

Submission to the Special Rapporteur on Extreme Poverty and Human Rights, regarding the visit to Spain in 2020

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The text below is part of an academic article, forthcoming in the *European Journal of Social Security* with the title: ‘The content and potential of the right to social assistance of Article 13 of the European Social Charter’. The citation details are:

* Dalli, María, ‘The content and potential of the right to social assistance of Article 13 of the European Social Charter’, forthcoming in *European Journal of Social Security*, 2020.

In the following, information regarding the situation of poverty in Spain is given with regards to the distribution of poverty in the country, the impact of some of the austerity measures implemented following the economic crisis and the deficits of the regionally organised last resource income support system (*rentas mínimas de inserción*).

In Spain, 21.6% of the population were at risk of poverty or social exclusion in 2018, after social transfers.¹ According to a study that followed the poverty risk indicator from 2008 to 2017, the groups most affected by the poverty increase were the unemployed, the young (between 16 and 29 years old), third country nationals, the population living in rural areas, households with children and lone parent families.² It is estimated that 900,000 people had energy cuts in 2016, and that 6.8 million people could not afford the heating or had delays in the due payment of the bills.³ In 2012, the number of homeless people without any resources registered an increase of 97% since 2005.⁴ This resulted in a change of the homeless group composition: more young people and over 45-year-old, more women and more non-European foreigners.

¹ Eurostat (2018).

² Llano, J. C. (2017) *El estado de la pobreza. Seguimiento del indicador de pobreza y exclusión social en España 2008-2017*, EAPN España, p. 13 and 61.

Available at: https://www.eapn.es/estadodepobreza/ARCHIVO/documentos/Informe_AROPE_2018.pdf

³ Asociación de Ciencias Ambientales (2018) *Pobreza Energética en España. Hacia un sistema de indicadores y estrategia de actuación estatal*.

⁴ Estrategia Nacional Integral Para Personas sin Hogar 2015-2020 (2015), available at: <https://www.mscbs.gob.es/ssi/familiasInfancia/inclusionSocial/docs/ENIPSH.pdf>

In 2017, poverty in Spain affected 31.3% of children, 31.5% of people with disabilities, 39.2% of foreign EU nationals and 52.1% of third country nationals.⁵ The poverty risk decreased for all age groups in 2017 except for those over 65 years of age. Moreover, poverty affects a greater proportion of females than males. The poverty increase registered in 2017 affected 5.5% of men and 19.4% of women. In 2017, the activity rate was 22% higher for men than for women and the poverty risk affected 40.6% of lone parents.⁶ In 2018, 83% of lone parents were female.⁷ The gender gap in the labour market results in a gap in the pensions that men and women receive, and, consequently, in the poverty rate affecting both groups when they reach the old age. It is estimated that male pensioners receive 59% to 63% more than their female counterparts.⁸

One of the main poverty factors in Spain is unemployment, which reached 13.9% of the population in February 2019, when 3,289,040 people were registered in search for employment.⁹ The most affected groups include people over 45 years-old, women, foreigners, ethnic minorities and the young.¹⁰ It has been criticised that funding is not sufficiently invested in the training of the unemployed group. Moreover, employment is not the cure all for poverty, as 14.1% of the employed people in Spain were at risk of poverty in 2017.¹¹ From 2013 to 2017, 92% of the new contracts were temporary.¹² Precarious working conditions result from temporary jobs, low salaries, the lack of working arrangements and a decline in collective negotiation. Salaries in Spain are far from reaching the average in Europe, as half of the workers earn less than 1,000€ a month.¹³ The 2012 labour reform is accused of having deregulated labour relations and lead to further precarious working conditions. Every three out of ten households have accepted irregular jobs and four out of ten households are in low salary jobs.¹⁴

Income support mechanisms are not performing as expected. The coverage and the amount of the child allowance (28.41€ per month) are not adequate. The Spanish minimum income system, organised regionally, has been criticised for a number of reasons, such as the existing territorial differences, the age requisites (normally, being over 25 years of age) or the duration of the benefits, which are often limited to 6-12 months (except for Asturias, Cantabria, Castile Leon, Madrid and the Valencian Community). The waiting period for receiving the benefit is 2-3 months in most regions.¹⁵

⁵ Llano (note 2: 37).

⁶ Ibid, 36 and 96.

⁷ INE (2018).

⁸ Llano (note 2: 17).

⁹ Ministry of Employment and Social Security, Spain (2019) 'Evolución del paro registrado del año 2019'.

¹⁰ FOESSA (2017) *Desprotección social y estrategias familiares*, Análisis y Perspectivas, p. 26.

¹¹ Llano (note 2: 76).

¹² FOESSA (2019) *VIII Informe sobre Exclusión y Desarrollo social en España*, p. 239. Available at: <https://caritas-web.s3.amazonaws.com/main-files/uploads/sites/16/2019/05/Informe-FOESSA-2019-completo.pdf>

¹³ Plataforma DESC (2018), *Informe Conjunto de las organizaciones de la sociedad civil española al Comité de Derechos Económicos, Sociales y Culturales*, p. 15.

Available at: https://docs.wixstatic.com/ugd/10c749_b8b47d858b7f43f19e6dde4f43d0d10a.pdf

¹⁴ FOESSA (note 10: 8).

¹⁵ Ayala, L. et al. (2016) *El sistema de ingresos en España: tendencias, resultados y necesidades de reforma*, Ministry of Health, Consumer Affairs and Social Welfare, p. 71. Available at:

In addition, the benefit levels are not adequate and do not go in line with the poverty risk.¹⁶ On average, the basic monthly amount in 2017 was 451.97€ and the average maximum was 758.35€.¹⁷ The maximum receivable amount varies largely, from 420€ in Ceuta to 1,200€ in Navarra. Access restrictions for income support affect those who have recently settled in the region, the young, recently formed households and the homeless.¹⁸ On average, residence for two to three years in the region is required often in addition to legal residence.¹⁹ Furthermore, the lack of precision of many regional regulations leads to bureaucratic discretion and subjective decision-making.²⁰ Activation measures tend to be poorly resourced and those targeted at groups with employability difficulties are hardly effective. Inclusion mechanisms are not implemented through a joint work between the Social Services and the Employment Services, except for within a few regions.²¹ In this regard, a strong focus on activation could lead to ignoring the implementation of broader social inclusion measures capable of adequately addressing the problem of social exclusion.²²

Civil society organisations recommend that the State elaborates a state plan on minimum income in order to improve the coordination between the distinct territorial levels.²³ The CESCR of United Nations expressed its concern in the 2018 Concluding Observations to Spain, ‘at the persistent deficit shown by the pension system, at the low percentage of persons eligible for non-contributory benefits and at the fact that the level of both contributory and non-contributory benefits is insufficient to ensure that all pensioners and their dependants are guaranteed an adequate standard of living’.²⁴ According to the European Committee of Social Rights, the regional income support programs do not comply with Article 13 of the European Social Charter due to the length of residence and age requisites, their duration and the level of assistance.²⁵

<https://www.msbs.gob.es/ssi/familiasInfancia/ServiciosSociales/EstudiosNacionales/SistemGarantIngresosEnEsp.pdf>

¹⁶ Consejo Económico y Social, Informe 2017, p. 44.

¹⁷ Ministry of Health, Consumer Affairs and Social Welfare, Spain (2017) *Informe de rentas mínimas de inserción*, p. 83.

Available at: <https://www.msbs.gob.es/ssi/familiasInfancia/ServiciosSociales/docs/Informe2017.pdf>

¹⁸ ESPN (2015) *Thematic Report on Minimum Income Schemes*, Spain, p. 15.

¹⁹ Dalli, M. (2019) ‘Comparing the access conditions for minimum income support in four EU member states for national, EU and non-EU citizens’, *Journal of Social Welfare and Family Law*, 41(2), 233-251, p. 240-241.

²⁰ ESPN (note 18: 8).

²¹ EMIN (2017) *Developments in relation to Minimum Income Schemes*, Context Report, Spain, p. 8.

Available at: <https://eminnetwork.files.wordpress.com/2013/04/spain-minimum-income-update-2017.pdf>

²² Rodríguez Cabrero, G. (2013), Valoración de la implementación de la Recomendación de Inclusión Activa de la Comisión Europea, Un informe de políticas nacionales, España, EU Network of Independent Experts on Social Inclusion, p. 25.

²³ Plataforma DESC (note 13: 27).

²⁴ CESCR (2018) ‘Concluding Observations: Spain’, E/C.12/ESP/CO/6, par. 30.

²⁵ ECSR, Conclusions XXI-2 (2017) Spain