

Submission of Médicos del Mundo to the UN Special Rapporteur on extreme poverty and Human Rights

Healthcare was a major target of the austerity measures adopted by the Spanish Government to cope with the 2008 economic crisis. These policies – which were adopted without having exhausted other less harmful measures, and have had a disproportionate effect over the most vulnerable populations – have not been fully reverted one decade after.

On the one hand, the exclusion from healthcare of undocumented migrants has not been duly addressed. On July 2018, the newly appointed Government passed the Royal Decree-Law 7/2018 aimed at recovering universal access to the National Healthcare System to any person living in Spain, regardless their administrative status. This law has not lived up to its expectations due to its multiple flaws. Thus, access to healthcare for undocumented migrants is subjected to various administrative requirements which are not easily fulfilled and may lead people into exclusion. Moreover, the Royal-Decree does not ensure the right to healthcare for minors, pregnant women, asylum seekers, victims of human trafficking or even emergency care for those undocumented migrants who cannot prove a stay in Spain of over three months – a guarantee which, paradoxically, was included in the 2012 reform. This particular issue – which could be interpreted as an unlawful regression of the right to health under international Law – has enabled the adoption of restrictive policies by certain regions – such as Galicia or Madrid, where the government is held by an alliance of conservative parties with the support of the extreme right wing. (See the report by REDER [here](#))

On the other hand, the 2012 healthcare reform introduced a new series of copayments which worsened the access to essential medicines for the most vulnerable collectives – most seriously sick and poor people. While the new Government has promised to review this system, it has not yet delivered. Furthermore, while the current system establishes a copayment of 40% for the national population, which is reduced to 10% for pensioners, in the case of undocumented migrants – once they manage to fulfil the requirements established in the Royal-Decree Law 7/2018 – they are only entitled to the 40%, regardless their age. Consequently, the eldest undocumented migrants – who would normally need more medicines and have fewer resources – suffer an unjustified discrimination. It is important to notice that the Spanish National Healthcare System is funded through taxes, both direct and indirect, and therefore even undocumented migrants contribute, through their consumption, to sustain the system. Consequently it becomes even more unjustifiable to establish differences in their right to access in relation to the national population.

All these circumstances show the persistence of a differentiated and discriminatory treatment of undocumented migrants regarding their right to access the healthcare

system. This clearly contradicts the General Observations of the UN Committee on Economic, Social and Cultural Rights urging Spain *to take the necessary steps to ensure that irregular migrants have access to all necessary health-care services, without discrimination* ([E/C.12/ESP/CO/6](#), Observation 42).

The Right to Health cannot be considered as a separate issue to other Human Rights, as the breach of other Rights can directly affect negatively people's health. In this sense, Médicos del Mundo defends the need to tackle the social determinants of health in order to provide a standard of living adequate for the health and well-being of all individuals. Further to this, undocumented migrants in Spain are exposed to harsh living and working conditions which not only constitute a breach of those particular rights, but have a definitive impact in worsening the health condition of these people. To get a first-hand view of these circumstances, we would strongly recommend the Special Rapporteur to visit the following sites:

- Almería: The labour and living conditions of the people working in the area's greenhouses have been recurrently denounced by different trade unions and civil society organisations. Since 2008 Médicos del Mundo has been working in these settlements providing psychosocial assistance. In 2013 the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance paid a visit to these settlements (see [here](#)). Little has changed ever since. Although Almería could be seen as a paradigmatic example of this situation, there are other similar settlements in places such as Albacete or Extremadura where Médicos del Mundo is also working and could be interesting for the Rapporteur to visit.
- Melilla: together with Ceuta, it constitutes Europe's only mainland border with Africa and as such, it counts with a high number of undocumented migrants living in the city. Among the most vulnerable ones are unaccompanied minors, particularly those living in the street. Since 2016 Médicos del Mundo has been present in Melilla and working with these minors.

Last but not least, the rise of the extreme-right wing – which has recently obtained 52 parliamentarians – poses a serious threat. The escalation of the xenophobic discourse targeting migrants (particularly undocumented ones) and demanding cutbacks in the social aid they receive contributes to the stigmatization of this group, increasing their vulnerability. Therefore, it becomes urgent to counteract these tendencies through the adoption of a social agenda which fosters the inclusion of migrants.