

Contribution to the Focus chapter of the Fundamental Rights Report 2022: Social rights and equality in light of the recovery from the COVID- 19 pandemic.

Spain

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1 Measures implemented to foster social rights and equal treatment in the recovery from the pandemic

Table 1.a

Name of the measure in English	Youth Guarantee Plus Plan 2021-2027 for decent work for young people
Name of the measure in the national language(s)	Plan de Garantía Juvenil Plus 2021-2027 de trabajo digno para personas jóvenes
Reference document for the measure <i>Include an url, where available</i>	<p>Spain, Government of Spain (2021), Recovery, Transformation and Resilience Plan. Component 23: New public policies for a dynamic, resilient and inclusive labour market (<i>Plan de Recuperación, Transformación y Resiliencia. Componente 23: Nuevas políticas públicas para un mercado de trabajo dinámico, resiliente e inclusivo</i>), 16 June 2021. Available at: https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/16062021-Componente23.pdf</p> <p>Spain, Resolution of the Secretary of State for Employment and Social Economy, publishing the Agreement of the Council of Ministers of 8 June 2021, approving the Youth Guarantee Plus Plan 2021-2027 for decent work for young people (<i>Resolución de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 8 de junio de 2021, por el que se aprueba el Plan Garantía Juvenil Plus 2021-2027 de trabajo digno para las personas jóvenes</i>), 24 June 2021. "BOE" no. 151, of 25 June 2021, pages 76298 to 76389- Available at: https://www.boe.es/eli/es/res/2021/06/24/(1)</p>
Social rights covered by the measure <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to</i>	- right to social security and social assistance (Article 34)

<p><i>measures that apply to one discrete right</i></p>	
<p>Population group(s) covered by the measure</p> <p><i>Delete as appropriate</i></p> <p><i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i></p>	<p>Always highlight if and how the measure takes into account intersectionalities between different population groups. Add a short description of how this is the case here.</p> <p>- Unemployed young people aged 16-29</p>
<p>Summary description of how the measure applies to the population group(s)</p>	<p>Focus in particular on how the measure can serve to foster the social rights of and equal treatment for members of the population group(s) of interest</p> <p>In a country with a youth unemployment rate of 35%, the Youth Guarantee Plus Plan is part of an overall investment, the Strategic Plan for Youth Advances, which brings together all the actions for youth employment and which will allocate 4 billion and 950 million euros for these purposes. Its aim is to improve the qualifications of young people so that they acquire the professional and technical skills necessary to access the labour market.</p>
<p>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</p>	<p>To achieve the objectives of improving the employability and entrepreneurship of young people, the plan is based on the following axes: personalised guidance and monitoring of users in all support actions; training aimed at acquiring skills and improving professional experience, taking into account the needs of transformation of the production model; improving employment opportunities through incentives aimed especially at people who need special consideration; equal opportunities; entrepreneurship and promotion of entrepreneurship and improvement of management. All this is expected to have a positive impact on social rights and equal treatment during the recovery.</p>

Summary description of the extent to which the measure foresees the provision of enabling social services	Where available, indicate if and how the measure foresees integrated public service provision and also integrated private service provision No relevant data has been found.
Entity or organisation responsible to implement the measure	Ministry of Labour and Social Economy, Autonomous Communities and Local Entities, in collaboration with the Ministry of Education and Vocational Training, the Ministry of Territorial Policy and Public Function, the Ministry of Science and Research and the Centre for Technological and Industrial Development.
Duration of the measure	Three years (2021-2027)
Budget allocated to implement the measure	4 billion and 950 million euros
Summary description of how any foreseen impact assessment of the measure will be carried out	In general, two levels of control are foreseen for the implementation of each of the measures of the Recovery, Transformation and Resilience Plan. Level 1, corresponding to the internal control of the executing body, operates fundamentally at the level of each body responsible for the execution of an action under the Recovery and Resilience Mechanism and constitutes the primary and basic control of any administrative activity in Spain, which must provide assurance on compliance with the legal requirements, objectives and sound financial management required. The second level, still related to management, is entrusted to the independent internal control bodies of the different Administrations involved. It follows from the above the Ministry of Labour and Social Economy is the body responsible for monitoring the implementation of the reform and assessing its impact. In the meantime, it has not been possible to find out how this assessment will be carried out.

Table 1.b

Name of the measure in English	Plan Spain protects you against male violence
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Name of the measure in the national language(s)	Plan España te protege contra la violencia machista
Reference document for the measure <i>Include an url, where available</i>	Spain, Government of Spain (2021), Recovery, Transformation and Resilience Plan. Component 22: Shock Plan for the Care Economy and Strengthening Equality and Inclusion Policies (<i>Plan de Recuperación, Transformación y Resiliencia. Componente 22: Plan de choque para la Economía de los Cuidados y Refuerzo de las políticas de igualdad e inclusion</i>), 16 June 2021. Available at: https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/16062021-Componente22.pdf
Social rights covered by the measure <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to one discrete right</i>	<ul style="list-style-type: none"> - equality between women and men (Article 23), - right to social security and social assistance (Article 34)
Population group(s) covered by the measure <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i>	Always highlight if and how the measure takes into account intersectionalities between different population groups. Add a short description of how this is the case here. <ul style="list-style-type: none"> - Women in situations of vulnerability (e.g., Roma women, migrant women, older women, women with disabilities): women victims of gender-based and sexual violence
Summary description of how the measure applies to the population group(s)	Focus in particular on how the measure can serve to foster the social rights of and equal treatment for members of the population group(s) of interest

	This measure may contribute to the fostering of social rights and equal treatment by extending and modernising the telephone and telematic helpline with a new personalised service of socio-employment counselling and accompaniment for victims of all forms of violence against women, including victims of trafficking for the purpose of exploitation and victims of sexual exploitation.
Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery	The fight against gender-based violence, by extending and making comprehensive care services accessible to all victims, is expected to have a positive impact on social rights and equal treatment in the recovery.
Summary description of the extent to which the measure foresees the provision of enabling social services	Where available, indicate if and how the measure foresees integrated public service provision and also integrated private service provision No relevant data has been found.
Entity or organisation responsible to implement the measure	Public administrations at different levels
Duration of the measure	2021-2023
Budget allocated to implement the measure	153.4 million distributed as follows: 2021: EUR 48.4 million 2022: EUR 71.8 million 2023: EUR 33.2 million
Summary description of how any foreseen impact assessment of the measure will be carried out	In general, two levels of control are foreseen for the implementation of each of the measures of the Recovery, Transformation and Resilience Plan. Level 1, corresponding to the internal control of the executing body, operates fundamentally at the level of each body responsible for the execution of an action under the Recovery and Resilience Mechanism and constitutes the primary and basic control of any administrative activity in Spain, which must provide assurance on compliance with the legal requirements, objectives and sound financial management required. The second level, still related to management, is entrusted to the independent internal control bodies of the different Administrations involved.

	It follows from this that all public administrations at different are responsible for monitoring the implementation of the reform and assessing its impact. However, it has not been possible to find out how this assessment will be carried out.
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Table 1.c

Name of the measure in English	Reforming the reception and humanitarian care system for applicants for international protection in Spain.
Name of the measure in the national language(s)	Reformar el sistema de acogida y de atención humanitaria a solicitantes de protección internacional en España.
Reference document for the measure <i>Include an url, where available</i>	Spain, Government of Spain (2021), Recovery, Transformation and Resilience Plan. Component 22: Shock Plan for the Care Economy and Strengthening Equality and Inclusion Policies (<i>Plan de Recuperación, Transformación y Resiliencia. Componente 22: Plan de choque para el Economía de los Cuidados y Refuerzo de las políticas de igualdad e inclusion</i>), 16 June 2021. Available at: https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/16062021-Componente22.pdf
Social rights covered by the measure <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to one discrete right</i>	<ul style="list-style-type: none"> - right to social security and social assistance (Article 34) - right of access to preventive health care and to benefit from medical treatment (Article 35)

<p>Population group(s) covered by the measure</p> <p><i>Delete as appropriate</i></p> <p><i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i></p>	<p>Always highlight if and how the measure takes into account intersectionalities between different population groups. Add a short description of how this is the case here.</p> <ul style="list-style-type: none"> - People with a migrant background: applicants and beneficiaries of asylum or subsidiary forms of international protection
<p>Summary description of how the measure applies to the population group(s)</p>	<p>Focus in particular on how the measure can serve to foster the social rights of and equal treatment for members of the population group(s) of interest</p> <p>It is expected that this reform and the planned investment will favour gender equality and equal opportunities by guaranteeing, on the one hand, adequate protection according to the vulnerabilities that are often closely related to gender. And, on the other hand, socio-labour inclusion itineraries that contribute to the reduction of the gender gap that currently exists and affects with greater intensity those groups with fewer economic resources and greater vulnerability. Such is the case of people in the reception system for immigrants with humanitarian care or international protection needs.</p>
<p>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</p>	<p>The proposed reform aims to adjust reception capacity to the current and growing size of the demand for international protection, as well as to strengthen the efficiency of the reception system by adapting the benefits and accompanying itineraries offered to the different profiles of applicants. In this way, this envisaged reform could have a positive impact on social rights and equal treatment in the recovery period, by reducing waiting times which are very long; increasing recognition rates which are very low; and improving benefits, guaranteed to everyone entering the reception system, through a personalised and gender-informed reception design.</p>

Summary description of the extent to which the measure foresees the provision of enabling social services	Where available, indicate if and how the measure foresees integrated public service provision and also integrated private service provision No relevant data has been found.
Entity or organisation responsible to implement the measure	Ministry of Inclusion, Social Security and Migration
Duration of the measure	2021-2023
Budget allocated to implement the measure	190 million euros
Summary description of how any foreseen impact assessment of the measure will be carried out	<p>In general, two levels of control are foreseen for the implementation of each of the measures of the Recovery, Transformation and Resilience Plan. Level 1, corresponding to the internal control of the executing body, operates fundamentally at the level of each body responsible for the execution of an action under the Recovery and Resilience Mechanism and constitutes the primary and basic control of any administrative activity in Spain, which must provide assurance on compliance with the legal requirements, objectives and sound financial management required. The second level, still related to management, is entrusted to the independent internal control bodies of the different Administrations involved.</p> <p>It follows from the above the Ministry of Inclusion, Social Security and Migration is the body responsible for monitoring the implementation of the reform and assessing its impact. In the meantime, it has not been possible to find out how this assessment will be carried out.</p>

2 Tools or mechanisms to monitor the effectiveness of national schemes to foster social rights and equal treatment in the recovery from the pandemic

In Spain, the national recovery and resilience plan, which was approved by the Government on [27 April](#) and by the European Commission on [16 June](#) this year, does not include any information on specific tools and mechanisms for the monitoring of effectiveness of the RRP in promoting social rights and equality. Instead, the RRP describes the internal administrative processes designed to follow-up (monitoring and auditing) the implementation of the various measures and investments. In addition, reference is made to external monitoring and control mechanisms with oversight authority. These are high standards of financial management control and rigour in the administration of resources, informed by the principles of legality and sound financial management. Their main purpose is to ensure the reliability of Paln's milestones and objectives, as well as to prevent and, where appropriate, reveal and correct irregularities relating to fraud, corruption, conflict of interest or double financing. However, neither of these two types of mechanisms are assessing the implementation of the measures against fundamental rights, but rather against the targets, milestones and indicators developed in the plan.

The Recovery, Transformation and Resilience Plan envisages an audit system that combines the control mechanisms already in place in public administrations, reinforcing them with newly created ones to achieve the following three basic objectives or purposes: i) To ensure the reliability of the milestones and objectives envisaged in the Plan; ii) To detect and correct, where appropriate, irregularities relating to fraud, corruption, conflict of interest or double financing; iii) To ensure compliance with the principles of legality and sound financial management. To achieve these objectives, the Plan establishes three levels of control, with the General Intervention of the State Administration (Intervención General de la Administración del Estado - IGAE) at the top of the pyramid: Level 1 - Internal control of the executing body; Level 2 - Ex ante control by the independent body of the acts of execution of expenditure; and Level 3 - Ex post control through audits (IGAE). Although it is not mentioned in the text of the Plan, there is a Level 4 of control¹, which is exercised by the Public Institutions of External Control auditing ex post the economic and financial management carried out with European funds, in accordance with the competences and regulations of each of the following institutions: the European Court of Auditors, the national Court of Auditors, and the Autonomous Regional Bodies of External Control.

¹ Cabeza del Salvador, I. (2021), '[Previsiones sobre Control y Auditoría en el Plan de Recuperación, Transformación y Resiliencia de la Economía Española](#)', *Serie OPINIONES FIASEP*, Nº 8/2021, mayo 2021, p. 4.

The central organisation of the audit and control system, designed by the Plan, is structured according to the following organisation chart: Control Authority: IGAE; Responsible Authority: Ministry of Finance; National Anti-Fraud Coordination Service in collaboration with the European Anti-Fraud Office (OLAF); Computerised management and monitoring systems.

In terms of audit typology, the Plan foresees the following: i) Audits on payment claims sent to the Commission; ii) Audits on the existence of adequate measures to prevent, detect and correct fraud, corruption and conflicts of interest; iii) Audits on double funding of projects/ linkage of expenditure to the Recovery and Resilience Mechanism; and iv) Audits on legality and regularity of expenditure: national control systems.

The legal basis for all this is the [Royal Decree-Law 36/2020](#)², which defines governance aimed at facilitating decision-making and ensuring effective control and audit of funds. To this end, this legal instrument has provided for the creation of the following governance bodies:

- (i) the Commission for Recovery, Transformation and Resilience, headed by the President of the Government and comprising all Ministries. Its function is the direction and coordination of the Plan.
- ii) Technical Committee, made up of a maximum of twenty members with skills and experience in the management of European funds and other profiles necessary for the management of the Plan.
- iii) Monitoring Unit, which reports to the Presidency of the Government and is responsible for monitoring the Plan.
- iv) Authority responsible for the Mechanism for Recovery and Resilience, attributed to the General Secretariat of European Funds of the Ministry of Finance, which will be accountable to the European institutions.
- v) Control authority for the Recovery and Resilience Mechanism, which is the General Intervention of the State Administration (Intervención General de la Administración del Estado - IGAE) will implement a financial management control and audit system, which will be fully interoperable with the EU's systems.

Table 2.a

Name of the monitoring tool or mechanism in English	Audits on the existence of adequate measures to prevent, detect and correct fraud, corruption and conflicts of interest, detect and correct fraud, corruption and conflicts of interest.
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² Spain, [Royal Decree-Law 36/2020](#) approving urgent measures for the modernisation of the Public Administration and for the implementation of the Recovery, Transformation and Resilience Plan (*Real Decreto-ley 36/2020 por el que se aprueban medidas urgentes para la modernización de la Administración Pública y para la ejecución del Plan de Recuperación, Transformación y Resiliencia*), 30 December 2020.

Name of the monitoring tool or mechanism in the national language(s)	Auditorías sobre la existencia de medidas adecuadas para prevenir, detectar y corregir el fraude, la corrupción y los conflictos de intereses
Reference document for the monitoring tool or mechanism <i>Include an url, where available</i>	Spain, Government of Spain (2021), Recovery, Transformation and Resilience Plan (<i>Plan de Recuperación, Transformación y Resiliencia</i>), 16 June 2021, in particular pp. 201-217.
Organisation(s) involved in the monitoring tool or mechanism <i>Delete as appropriate</i> <i>Multiple answers possible</i>	General Intervention of the State Administration (Intervención General de la Administración del Estado - IGAE)
Summary description of how these organisation(s) are involved in the monitoring tool or mechanism	The IGAE will carry out these audits through the National Audit Office, which has a specific Division for audits on the Recovery and Resilience Mechanism, although it will count on the collaboration of the rest of the IGAE units and the General Comptroller's Offices of the Cities and Autonomous Communities when necessary.

<p>Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights and equal treatment in the recovery</p>	<p>For example, include information on how the monitoring will be done; on the periodicity of meetings and evaluations; etc.</p> <p>- No reference is made in this regard.</p>
<p>Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated</p>	<p>Where available, indicate if and how the tool or mechanism references relevant EU instruments (e.g. European Pillar of Social Rights, Social Scoreboard, Child Guarantee, Youth Guarantee, EU Roma Strategic Framework, etc.)</p> <p>Always specify if and how the tool or mechanism references the UN Convention on the Rights of Persons with Disabilities</p> <p>Where available always indicate what type of indicators or benchmarks will be used to monitor the implementation of the measures</p> <p>- No reference to this has been found.</p>
<p>Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is identified, with a particular emphasis on enforcement and remedial action</p>	<p>- No reference to this has been found.</p>

Table 2.b

Name of the monitoring tool or mechanism in English	Audits of legality and regularity of expenditure: national control systems
Name of the monitoring tool or mechanism in the national language(s)	Auditorías de legalidad y regularidad del gasto: sistemas nacionales de control
Reference document for the monitoring tool or mechanism <i>Include an url, where available</i>	Spain, Government of Spain (2021), Recovery, Transformation and Resilience Plan (<i>Plan de Recuperación, Transformación y Resiliencia</i>), 16 June 2021, in particular pp. 201-217.
Organisation(s) involved in the monitoring tool or mechanism <i>Delete as appropriate</i> <i>Multiple answers possible</i>	<ul style="list-style-type: none"> - the specific audits of the Recovery and Resilience Mechanism; - the IGAE as the internal audit body of the Central Government; and - the General Interventions of the Autonomous Communities as the internal audit bodies of the regional governments.
Summary description of how these organisation(s) are involved in the monitoring tool or mechanism	Together, these organisations shall plan and execute audit actions that provide reasonable assurance of the legality and sound financial management of the public resources applied on the basis of a risk assessment. For the whole of Spain, this planning will be approved by the National Audit Office (ONA) - which reports to the IGAE -, which is responsible for coordinating both these forms of control and the actions of the regional audits. Given that the IGAE's

	<p>control plans will be organised to prioritise the management of funds by the different public entities, the Plan envisages the design of homogeneous verification work programmes, with special emphasis on the following areas: public procurement; State aid; linking spending to the Recovery and Resilience Mechanism; and the principle of "no significant damage" to the environment. All this without losing sight, where appropriate, of conflicts of interest, fraud and corruption and double funding.</p>
<p>Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights and equal treatment in the recovery</p>	<p>For example, include information on how the monitoring will be done; on the periodicity of meetings and evaluations; etc.</p> <p>- No reference is made in this regard.</p>
<p>Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated</p>	<p>Where available, indicate if and how the tool or mechanism references relevant EU instruments (e.g. European Pillar of Social Rights, Social Scoreboard, Child Guarantee, Youth Guarantee, EU Roma Strategic Framework, etc.)</p> <p>Always specify if and how the tool or mechanism references the UN Convention on the Rights of Persons with Disabilities</p> <p>Where available always indicate what type of indicators or benchmarks will be used to monitor the implementation of the measures</p> <p>- No reference to this has been found.</p>
<p>Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is</p>	<p>- No reference to this has been found.</p>

identified, with a particular emphasis on enforcement and remedial action	
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