes on the dignity and rights of persons with disabilities;

(b) The continued stigmatization of persons with psychosocial disabilities in the media and by the pharmaceutical industry, which is dangerous to society;

(c) The continued negative stereotyping and degrading portrayal of persons with disabilities, such as the portrayal of persons with dwarfism bullfighting in comedy programmes on mainstream media channels.

15. The Committee recommends that the State party take measures, in partnership with self-advocacy organizations of persons with disabilities, to design, launch and maintain public awareness and media campaigns aimed at eliminating negative stereotypes towards persons with disabilities, promoting the recognition of and respect for their rights and encouraging a positive perception of and improved social awareness about those persons in society.

Accessibility (art. 9)

16. The Committee is concerned that currently only 0.6 per cent of buildings in the State party are accessible, despite the State party's commitment to achieve universal accessibility by the end of 2017. The Committee is also concerned that measures taken to ensure universal accessibility, particularly for private buildings, have been insufficient or ineffective. In particular, the Committee is concerned about:

(a) The ineffectiveness of policies regarding accessibility in public administration, the lack of sufficient budgetary allocations and the lack of mandatory accessibility criteria in public procurement at all levels;

(b) The lack of progress made in implementing accessibility measures for persons with disabilities, particularly persons with intellectual or psychosocial disabilities, persons who are blind or deaf, and persons with autism or with dwarfism.

17. With reference to the Committee's general comment No. 2 (2014) on accessibility and Sustainable Development Goal 9 and targets 11.2 and 11.7, the Committee recommends that the State party take all legislative and budgetary measures to ensure accessibility in all areas, including buildings and facilities open or provided to the public, such as transport and information and communications

facilities. The Committee also recommends that the State party ensure that places open or provided to the public have signage and information in Braille and in Easy Read formats, and that live assistance and intermediaries, including guides, readers and professional sign language interpreters, are provided to facilitate the accessibility of buildings and public services, particularly for persons with sensory or intellectual impairments. In particular, the Committee recommends that the State party:

(a) Ensure that all laws and measures relating to public administration and procurement include the requirement of accessibility for persons with disabilities, including through universal design;

(b) Establish monitoring mechanisms with the involvement of organizations of persons with disabilities to ensure that accessibility standards are met and that relevant sanctions for non-compliance with accessibility standards are enforced.

Right to life (art. 10)

18. The Committee is concerned about:

(a) Reported cases of violence against women with psychosocial disabilities perpetrated by their intimate partners, which in some cases resulted in their death;

(b) Reported deaths of persons with psychosocial disabilities resulting from involuntary restraint and improper medical treatment in psychiatric hospitals;

(c) Reported deaths of persons with disabilities resulting from insufficient professional assistance and support.

19. **The Committee recommends that the State party take all appropriate measures to address gender-based violence against women with psychosocial disabilities and to prevent, investigate and provide redress for violations of their human rights, and prosecute those who are responsible. The Committee also recommends that the State party ensure that services and facilities, including shelters, victim support services and reporting and complaint mechanisms, for persons experiencing violence in the public or private spheres are accessible to persons with disabilities, include a gender and a child rights perspective and are confidential. The Committee also recommends that the State party ensure that law enforcement officials, members of the judiciary and health and social workers receive mandatory and regular training on the prevention and detection of violence and abuse against persons with disabilities.**

Situations of risk and humanitarian emergencies (art. 11)

20. The Committee is concerned that legislation, protocols and plans relating to situations of risk and humanitarian emergencies do not sufficiently take into account the specific requirements of all persons with disabilities.

21. **The Committee recommends that the State party, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 and through the active participation of organizations of persons with disabilities, design and adopt specific legislation, protocols, plans and measures for the protection and rescue of all persons with disabilities in situations of risk and in humanitarian emergencies, which take into account the specific requirements of all persons with disabilities.**

Equal recognition before the law (art. 12)

22. The Committee is concerned that the Civil Code of the State party allows for the deprivation of the legal capacity of a person based on disability and maintains substituted decision-making regimes.

23. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal all discriminatory legal provisions with a view to fully abolishing substituted decision-making regimes, recognize the full legal capacity of all persons with disabilities and introduce supported decision-making mechanisms that respect the dignity, autonomy, will and preferences of persons with disabilities.**

Access to justice (art. 13)

24. The Committee is concerned about:

(a) The widespread lack of accessibility of buildings in which law enforcement agencies and judicial bodies are located, and the lack of overall procedural gender- and age-appropriate accommodation in judicial proceedings that takes into consideration the diversity among persons with disabilities, including persons with sensory, intellectual or psychosocial disabilities;

(b) The barriers that prevent persons under substituted decision-making regimes from participating in legal proceedings on an equal basis with others, including by undermining the testimonial credibility of persons with psychosocial or intellectual disabilities;

(c) The overall lack of awareness about the provisions of the Convention among lawyers, court staff, judges, prosecutors and law enforcement officials.

25. **The Committee recommends that the State party:**

(a) **Enact legislation to remove barriers for persons with disabilities in their access to justice, to guarantee the provision of procedural gender- and age-appropriate accommodation and establish relevant safeguards to enable the participation of persons with disabilities in all legal proceedings on an equal basis with others, through facilitating the use of the communication method of their choice in judicial interactions, including sign language, Braille, Easy Read, captioning, augmentative and alternative communication devices, and all other accessible means, modes and formats of communication;**

(b) **In its implementation of the recommendation contained in paragraph 23, ensure that a person's guardianship status and type of disability does not prevent his or her full access to justice, and that specific support is provided for persons with psychosocial or intellectual disabilities and victims of gender-based violence;**

(c) **Ensure regular training programmes and awareness-raising campaigns for lawyers, court staff, judges, prosecutors and law enforcement officers, including police and prison officers, on the need to provide access to justice for persons with disabilities;**

(d) **Adhere to article 13 of the Convention in its implementation of target 16.3 of the Sustainable Development Goals.**

Liberty and security of the person (art. 14)

26. The Committee is concerned that:

(a) Article 763 of the Civil Procedure Act still allows for persons with psychosocial or intellectual disabilities to be subjected to involuntary commitment in institutions where they can be deprived of their liberty and subjected to forced medical treatment and mechanical restraint;

(b) The use of medication is imposed on persons with psychosocial disabilities as a requirement for gaining access to psychosocial support and housing services;

(c) The lack of awareness among health-care professionals about the obligations contained in the Convention leads to forced institutionalization and mechanical restraint being wrongfully justified as therapeutic measures;

(d) The lack of sufficient provisions within the Criminal Procedure Act to ensure accessibility, individualized reasonable accommodation and support for detained persons with disabilities.

27. **The Committee recommends that the State party:**

(a) **Revise or repeal all legal provisions, including article 763 of the Civil Procedure Act, to prohibit forced institutionalization and treatment on the grounds of disability and to ensure that mental health provisions are human-rights based;**

(b) **Repeal the requirement on the use of psychiatric medication in order to gain access to psychosocial support and housing services;**

(c) **Provide mental health professionals with awareness-raising and capacity-building training developed in consultation with organizations of persons with disabilities on the rights of persons with disabilities and the obligations enshrined in the Convention;**

(d) **Ensure accessibility and procedural accommodation, including provisions to support persons with disabilities in decision-making and to guarantee their right to a defence, at all stages of criminal proceedings for persons with disabilities who are under investigation or being prosecuted.**

28. **The Committee calls upon the State party to adhere to its obligations under article 14 of the Convention and be guided by the Committee’s guidelines on article 14 (2015) throughout the regional discussions concerning the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, entitled “The protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment”.**

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

29. The Committee is concerned that article 9 of the law on patient autonomy and article 763 of the Civil Procedure Act allow for the use on persons with disabilities of physical, mechanical and chemical restraints, including forced medication, overmedication, electroconvulsive therapy and other treatment or commitment without their free and informed consent. The Committee is also concerned about reports of the intentional misrepresentation of forced consent as informed consent, in practice, in the State party. The Committee is also concerned that persons with disabilities in institutions, in particular persons with intellectual disabilities, are at risk of being subjected to humiliation or ill-treatment. It is concerned about the absence of an independent human rights-based mechanism for monitoring mental health facilities in the State party.

30. **The Committee recommends that the State party:**

(a) **Eliminate the use of restraint measures for reasons relating to disability in all settings;**

(b) **Ensure the free and informed consent of the person concerned in all procedures and stages of the mental health system;**

(c) **Take immediate action to eliminate any cruel, inhuman or degrading treatment of persons with disabilities;**

(d) **With the equal and active participation of organizations of persons with psychosocial disabilities, establish an independent human rights-based mechanism for monitoring mental health facilities and services in all autonomous communities.**

Freedom from exploitation, violence and abuse (art. 16)

31. The Committee is concerned about:

(a) Persons with disabilities still living in institutions, and in particular women with intellectual or psychosocial disabilities who are exposed to a high risk of humiliation, abuse and violence, including sexual violence;

(b) The lack of concrete data, disaggregated by sex and age, on cases of violence and abuse committed in hospitals, particularly psychiatric hospitals, and places of detention;

(c) Women with disabilities who are victims of gender-based violence, who are in some cases excluded from support programmes due to the lack of accessibility of shelters and the fact that a diagnosis of “mental impairment” may be considered a reason to deny support services;

(d) The overall lack of a strategy to prevent and detect cases of gender-based violence in mental health facilities;

(e) The lack of official records and data on the violence and discrimination to which persons with disabilities, particularly women, are exposed in both the public and private spheres, including in the workplace and in specialized mental health institutions.

32. In light of the State party's efforts to end the institutionalization of persons with disabilities, the Committee recommends that the State party:

(a) **Take all possible measures to ensure that institutions currently operating in the State party ensure safety and dignity for all persons with disabilities;**

(b) **Strengthen the mechanisms and protocols already in place to prevent violence and abuse against persons with disabilities, particularly women and girls, and to monitor, in line with article 16 (3) of the Convention, facilities and programmes designed to serve persons with disabilities;**

(c) **Ensure full access for all women with disabilities to assistance programmes, including accessible shelters for victims of gender-based violence, and remove all eligibility criteria that may deny access to support services for women with psychosocial disabilities;**

(d) **Mainstream a gender perspective into policies relating to mental health services and implement strategies aimed at the prevention and detection of gender-based violence and appropriate intervention in related cases;**

(e) **Collect data on and monitor the violence and discrimination to which persons with disabilities, particularly women, are exposed, both in the public and private spheres, including in the workplace and in mental health institutions.**

Protecting the integrity of the person (art. 17)

33. The Committee is deeply concerned that women and girls with disabilities continue to be subjected to forced sterilization and abortion. It is also concerned that medical treatment without the free and informed consent of the person concerned is practised in the State party.

34. The Committee reiterates the recommendation made in its previous concluding observations (CRPD/C/ESP/CO/1, para. 38) and urges the State party to repeal article 156 of Organic Act No. 10/1995 to fully abolish the administration of sterilization, medical treatment and research on all persons with disabilities without the full and informed consent of the person concerned.

Liberty of movement and nationality (art. 18)

35. The Committee is concerned about the precarious situation of refugees and asylum-seeking persons with disabilities in the State party and that refugee status determination procedures are not accessible. The Committee is also concerned about the lack of a gender perspective in policies and measures for refugees and asylum-seeking persons with disabilities and the general lack of knowledge among professionals working in reception centres of the rights of those persons.

36. The Committee recommends that the State party ensure that all refugee status determination procedures and social protection programmes, including disability support schemes, are accessible for all non-nationals with disabilities residing in the State party and do not discriminate against them in law and in practice. The Committee also recommends that the State party design specific gender-sensitive policies and ensure that reception centres are fully accessible for asylum seekers. The Committee recommends that the State party provide training for professionals and civil servants working in reception centres on the rights of persons with disabilities.

Living independently and being included in the community (art. 19)

37. The Committee is concerned about:

(a) The limited access to personal assistance, despite positive developments in some autonomous communities, due to non-personalized eligibility criteria and the lack of a human rights-based approach to individualized support;

(b) The continuing investment of public funds in the construction of new residential institutions for persons with disabilities;

(c) The lack of a deinstitutionalization strategy and action plan to promote independent living for all persons with disabilities within their community.

38. With reference to the Committee's general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party, in consultation with organizations of persons with disabilities:

(a) **Recognize the right to personal assistance in law, ensuring that all persons with disabilities are entitled to personal assistance, with individualized criteria for their independent living in the community and with access to a wide range of person-directed or user-led support and the self-management of service delivery;**

(b) **Discontinue the use of public funds to build residential institutions for persons with disabilities and invest in independent living arrangements in the community and in all general services to make those arrangements inclusive, guaranteeing their accessibility and availability for all persons with disabilities, to enable their inclusion and participation in all spheres of life;**

(c) **Design, adopt and implement a comprehensive deinstitutionalization strategy and implement safeguards to ensure the right to live independently and be included in the community across all regions, by redirecting resources from institutions to community-based services and increasing budgetary support for persons with disabilities to enhance their equal access to services, including personal assistance.**

Freedom of expression and opinion, and access to information (art. 21)

39. The Committee is concerned about the limited availability of:

(a) Sign language interpreters in the State party;

(b) Technical aids for persons with hearing impairments due to eligibility age limits and the lack of measures to ensure their affordability;

(c) Public information and mass media in accessible and usable formats for persons with disabilities.

40. The Committee recommends that the State party:

(a) **Ensure full access to sign language interpretation services for persons who are deaf and increase the training of sign language interpreters, particularly in rural areas;**

(b) **Ensure that all persons with hearing impairments are eligible for affordable technical aids;**

(c) **Take measures to promote the accessibility of websites and mobile applications in the private sector;**

(d) **Develop and use accessible communication formats, such as Braille, deaf-blind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles, in the mass media and for public information, and allocate adequate funding for the development, promotion and use of those formats, in accordance with articles 24 (3) and 29 (b) of the Convention, the Committee's general comment No. 2 (2014) on accessibility and article 7 of European Union Directive 2018/1808, amending Directive 2010/13 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities.**

Respect for privacy (art. 22)

41. The Committee is concerned that the right to privacy of persons with intellectual or psychosocial disabilities is widely violated in institutions and mental health facilities, including through the deprivation of personal belongings and an inflexible and minimal regime of visits and contact with persons outside the facilities. The Committee is also concerned about reports of video surveillance cameras placed in the rooms of patients and leaks of confidential information on patients across the mental health-care sector.

42. The Committee recommends that the State party implement effective measures to ensure the privacy of persons with intellectual or psychosocial disabilities, including the confidentiality of information and of their personal medical records, in institutions and mental health systems and services.

Respect for home and the family (art. 23)

43. The Committee is concerned about:

(a) The lack of adequate policies and related services to support children with disabilities and their families;

(b) The persistence of bias and stereotyping among staff belonging to the justice and social service sectors concerning the parenthood capacity of persons with disabilities.

44. The Committee recommends that the State party:

(a) **Develop adequate policies and provide the support necessary for children with disabilities to remain in a family setting, including through the promotion of foster family-related services;**

(b) **Provide support to enable parents with disabilities to retain full parental responsibility of their children and promote a positive image of their capacities and rights to parenthood and family life.**

Education (art. 24)

45. The Committee is concerned about the limited progress made by the State party with regard to inclusive education, including the lack of a clear policy and action plan for the promotion of inclusive education. The Committee is particularly concerned that the State party has maintained all regulatory provisions on special education and a medical impairment-based approach. The Committee is concerned that a high number of children with disabilities, including autism, intellectual or psychosocial and multiple disabilities, are still receiving segregated special education.

46. Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.A of the Sustainable Development Goals, the Committee reiterates the recommendations provided in its report on the inquiry concerning Spain under article 6 of the Optional Protocol to the Convention (CRPD/C/20/3), urging the State party to expedite legislative reform in line with the Convention, in order to clearly define inclusion and its specific objectives at each educational level. The Committee recommends that the State party take measures to view inclusive education as a right, and grant all students with disabilities, regardless of their personal characteristics, the right to access inclusive learning opportunities in the mainstream education system, with access to support services as required. The Committee also recommends that the State party implement all other recommendations contained in the report on the inquiry.

47. The Committee recommends that the State party formulate a comprehensive inclusive education policy with strategies for promoting a culture of inclusion in mainstream education, including individualized human-rights based assessments of educational requirements and necessary accommodation, 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.

Health (art. 25)

48. The Committee is concerned about the limited accessibility of:

- (a) Health-care services for persons with disabilities, particularly in rural areas;
- (b) Health-related information and appropriate means of communication, particularly for persons who are deaf or blind and persons with intellectual disabilities;
- (c) Gynaecological and obstetric care for women with disabilities.

49. **The Committee recommends that the State party:**

- (a) **Ensure the accessibility and availability of health-care services for all persons with disabilities, particularly in rural areas;**
- (b) **Ensure that persons with disabilities have accessible information and that health-care services are provided with alternative means of communication, such as sign language interpretation, Braille, Easy Read and all required augmentative means for that purpose;**
- (c) **Guarantee universal access to accessible sexual and reproductive health-care services, including family planning, and information and education, particularly for women and girls with disabilities, and integrate the right to reproductive health into national strategies and programmes, as set out in target 3.7 of the Sustainable Development Goals.**

Work and employment (art. 27)

50. The Committee is concerned about:

- (a) The lack of progress made to implement the Committee's recommendation made in its previous concluding observations (CRPD/C/ESP/CO/1, para. 46) to increase the low employment rate of persons with disabilities in the open labour market, which especially affects women with intellectual or psychosocial disabilities and persons with disabilities living in rural areas;
- (b) The lack of information on the application of anti-discrimination laws, including provisions on direct and indirect discrimination and denial of reasonable accommodation, in the workplace;
- (c) The failure to comply with the quota set out in the revised text of Act No. 9/2017 on public sector contracts.

51. **The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

- (a) **Analyse and modify legislation, regulations and policies to promote the employment of persons with disabilities in the public and private sectors, with particular emphasis on women with disabilities and persons with disabilities living in rural areas;**
- (b) **Ensure that reasonable accommodation is available and accessible for persons with disabilities with administrative safeguards, especially in cases of accidents that have led to disabilities in the workplace;**
- (c) **Adopt concrete measures to fully implement the legal quota established in the revised text of Act No. 9/2017 on public sector contracts.**

Adequate standard of living and social protection (art. 28)

52. The Committee is concerned that:

- (a) There are high levels of poverty among persons with disabilities, especially women with disabilities, due to the lack of access to the labour market, lower incomes and the lack of disability-related support measures;
- (b) The co-payments system for services, which was introduced as an austerity measure, has not been withdrawn.

53. **The Committee recommends that the State party:**

- (a) **Ensure that the national strategy for reducing poverty incorporates a disability perspective, including specific measures and an allocated budget;**
- (b) **Repeal the co-payments system for all services necessary for living independently in the community and ensure that persons with disabilities have full access to those services.**

Participation in political and public life (art. 29)

54. The Committee is concerned that:

- (a) Polling stations and voting materials for persons with disabilities in electoral processes are inaccessible;
- (b) The level of participation and representation of persons with disabilities in national and regional policy making bodies is critically low.

55. **The Committee recommends that the State party take all measures necessary to enable the political and public participation of persons with disabilities on an equal basis with others. The Committee also recommends that the State party:**

- (a) **Ensure that electoral procedures, facilities and materials are accessible for all persons with disabilities, including in sign language, Braille and Easy Read formats;**
- (b) **Promote the participation of persons with disabilities, including women, in political life and public decision-making.**

Participation in cultural life, recreation, leisure and sport (art. 30)

56. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

57. **The Committee encourages the State party to adopt as soon as possible all measures necessary to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

58. The Committee is concerned about the lack of progress to ensure the availability of disaggregated data and statistics on persons with disabilities, with a view to adequately informing public policies. It is also concerned about the lack of disaggregated data and statistics on the barriers within society for persons with disabilities, and on human rights violations, including gender-based violence, forced treatment, involuntary commitment, mechanical restraints and other forms of coercion, in mental health-care facilities.

59. **Bearing in mind target 17.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Develop systematic data collection and reporting procedures in relation to persons with disabilities in line with the Convention and the Washington Group Short Set of Questions on Disability;**
- (b) **Collect, analyse and disseminate disaggregated data on the situation of persons with disabilities and on the barriers that they face in society;**
- (c) **Establish a mandatory register for any forced treatment, including involuntary commitment, mechanical restraints, forced medication and electroconvulsive therapy, that occurs in mental health-care facilities;**

(d) **Ensure the involvement of organizations of person with disabilities in the development of data collection and analysis procedures.**

International cooperation (art. 32)

60. The Committee is concerned that the rights of persons with disabilities are not sufficiently prioritized or mainstreamed into the implementation of international cooperation measures, including with regard to the 2030 Agenda for Sustainable Development and its related Goals. The Committee is also concerned that disability-related terminology in international cooperation projects is not always in line with the Convention.

61. The Committee recommends that the State party ensure that the rights of persons with disabilities enshrined within the Convention and disability-related terminology are mainstreamed into all actions aimed at implementing international cooperation measures, including with regard to the 2030 Agenda for Sustainable Development and its related Goals. The Committee also recommends that the State party ensure that, in line with article 4 (3) of the Convention, organizations of persons with disabilities are consulted on and involved in every level of development and implementation of international cooperation plans, programmes and projects.

National implementation and monitoring (art. 33)

62. The Committee is concerned about the lack of support, including financial support, to ensure the independent monitoring of the implementation of the Convention.

63. Taking into account its guidelines on independent monitoring frameworks and their participation in the work of the Committee (CRPD/C/1/Rev.1, annex), the Committee recommends that the State party strengthen the capacity of the Spanish Committee of Representatives of Persons with Disabilities and its role as an independent monitoring mechanism for the implementation of the Convention, and provide adequate resources and funding for its functioning.

IV. Follow-up

Dissemination of information

64. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 34, on protecting the integrity of the person, and 46–47, on inclusive education.

65. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

66. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

67. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Next periodic report

68. The Committee requests the State party to submit its fourth and fifth periodic reports by 2 January 2025, and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to submit the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.
