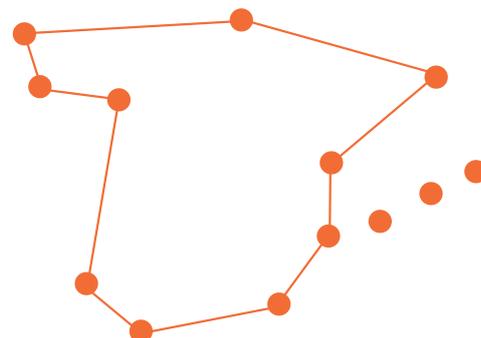




COUNTRY MONITOR



SPAIN

Social Rights Monitor 2019

Spain, after being one of the most affected countries by the socio-economic crisis of 2008, in recent years has seen a sustained recovery. Though employment levels are growing, it is still one of the countries most affected by high levels of inequalities. Social exclusion and wage levels remain lower than pre crisis levels. The groups most affected are young people, women and migrants.

The recent labour reform law has also created stagnation in salary wages, precarious working conditions and high levels of in-work poverty. The worsening of living conditions has affected in particular women, young people and migrants.

The country report and recommendations for Spain reflect many of the same points that have been highlighted by SOLIDAR Spanish National Strategy Group, such as the increasing of precarious working conditions, increased inequalities, social exclusion and slow wage growth. Spain needs to reform the pension and tax system and introduce regulation to limit the excessive use of temporary jobs. Moreover, they point out that Spain faces specific territorial cohesion challenges. The CSR and country report for 2019 neglects to mention, however, that the crisis, the precarious situation and lowering living standards have pushed a big number of highly qualified workers to migrate outside the country. Finally, Spain has been classified as a country with a narrow civic space due to the adoption of the Law 4/2015, of 30 March that limits and regulates freedom of association and expression on the basis of concerns for the protection of citizens' security.



Gini Index: 33.2
Unemployment: 15.3%
Employment rate: 67%
Gender equality index: 70.1
Youth unemployment: 34.4%
AROPE: 26.1%
Social welfare spending (as % of GDP): 16.6%
Tax on labour as share of total taxes: 48.3%
In work poverty: 12.9%
CIVICUS civic space monitor: Narrowed

Equal opportunities and fair working conditions

Spain, after being one of the most affected countries by the socio-economic crisis of 2008, in recent years has seen a sustained recovery. In 2018 the employment rate was at 67 per cent; although showing an improvement it is still low and under the EU average. The unemployment rate is 15.3 and affects especially women, young people and migrants. Moreover, Spain still shows a high level of inequalities, and wages levels remain lower than pre crisis levels. Spain is ranked as one of the most unequal countries in Europe with a GINI index of 33.2 with increasing rates of inequalities and social exclusion.

The Spanish National Strategic group, led by the organisation *Movimiento Por la Paz* (MPDL), has highlighted that the tax system needs a reform, and the changes that have been adopted in the last years, in particular by the PP Government of Rajoy in 2015, have generated higher levels of inequalities. For example, there is a need to reform the taxation on rent and on companies by making it progressive, taxing the richest percentile and redistributing equally addressing social policies to fight social exclusion. Currently, Spain's public expenditure is 41.5% of the GDP, four points below the European average (45.6%). Insufficient tax collection is present in different

fields, as seen in data annually published by the Tax Agency (*Agencia Tributaria*)¹. For example, in the case of the corporate income tax, only half of the level of income previous to the financial crisis has been recovered². This situation is due to a set of exemptions and fiscal incentives that generate gaps in the tax collection as well as the presence in the country of several IT corporations that do not pay taxes.

The crisis and the lowering of living standards have forced a big number of the young qualified population to migrate to other European countries to look for better living conditions. Between 2007 and 2017 around 87,000 highly qualified workers have migrated to another EU country³. The National Strategic Group for Spain has highlighted that the crisis and the changes in the types of work have created an increase in the mismatch between the qualifications and labour market demand. As a result of the economic crisis 41.2 per cent of the population is working in jobs that require lower skills levels than the ones acquired in education. Data shows that young people in employment mainly work in precarious conditions, with temporary jobs with low-skilled contracts, high-rotation and temporality.

The National Strategic Group has underlined that another important aspect that has to be taken into account is the regional difference, the south-north divide in terms of employment rate, with the lowest rates in Extremadura (42.23%) and Andalucia (43.81%) showing more than a 10 percent difference with the Madrid area (55.21%).

Moreover, in recent years Spain had three labour market reforms touching on employment protection legislation, collective bargaining and labour flexibility. They were passed in 2010, 2011 and 2012. In 2013 the PP right-wing government of Rajoy passed an additional reform of part-time work dramatically increasing the flexibility of this type of employment⁴. These reforms, as highlighted by the National



Strategic Group, have created, among other consequences, internal devaluation with the stagnation of wages. In 2011, the INE salary structure survey⁵ showed an average salary of 25,999.87 euros per year; in 2015, the remuneration was almost 800 euros less, after having hit bottom just the previous year.

The amendments approved in 2012 touched on three important aspects of the collective bargaining system. First, priority is now given to company level collective agreements over sectoral collective agreements on a number of matters, such as salary, hours, time schedules, shift work, etc. This has generated an increase in collective agreements at company level. A company can also decide to opt out of the applicable collective agreement as long as it reaches an agreement with the employee representatives. Finally, the collective agreement can now be extended automatically beyond the expiry date for only a year, in the absence of an agreement to the contrary. According to the Supreme Court, after that year of extension, if no agreement is reached, the working conditions set by the expired collective agreement become a part of the individual contracts of the employees affected and can be modified following a procedure of substantial modification of working conditions. These reforms have created new employment and the subsequent raising of employment rate, at the cost of the quality of employment and raising levels of precariousness and short term contracts, as also shown in the European Commission Country report⁶.

Moreover, social policies are delocalised and are to a large extent administrated by the autonomous communities that regulate different social investment incrementing regional differences. For example, in the case of fighting poverty the Basque Country and Navarre have concrete policy actions while others have fragmented interventions; in the Basque Country 16 of every 100 workers with temporary employment have to resort to social benefits,

according to the Report of the Economic and Social Council of Euskadi 2016. In other Autonomous Communities, these complementary benefits do not exist, as generally the minimum income system is aimed exclusively at unemployed people.

In 2019 the government with the Real Decreto 1462/2018⁷ introduced a reform of the minimum wage, from 735.90 to 900 Euros per month with the aim to tackle in work poverty. This has increased the minimum wage by 22.3%. The National Strategic Group affirmed that the increase in wages has been necessary to recover a part of the purchasing power lost during the internal devaluation and inflation. It is especially key to coping with the increase in the cost of living in general also caused by the higher tax burden through an increase in indirect taxes.

Gender equality and fighting gender based violence

Gender inequality is still a problem in the labour market, but the government considers it a priority and plans to implement policies to tackle it. Women are one of the categories that are most affected by unemployment and precarious working conditions. The gender pay gap is still high and for the gender equality index Spain in 2017 scored 70.1.3, showing an increment because of the gender balance in the Government and Parliament as a result of the last elections⁸. In 2007 Spain passed the law on gender equality⁹ that among other norms introduced a measure to counter the glass ceiling, namely organisations with more than 250 employees are required to have gender balance on the board. In March 2019 the government extended the time for parental leave that will reach 16 weeks in 2021¹⁰. Moreover, organisations have the obligation to disclose the salary broken down by gender and positions, with the obligation for companies with more than 50 employees to provide explanations when the average gender pay gap is higher than 25%¹¹.

In 2004 Spain introduced the Organic Law 1/2004,



of December 28¹² “Comprehensive Protection Measures against Gender-Based Violence” to fight gender based violence and provide support to women survivors of gender-based violence, guaranteeing a series of labour and social security rights. In recent years these rights have been developed and expanded, with the latest modification being the approval of an enabling degree that proves the situation of a victim of gender-based violence without the need to file a complaint to access socio-labour benefits. The internship contract and the training contract include gender-based violence as a situation that interrupts the calculation of the duration of the employment contract. The recruitment of women who accredit gender-based violence will be rewarded with social security fees.

With the aim of continuing to achieve equal opportunities between women and men on 1st March 2019, Royal Decree-Law 6/2019¹³ was adopted, introducing urgent measures to ensure equal treatment and opportunities between women and men in employment and the occupation that modifies the labour standards by establishing, on the one hand, modification of terminology in the regulations by establishing the benefit for birth and care of the child, rather than maternity benefit, or co-responsibility in the care of the infant, rather than paternity, with the aim of generalising care to different family units and all their members. It also establishes the obligation for companies with more than 50 workers to develop and implement an “Equality Plan” (previously for companies of more than 250 workers). This application will be carried out gradually. The Equality Plan is a tool to promote the recognition and monitoring of the implementation of measures that promote equal opportunities in general and conciliation, in particular. It is regulated as a serious infringement not to comply with the obligations established by Organic Law 3/2007¹⁴ for the effective equality of women and men, the Workers’ Statute or the collective agreement of application.

Good practice

‘Equality in The Enterprise’

The Institute of Women and Equal Opportunities of the Ministry of Health Social Services and Equality launched the initiative Network of Companies with the “Equality in The Enterprise” (*Igualdad en la Empresa*)¹⁵ Red DIE, to facilitate the exchange of good practices and experiences in equal opportunities between women and men in the workplace. In order to receive the badge and join the initiative companies need to improve their internal gender policies such as flexible working times to facilitate work life balance; spatial flexibility (remote working); social benefits for families, such as childcare provision, transport, health insurance.

The Spanish Confederation of Small and Medium-sized Enterprises (CEPYME) has developed the Guide to Good Practices for the Elimination of the Gender Pay Gap, the result of the Equal Project for the analysis of the gender pay gap in the Spanish SMEs¹⁶.

Integration of migrants, asylum seekers, minorities and vulnerable

The National Strategic Group has underlined that migrants, asylum seekers, minorities and vulnerable groups are generally less likely than locals to experience upward social mobility, and also locals do not experience it frequently.

Policies to integrate migrants are being made through the Autonomous Communities and social action entities. Specifically, with the *Programa Operativo de Inclusión Social y de la Economía Social* (POISES)¹⁷ program of the European Social Fund, work is being done to improve socio-labour integration. In the years that have followed the economic crisis there have been several cuts to the integra-



tion plans for migrants. As precariousness and poverty have grown, the most affected groups of populations have been migrants, women and young people. More specifically migrants also experience structural discrimination in the labour market, difficulties in accessing affordable housing, difficulties in recognition of previous qualifications, barriers to access public health services, greater difficulties in educational inclusion and fewer opportunities to access studies, and institutional racism.

In September 2015¹⁸, the Spanish government made a commitment to the EU to gradually welcome 1,449 resettled people over the course of two years, and 15,888 relocated from the Mediterranean area. As of February 2017, the total number of relocated and resettled in Spain was 1,143 people, which represents a compliance of 6.5% of the commitments made. On the other hand, in 2016, 22,107 people directly applied for international protection in Spain. This is the highest figure registered since the approval of the first Asylum Law in 1984. For the first time, Venezuela was the country of origin of the largest number of applicants, ahead of Syria. In 2016, Spain provided some form of international protection to 6,855 people, the vast majority coming from Syria. Spain received more asylum requests in 2017 than irregular immigrants (31,667 compared to 28,700). In 2017, the government granted international protection to 40% fewer asylum seekers than in 2016, with a total of 13,350 cases of which only 4,080 (35%), compared to the 6,855 that obtained the approval the previous year. More than 10,000 Venezuelan people who took this step in 2017 represent an increase of 161% compared to those who did it in 2016. Colombian people represent another 8%. Syrians represented the second nationality with the highest number of applications (14% of the total).

The growing numbers of asylum seekers and refugees have made it essential to continue strengthening the capacities and resources of the system

of reception and integration of refugees in Spain, in order to respond to the multiple needs presented by the applicants of international protection when they arrive in Spain. The National Strategic Group for Spain sees the Strategic Plan for Citizenship and Integration (PECI) 2007-2010¹⁹ as a good example of joint political work between public administrations, academia and the third sector of social action. The current Government is discussing the approval of a new Integration programme.

The State Fund for the Integration of Immigrants has been endowed with 70 million euros for the year 2019 (by Royal Decree-Law 8/2019, of 8 March, on urgent social protection measures and the fight against job insecurity in the working day), as an instrument to resume and strengthen collaboration with the Autonomous Communities and City Councils, within a common programmatic framework.

The Government in 2019 has adopted a National Reform programme to provide measures for facilitating access to the labour market for migrants²⁰. The new reform programme contains a specific point for migration management and talent attraction, stating that the Government is committed to reinforce the circular recruitment system at origin in the framework of a well-managed migration policy, in line with the Agenda 2030, the Global Compact for Migration. This has only in the first half of 2019 already facilitated 19,000 recruitments in the country of origin. The Government's Agenda for Change also foresees the simplification of procedures for recruiting highly qualified workers and foreign entrepreneurs in order to facilitate the engagement of high-knowledge companies in Spain.

In 2018 the Royal Decree Law 7/2018, of 27 July²¹ reintroduced universal access to the national health system modifying the Royal Decree law 12/2012 of 20 April²², which severely restricted access to the right to health for irregular migrants, limiting it only to urgent cases.



Social protection and inclusion

While in recent years the Spanish economy has experienced a period of economic growth and recovery in employment, it has not been enough to reverse poverty generated during the crisis and create wellbeing for a majority of the society. While the unemployment rate has decreased, and the average income has recovered, the standard poverty (income below 60% of median income) rate stays practically at the same levels.

Also the crisis has led to the intensification of inequality for the National Strategic group it has been caused by a weak and unjust system of redistribution (social and fiscal policies) as well as the changes in the labour market that have increased the difficulties to encounter stable employment, low wages and limited availability of social safety nets.

Since the 2008 economic crisis the poverty rate has risen by over 3% to 26.8% of the population. In 2017 70% of Spanish households had seen no benefit from the economic recovery. Currently, there are still 3.2 million households that live in risk of social exclusion, 628.000 more than in 2007, with 1.5 million living in extreme poverty, compared to 914.00 in 2007²³.

In 2018 levels of social integration show progress, with the number of people living in a more precarious situation decreasing, and the population living in complete social integration has risen from 34.1% of 2013 to 48.4% of 2018, showing that still half of the population in Spain lives in a situation of economic precariousness. Looking at the population living in extreme exclusion the number went from 22.7% in 2013 to 8.8% in 2018. However, since the 2008 economic crisis the levels of social exclusion have just reached those of the pre-crisis only for the number of people living not at risk of social exclusion but have been incremented for the people living in extreme poverty. In 2017 the proportion of people

at risk of poverty lowered but remains high. This vulnerability is concentrated, in addition, in certain demographic categories. The problem affects especially the younger population, women and migrant populations from the community (social exclusion rate triples to the community), as well as children. The situation of older people has also worsened in the past few years because of the weakness of the public pension system.

Public spending on family benefits, which is half of the EU average, remains poorly targeted at low income families. Moreover, Spain faces specific territorial cohesion challenges, depopulation and ageing in rural areas. Inequality has its reflection both among populations living in different regions in Spain, between those who live in cities and in the countryside (with extreme lack of services and loss of population), and within cities. The most vulnerable, as well as limited financial resources suffer from less access to education, health, and the reduction of public services in cities, to services such as cleaning or mobility, affecting their well-being directly.

The National Strategic Group has recommended, in order to reduce poverty, that Spain introduces a universal benefit per dependent child, complementary to salaries. This measure would reduce, in part, the precariousness generated by the low levels of income. Regarding this the European Commission has indicated in its Country Report 2019: "The national systems of unemployment assistance are fragmented and there are gaps in the coverage of many systems of minimum guaranteed income of the autonomous communities. There have been few improvements in support for families, especially those most in need."

On the 22nd March 2019 the Council of Ministers adopted the National Strategy of Prevention and Fight against Poverty and Social Exclusion 2019-2023²⁴ which seeks to provide adequate coverage



to the needs of citizens and especially vulnerable groups in situations of poverty or exclusion. The Strategy is built around four strategic goals, which will be specified in annual operational plans: combating poverty, especially of the most vulnerable people such as children and adolescents; social investment in people; system of sanitary, educational and social public services, universal and of quality; and effectiveness and efficiency of policies.

To address the challenge of child poverty, the High Commissioner for the Fight against Child Poverty was created, which ensures the coordination of efforts and resources at all levels of the administration. The Spanish government since 2018²⁵ has instituted the VECA program "School Holidays, continue learning". This program made it possible to expand the budget activities of the central administration (15 million euros) with summer activities to support the school canteen and educational leisure for children in vulnerable situations, also with the aim to guarantee access to food for children in vulnerable situations. The High Commissioner for the Fight against Child Poverty works in collaboration with the private sector to ensure the maximum impact of the actions and improve coordination.

The Royal Decree-Law 8/2019²⁶ of urgent social protection measures and the fight against precarious work in the working day has increased the family economic allowances for dependent children up to 341 euros per year in general (1.3 million children at risk of poverty affected), and increases to 588 euros for families in a situation of severe poverty (630,000 affected children). With this measure, the Government hopes to remove 80,000 children from situations of risk of severe poverty.

Along with these cross-cutting measures, the implementation of specific strategies for certain vulnerable groups has continued, such as the National Strategy for the Social Inclusion of the Roma Population 2012-2020²⁷, in the mid-term evaluation

of which there have been significant improvements in some of the indicators, especially in the area of housing and education, and the National Comprehensive Strategy for the Homeless 2015-2020²⁸, the mid-term evaluation of which will be carried out in 2019.

Environment and quality of life

Spain faces a serious overall environmental situation, with depletion of natural resources, loss of biodiversity, as well as general degradation of the environment. But one of the main problems is climate change and its consequences, being one of the most vulnerable countries in the EU to climate impacts, given its geographical and climatic position.

In Spain, CO₂ emissions saw an increase of 17.9% in 2017²⁹ compared to 1990, while 11% of the population suffers from energy poverty³⁰. In Spain only 17.3% of primary energy comes from renewable energy sources and 72.9% of the energy consumed is imported from abroad.

In 2018, the Pedro Sanchez government created the Ministry for the Ecological transition³¹ to concentrate the main policies to address climate change, its consequences and challenges. The Spanish National Group stated that, although progress has been sought by the current government on issues such as the energy model and climate change, with the adoption of the draft Climate Change and Energy Transition Act (LCCTE)³², these have been sometimes because of a lack of ambition in the proposals and, mainly, because of the lack of political strength of the government itself that had a very marginal majority with a very fragmented parliament. In addition, the decentralisation of the Spanish state itself, with many powers transferred to the Autonomous Communities (with governments of various signs), together with the refusal and rejection by certain political groups (which even deny the exist-



ence of Climate Change), makes it difficult to establish a common and coherent policy in all territories.

Civic space

The Civicus Civic Space Monitor assesses Spain as narrowed. In the country freedom of association is protected and respected, but in 2015 Spain adopted the Law 4/2015, of 30 March³³, on the protection of citizen security, also known as ‘Gag Law’. The Spanish National Strategic Group is concerned on how this law undermines freedom of association, the right to strike, assembly and freedom of speech. The Act jeopardises these rights by limiting their exercise through training to authorities for the restriction of transit on public roads, the use of camcorders, the possibility of limiting meetings and demonstrations or their dissolution, based on security of citizens. Another controversial aspect is the creation of a “central register of offences against public security” in the Ministry of the Interior, as well as other similar records of regional character, in those Autonomous Communities who wish to and who have a body’s own police. This record has the purpose to “appreciate recidivism in the Commission of violations typified in this law”, adding to the already existing “central registry of convicts and rebel” (regulated by the Ministry of Justice), for criminal records, and to the history police, in charge of the national police, Civil Guard and regional police.

This new measure limits the right to organise and freedom of assembly and expression, in this regard, the Council of Europe, in November 2018³⁴, urged Spain to guarantee these rights and freedoms in the Citizens’ Security Act.

In Spain in 2018 the 5.6% of the population is involved in formal or informal voluntary activities³⁵. 62% are women aged 25 - 34, with a high level of education.

Comparison to Country Specific Recommendations

The country report and recommendations for Spain reflect many of the same points that have been highlighted by SOLIDAR Spanish National Strategy Group, such as the increase of precarious working conditions as well as a slow wage growth, the increasing of inequalities and social exclusion affecting mainly women, young people and migrants. They both highlight the need to reform the pension and tax system and regulate the use of temporary jobs. Moreover, they point out that Spain faces specific territorial cohesion challenges, such as depopulation, ageing and difficulties to access services in rural areas, on the one hand, and demographic pressure in some urban areas, on the other. The CSR and country report for 2019 neglects to mention, however, that the crisis, the precarious situation and lowering living standards have pushed a big number of highly qualified workers to migrate outside the country. Moreover, the Spanish National Strategic Group highlights that Spain, with 12.9% in 2018, is among the countries with the highest in-work poverty rates in Europe, partly due to the increase in precarious forms of employment, with the explosion of temporary contracts, false self-employed and platform workers. Finally, as indicated in the CSR, the National Strategic Group recommends among other things to strengthen employment and social services and improve support to families and adopt a tax reform to address the increasing of inequalities.



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SOLIDAR is a European Network of membership based Civil Society organisations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organisations to the EU and international institutions across the three main policy sectors: social affairs, lifelong learning and international cooperation.



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