



## **Quality in Gender+ Equality Policies**

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Integrated Project

Amaia Pérez Orozco

with input from Marta García de Lucio, Silvia López,  
Elin Peterson, and Raquel Platero

under the supervision of María Bustelo Ruesta

## **Context Study Spain**

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## DATA TO BE COLLECTED

### DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

#### 1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

##### 1.1 Gender+ equality legislation

Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seem to have been omitted by the authority, please comment on this.

<b>Legislation<sup>1</sup></b>	<b>Year</b>	<b>Main provision(s)</b>
Organic Law 3/2007, of 22 March, for Effective Equality between Men and Women <sup>2</sup>	2007	The law bans all kinds of discrimination against women and establishes measures to reach <i>de facto</i> equality.
Royal Decree 253/2006, 3 <sup>rd</sup> March	2006	<i>Decree creates National Observatory on Violence against Women and develops basic organic structure of The Ministry of Labour and Social Affairs</i>
Organic Law 1/2004, of 28 December, on Integrated Protection Measures against Gender Violence <sup>3</sup>	2004	It establishes comprehensive measures to fight gender violence (defined as violence within the partnership)
<b>Regional equality bodies</b>		
<b><i>Informing on their respective approved main equality laws</i></b>		
Andalucía (gender equality law and gender violence law) Aragón (gender violence law) Balears (gender equality law) Canarias (gender violence law) Cantabria (gender violence law) Castilla la Mancha (gender violence law) Castilla y León (gender equality law) Madrid (gender violence law) Valencia (gender equality law)		
<b><i>Not informing on their respective approved main equality laws</i></b>		
Galicia (gender equality law) Murcia (gender equality and gender violence law) Navarra (gender equality law and gender violence law) País Vasco (gender equality law)		

At the national level, abundant relevant legislation is omitted. Only the most important legislation approved during the government of the Socialist Party (nowadays in power) is mentioned. No other earlier legislation is considered. The approval of the so-called "Equality Law" and "Violence Law" has reached such public attention and has been so much publicised that all other norms have become almost invisible. Moreover, the website of the Women's Institute (the oldest gender machinery institution) provides information only on the Equality Law, while it provides detailed information on EU and UN legislation.

The regional organisation of the State is very relevant in Spain. Many competencies dealing with gender+ equality issues are decentralised. Thus, it has been checked whether regional gender+ equality bodies provide information on their main gender+ equality norms, which are

<sup>1</sup> As provided by the General Secretariat for Equality Policies (<http://www.mtas.es/igualdad/index.htm>)

<sup>2</sup> From now on referred to as Equality Law.

<sup>3</sup> From now on referred to as Law against Violence.

either so-called “equality laws” i.e. dealing with general gender+ equality issues or so-called “gender violence laws” i.e. laws specifically dealing with violence issues. Most of the regions inform on their key norms, but a few do not. The fact that they do not inform does not mean that these regions pay little attention to gender+ aspects. Indeed a couple of regions not informing are among those that show a stronger commitment to gender+ equality policies (Navarra and País Vasco).

## 1.2 EU Policy and Member State Law: Comparisons and Struggles <sup>4</sup>

**Have there been disputes in your country over significant parts of EU Directives on gender?** Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

**Please fill in one table for each significant issue,**

Issue	Equal Pay & Equal Treatment
<b>Has law been passed or changed prior to the Directives</b>	No, except for: <ul style="list-style-type: none"> <li>- Burden of proof in direct discrimination on the grounds of sex: passed much earlier than the approval of Directive in the case of direct discrimination (1989-1990)<sup>5</sup></li> </ul>
<b>Legislation transposing Directives</b>	Directive 75/117/CEE implemented by: <ul style="list-style-type: none"> <li>- Equal pay for similar work: Spanish Constitution (1978) and Workers’ Statute (1980)</li> <li>- Equal pay for work of equal value: Law 11/1994</li> <li>- Equal pay: Act 33/2002</li> </ul> Directives 76/207/CEE and 86/613/CEE implemented by: Spanish Constitution (1978), Workers’ Statute (1980) and Workers’ Statute (1995) Directives 79/7/CEE and 96/97/CEE implemented by: Ley General de Seguridad Social, Real Decreto Legislativo 1/1994 Directive 1997/80/CE implemented by: <ul style="list-style-type: none"> <li>- Direct discrimination: Law 7/1989 on the Basis of Labour Procedure and Royal Decree 521/1990 on Labour Procedure</li> <li>- Equality Law 3/2007: Indirect discrimination</li> </ul> Directives 2002/73/CE and 2004/113 CEE implemented by Equality Law 3/2007

<sup>4</sup> Directives: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/legalacts\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html). ECJ cases: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/case\\_law\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html); More info on transposition: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm#comp](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp).

<sup>5</sup> Law 7/1989 of 12 April; Art. 96 of Royal Legislative Decree 521/1990 of 27 April. Although the Spanish law precedes the burden of proof directive, this was incorrectly transposed into national legislation as it lacks the concept of ‘indirect discrimination’ which is stated in the directive 97/80/EC. This was transposed in Spain by the Real Decreto legislativo 2/95 por el que se aprueba el texto refundido de la Ley de procedimiento laboral, 7/4/95 (BOE N.86 p.10695, 11/4/95).

<b>Does the country claim to have transposed the Directives?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	<p>Reversing the burden of proof in case of indirect discrimination had not been introduced until the recently approved Equality Law (2007)</p> <p>Transposed, but not adequately or sufficiently implemented/guaranteed:</p> <p>Present resistance to implement this principle in wage settings (can be seen in sentences later than transposition of Directive).</p> <p>Insufficient criteria to evaluate employment access and promotion; they do not allow to value workers' abilities in a non-discriminatory way<sup>6</sup>.</p> <p>Social security insurance for assisting spouses of self-employed (directive provides only for voluntary affiliation): not compulsory in Spain.</p> <p>At a national level, there is no legislation that induces the social partners to include the issue of equal pay in collective agreements<sup>7</sup>.</p>
<b>Important differences between law and Directive now?</b>	No
<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	Late transposition of the notion "work of equal value" <sup>8</sup> (alerted by Constitutional Court in 1991) and notion of equal pay, but already transposed.
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	
<b>Parties to the dispute</b>	<p>Women's machineries in trade unions were main actors arguing for the need for proper transposition.</p> <p>Main legal court (Constitutional Court) alerted on insufficient transposition: it stated that article 28 of the Workers Statute (proclaiming the principle of equal pay, initially underlining that the employer should pay the worker the same salary for the same work) should be modified since different works of similar nature were not paid under equal criteria.</p>
<b>Location or arena</b>	
<b>Outcome of the dispute</b>	Transposition

<sup>6</sup> F. Arranz, B. Quintanilla, y C. Velásquez (1999)

<sup>7</sup> On the contrary, the guidelines to include it derive from the 2005 ANC (Inter-Confederate Agreement on Collective Bargaining). They therefore have a limited applicability, as they are only parameters agreed between labour unions as useful means for combating the gender pay gap.

<sup>8</sup> Article 28 of the Workers Statute (1980) proclaims the principle of equal pay. Initially, the article underlined that the employer should pay the worker the same salary for the same work, but it was seen as a dangerous approach since different works of equal value were not taken into account. Thus, the legislator did not bear in mind that similar works are underestimated when developed by women. In 1991 Constitutional Court alerted on this danger, stating that the mentioned article should be modified since different works of similar nature were not paid under equal criteria. Law 11/1994 came to alleviate this situation for article 28 was rewritten to enlarge the expression 'same work' to 'work with equal values'.

Civil society engagement	Women's machinery in trade unions
Other notes	

<b>Issue</b>	<b>Sexual harassment (2002/73/EC)</b>
Has law been passed or changed prior to the Directive	Yes (introduced as early as 1989)
Legislation transposing Directive	<ul style="list-style-type: none"> <li>- Workers' Statute (3/1989) and Workers' Statute (1/1995): at workplace</li> <li>- Penal Code (10/1995): labour relationships, teaching relationships and service provision relationships</li> <li>- Law on Sanctions and Infringements on the Social Realm (5/2000): enterprise field</li> <li>- Equality Law (3/2007): broad notion of sexual harassment; it distinguishes sexual harassment and harassment on the grounds of sex</li> </ul>
Does the country claim to have transposed the Directive?	Yes
Significant provisions that are mentioned by experts or political actors as not being transposed	
Important differences between law and Directive now?	No, since the approval of Equality Law (3/2007)
What is claimed to be better in law and since when?	
Content of dispute(s) + date	
Has any other inequality been part of the transposition disputes? Which inequality axis?	
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	
Other notes	

<b>Issue</b>	<b>Parental Leave</b> Embarazo y maternidad (1992/85/EEC) Permiso de maternidad y paternidad (1996/34/EEC)
Has law been passed or changed prior to the Directive	Some aspects have been passed prior to the directive, mainly: maternity leave approved in 1989
Legislation transposing Directive	<ul style="list-style-type: none"> <li>▪ Maternity: <ul style="list-style-type: none"> <li>○ Act 39/1999 to promote the reconciliation of work and family and Royal Decree 1251/2001 regulating social security benefits for maternity and risks</li> </ul> </li> </ul>

	<p>during pregnancy concluded the implementation of Directives 92/85/EEC, 96/34/EC and 86/613/EEC into national law. It unified and amended previous rules in the field of labour law<sup>9</sup></p> <ul style="list-style-type: none"> <li>○ Equality Law 3/2007 complements protection during pregnancy and breastfeeding</li> <li>▪ Paternity leave: Equality Law 3/2007</li> </ul>
Does the country claim to have transposed the Directive?	Yes
Significant provisions that are mentioned by experts or political actors as not being transposed	<p>Maternity: "Protection of motherhood in labour realm is an example of mixed transposition [...] in some aspects Spain has overtaken and improved European norms and in others it has transposed it in an incomplete or minimum way" (Lombardo, 2004). Main lacks:</p> <ul style="list-style-type: none"> <li>- Spanish laws do not include a list of toxic substances to which pregnant women should not be exposed. Annexes of Directive 92/85/CE on agents, procedures and labour conditions have not been transposed.</li> </ul> <p>Paternity leave: Main criticisms refer to the fact that the minimum content of Directive 96/34/CE was transposed by Law 39/1999 but its spirit was not properly interpreted. Directive establishes paternity leave as an individual and non transferable right, while Spanish law guaranteed the mother's entitlement, which could be later transferred to the father (up to ten weeks of the mother's right to 16 weeks leave in case that both of them were employed). Thus:</p> <ul style="list-style-type: none"> <li>- the "paid individual paternity leave right" did not exist (according to women's organisations and trade unions)<sup>10</sup></li> <li>- the law targeted child's care rather than family co responsibility, thus misinterpreting the spirit of Directive (Commission's Network of legal experts)<sup>11</sup></li> <li>- The law discriminated fathers at least in two cases<sup>12</sup>: <ul style="list-style-type: none"> <li>○ If the mother was not entitled to maternity leave, the father had no right</li> <li>○ If the father was not in paid work, he could not enjoy the right, contrary to the mother, thus he was comparatively disadvantaged.</li> </ul> </li> </ul> <p>These problems have been solved by Equality Law 3/2007, which recognises an individual and non transferable paternity leave of 15 days</p> <p>Discriminative dismissal:</p> <ul style="list-style-type: none"> <li>- The measures necessary to comply with Article 10 of Directive 92/85/EEC had not been adopted in national legislation until the approval of Equality Law 3/2007<sup>13</sup> to the extent required. This was solved by Equality Law stating that any disadvantageous treatment against women related to pregnancy must be understood as direct discrimination</li> </ul>

<sup>9</sup> Worker's Statute (1989 and 1995), the Act on Labour Procedure (7/1989 and 521/1990), the Act on Prevention of Labour Risks (31/1995), the General Act on Social Security (1/1994), Acts regulating the Public Service and Act on Infractions and Sanctions in the Social Order.

<sup>10</sup> S. Brunel (2003). See also: [http://www.celem.org/Lobby/PDF/cap\\_III\\_1.PDF](http://www.celem.org/Lobby/PDF/cap_III_1.PDF)

<sup>11</sup> D. De la Fuente Vázquez. *Monitoring, implementation and application of Community equality law. General report 1997 & 1998 of the legal expert's group on equal treatment of men and women*, cit.

<sup>12</sup> Elósegui (2003).

<sup>13</sup> The scope of the prohibition was delimited via case law. It seemed that the transposition should have been more explicit, so as to clearly refer to the specific measures that prohibit the dismissal of pregnant workers, as the text of the mentioned Directive does.

<b>Important differences between law and Directive now?</b>	
<b>What is claimed to be better in law and since when?</b>	<p>Maternity:</p> <ul style="list-style-type: none"> <li>- 16 weeks: since 1989 (Law 3/1989)</li> <li>- same rights for biological and adopting parents: since 1989 (Law 3/1989 and and RD 1/1994)</li> <li>- pay is 100% of wage: since 1989 (Law 3/1989 and and RD 1/1994)</li> <li>- Conditions applying to self-employed women (maternity) are the same as rest of workers</li> </ul> <p>Paternity:</p> <ul style="list-style-type: none"> <li>- Father's autonomous leave (15 days, 100% of wage): since March 2007 (Equality Law 3/2007)</li> <li>- Considering a minimum period of 80 employment days within seven years of labour life as a criteria for accessing the maternity benefit (or of 180 days of employment within the entire labour life) (Equality Law 3/2007).</li> </ul>
<b>Content of dispute(s) + date</b>	Law 39/1999, which drew upon the European Community Directives 96/34/EC on parental leave and 92/85/CEE on maternity protection in the labour market, illustrated how the reconciliation debate was closely linked to motherhood and rights related to maternity leave.
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	No
<b>Parties to the dispute</b>	Women's organisations, experts, trade unions
<b>Location or arena</b>	Public debate
<b>Outcome of the dispute</b>	Most problems solved by the recently approved Equality Law 3/2007
<b>Civil society engagement</b>	Women's organisations, experts, trade unions
<b>Other notes</b>	The Platform for Equal and non-transferable Birth and Adoption Benefits (see point 7.1) is actively lobbying for a paternity leave equal to the maternity one.

<b>Issue</b>	<b>Equality Bodies<sup>14</sup> and civil society involvement</b>
<b>Has law been passed or changed prior to the Directive</b>	Yes in the case of discrimination on the grounds of sex (Women's Institute created in 1983) No in the case of discrimination on the grounds of racial or ethnic origin
<b>Legislation transposing Directive</b>	<ul style="list-style-type: none"> <li>- Directive 2000/43 <ul style="list-style-type: none"> <li>o Law 62/2003 on Fiscal, Administrative and Social Order Measures: it announces the creation of the Council for Equal Treatment and Non-Discrimination of people on the grounds of their racial or ethnic origin (within Ministry of Labour). Law approved in December, six months after the deadline (July 2003) fixed by the Directive</li> <li>o The Forum for the Social Integration of Immigrants, created by Law 4/2000</li> </ul> </li> </ul>

<sup>14</sup> All this information could change depending on the content, competencies and structure of the recently created Ministry of Equality, which is actually unclear.

	<ul style="list-style-type: none"> <li>○ The Advisory Commission on Religious Freedom, created by the Organic Law on Religious Freedom (OL 7/1980)</li> <li>○ National Disability Council recreated in Law 51/2003</li> <li>○ Spanish Observatory on Racism and Xenophobia (2005)</li> <li>○ Creation of a Council of Roma People (2006)</li> <li>○ Royal Decree 1262/2007 creating the Council for the Advancement of Equality of Treatment and no Discrimination of People on the grounds of Racial or Ethnic Origin</li> <li>○ It is not clear whether discrimination on the grounds of racial or ethnic origins will be addressed by the recently created Ministry of Equality</li> <li>- Directive 2002/73 and 2004/113 <ul style="list-style-type: none"> <li>○ Women's Institute created in 1983</li> <li>○ General Secretariat of Equality Policies created by RD 1600/2004</li> <li>○ Council for the Participation of Women: created by Law 3/2007</li> <li>○ Ministry of Equality created in 2008</li> <li>○ Other bodies are detailed in section 3</li> </ul> </li> </ul>
<p><b>Does the country claim to have transposed the Directive?</b></p>	<p>Yes</p>
<p><b>Significant provisions that are mentioned by experts or political actors as not being transposed</b></p>	<p>Equality bodies (discrimination on the grounds of racial or ethnic origin)</p> <ul style="list-style-type: none"> <li>- Civil society participation: <ul style="list-style-type: none"> <li>○ For the creation of the Council for Equal Treatment and Non-Discrimination of people on the grounds of their racial or ethnic origin, civil society was not consulted</li> <li>○ The Council for Equal Treatment will be composed by 16 representatives of Administration and 16 representatives of civil society (including the presidency). No criterion on their composition by affected collectives is established.</li> </ul> </li> <li>- Council for Equal Treatment and Non-Discrimination of people on the grounds of their racial or ethnic origin: <ul style="list-style-type: none"> <li>○ At date May 2008, it has still not been formally constituted (according to the last Report on the EU's Agency on Fundamental Rights Spain is among the only three European countries that have not implemented such equality bodies).</li> <li>○ The main concerns regarding this body are<sup>15</sup>: <ul style="list-style-type: none"> <li>▪ its inclusion within the General Directorate of Integration of Immigration: too tightly linking racism and immigration, thus disregarding e.g. racism against Spanish Roma</li> <li>▪ its lack of independence and own resources and budget</li> <li>▪ its composition: too much weight of public administration, absence of the Ministries of Justice and Interior, lack of prestigious and independent experts</li> </ul> </li> </ul> </li> </ul>

<sup>15</sup> According to Amnesty International (2008).

	<ul style="list-style-type: none"> <li>▪ competences and functions inferior to the ones recommended by ECRI (especially with respect to investigation functions)</li> <li>- The Council of Roma People does not fulfil ECRI's recommendations regarding its independence, competencies and composition.</li> <li>- Other problems: lack of adequate data on racism and discrimination on the grounds of racial or ethnic origin: neither the Spanish Observatory on Racism and Xenophobia nor the Ministries of Justice and Internal Affairs publish enough quality data<sup>16</sup>.</li> </ul> <p>Equality bodies (discrimination on the grounds of sex):</p> <ul style="list-style-type: none"> <li>- Unknown structure of the Ministry of Equality: it includes the Youth Institute and other structures not specifically dealing with gender+ issues, but it mainly addresses gender+ equality aspects.</li> <li>- Insufficient budget of the Ministry of Equality (although its definite budget is still unknown)</li> <li>- Civil society participation: <ul style="list-style-type: none"> <li>o Council for the Participation of Women still not implemented<sup>17</sup></li> </ul> </li> </ul>
<b>Important differences between law and Directive now?</b>	
<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	On June 27 <sup>th</sup> 2007 the European Commission sent Spain a letter asking the Government to create the equality body dealing with discrimination on the grounds of racial or ethnic origin.
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	
<b>Parties to the dispute</b>	European Commission-Spanish Government Civil society-Spanish Government
<b>Location or arena</b>	EU's structures Civil society
<b>Outcome of the dispute</b>	Equality body (discrimination on the grounds of racial or ethnic origin) creation has been approved, but still not implemented.
<b>Civil society engagement</b>	Organisations dealing with discrimination on the grounds of racial or ethnic origin have been fighting for the creation of the equality body.  Feminist organisations ask for an independent and sufficiently budgeted Ministry of Equality and for the implementation of the approved civil society consultation body (but still not done)
<b>Other notes</b>	

<sup>16</sup> According to the EU's Agency on Fundamental Rights Spain is one of the

<sup>17</sup> Feminist organisations have recently asked for sufficient material resources (headquarters and budget) assigned to the Ministry and for the effective creation of the Council for the Participation of Women (12th April 2008, Letter to the president and the Minister of Equality). The latter had already been asked two years ago (2<sup>nd</sup> March 2006, Manifest on the Equality Law, [www.celem.org/pdfs/notas/nota3\\_06032006.pdf](http://www.celem.org/pdfs/notas/nota3_06032006.pdf)).

<b>Issue</b>	<b>Non-discrimination on the grounds of ethnic and racial origin, religion, disability, age and sexual orientation (2000/43/CE, 2000/78/CE)</b> <sup>18</sup>
<b>Has law been passed or changed prior to the Directive</b>	1978 (Spanish Constitution)
<b>Legislation transposing Directive</b>	Main law transposing both directives: 62/2003 of 30 Dec 2003 on fiscal, administrative and social measures <sup>19</sup>
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	<p>27<sup>th</sup> June 2007: EU sent a formal request (“reasoned opinion”) to Spain (among other 13 Member States) for not implementing the Directive correctly. It is the second step of infringement procedures. The main problem areas include:</p> <ul style="list-style-type: none"> <li>• National legislation limited in scope to the workplace (no measures to make the principle of equal treatment “real and effective” outside from the labour realm)</li> <li>• Definitions of discrimination which diverge from the Directive (Law 62/2003 does not specify how indirect discrimination is to be justified)</li> <li>• Inconsistencies in the provisions designed to help victims of discrimination (such as the protection against victimisation, the shift of the burden of proof and the rights of associations to assist individuals with their cases).</li> </ul> <p>According to AI (2008), by March 2008 the EU had not still decided whether to submit the Spanish case to the Luxemburg European Court of Justice.</p>
<b>Important differences between law and Directive now?</b>	

<sup>18</sup> [http://ec.europa.eu/employment\\_social/fundamental\\_rights/legis/lgenforce\\_en.htm](http://ec.europa.eu/employment_social/fundamental_rights/legis/lgenforce_en.htm)

<sup>19</sup> Much more detailed information on laws prohibiting these diverse forms of discrimination can be found in: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legnet/esrep07\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/esrep07_en.pdf)

<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	Transposition is blamed by experts, NGOs (such as AI) and trade unions <sup>20</sup> of having been belated and not adequate, mainly because of the previously mentioned aspects, as well as the following ones: <ul style="list-style-type: none"> <li>- equal treatment principle not affecting foreigners in their access, stay, labour and establishment in Spain, which are regulated by the so-called Foreign Law 4/2000</li> <li>- not introducing measures to fulfil the principles introduced by the law and not assigning a budget</li> <li>- Directive was transposed with no debate in society at large (as there was no formal dialogue with the two sides of industry or with NGOs, as suggested by the directives), and no political or parliamentary debate. This is why the process has been described as a “hidden transposition” (Cachón 2007). The women section of Trade Unions CCOO criticised the government’s lack of negotiation with social partners (not mere consultation) in the drafting of the legislation to transpose the two equality directives<sup>21</sup>.</li> </ul>
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	
<b>Parties to the dispute</b>	European Commission-Spanish Government Experts, NGOs, trade unions-Spanish Government
<b>Location or arena</b>	
<b>Outcome of the dispute</b>	No change in the Law transposing the directives; no new laws
<b>Civil society engagement</b>	Experts, NGOs (mainly those working in the realm of discrimination on the grounds of racial and ethnic origin, and on migration issues) and trade unions have been actively criticising the transposition
<b>Other notes</b>	

<b>Issue</b>	<b>Organisation of working time (working time directive and part-time work)</b>
<b>Has law been passed or changed prior to the Directive</b>	<b>No</b>
<b>Legislation transposing Directive</b>	Diverse laws complete the transposition of Directive 97/81/EC: Law 15/1998 or urgent measures for the improvement of labour market with respect to part-time work and stability promotion, Royal Decree 144/1999 on protecting measures of Social Security, Law 12/2001 or urgent measures on labour market reform for the increase of employment and its quality
<b>Does the country claim to have transposed the Directive?</b>	Yes

<sup>20</sup> E.g. <http://www.ugt.es/Mujer/mujer0411.html>

<sup>21</sup> Moreno (2003).

<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	
<b>Important differences between law and Directive now?</b>	
<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	The Directive was initially transposed by the Agreement on Part-Time Work (November 1998, later included in RD-L 15/1998). The main employers' organisations (CEOE) did not sign this agreement. Their main concerns were considered in the elaboration of the next Law (RD-L 5/2001), which introduced reforms in line with employers' demands (Merayo, 2006).
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	
<b>Parties to the dispute</b>	Employers' organisations and trade unions
<b>Location or arena</b>	Social dialogue
<b>Outcome of the dispute</b>	Reform in line with employers' demands
<b>Civil society engagement</b>	Yes
<b>Other notes</b>	

**1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?**

	EU			SPAIN		
	Provision	Year	Notes	Provision	Year	Notes
<b>Maternity</b>	14 weeks	1996	Pay must not be less than wage during sickness leave.	- 16 weeks - same rights for biological and adopting parents - pay is 100% of wage	1989	Other improvements: Significant improvements with Equality Law (2007) in terms of flexibilisation of required contributions, flexibilisation of entitling employment situation, and certain cases rights (children's disability, premature childbirth ...)
<b>Paternity</b>	Optional	1995		- Father's autonomous leave (15 days, 100% of wage)	2007	6 years after the implementation of the Law the leave will be of 4 weeks.
<b>Parental</b>	3 months	1996	Unpaid	Minimum 4 months and maximum 3 years	2007	Unpaid, but considered period of contribution Possibility to break up the leave Up to 15 months the job position is reserved

Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006	Law 30/2003 obliging to evaluate the gender impact of any normative initiative	2003	
Equalities body (employment)	Yes	2002		General Directorship for Equality in Employment	2008	Within the recently created Ministry of Equality
Equalities body (goods & services)	Yes	2004		Ministry of Equality	2008	
Equalities body for promotion of GE	Yes	2002		Ministry of Equality	2008	
Gender pay audits	No		Not specified			
Gender Equality plan (employment)	Yes	2002/2006		Yes	2008-2011	Equal Opportunities Strategic Plan (see Plans and Programmes below)
Requires NGO dialogue	No	2002	Dialogue encouraged	No		Council for the Participation of Women: created by Law approved but still not constituted
Positive action measures	Yes/no	1975	Allowed, not required	Yes		Allowed <sup>22</sup>
Other:						
Public bodies to promote racial equality	NO			Yes	2007	Approved, but not formally constituted
If there are no sanctions for violating the law, please state this						

#### 1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal

Yes

- When was this law introduced?

First signed the International Convention for the Elimination of Racial Discrimination (1965)

In national normative: 1978 (Spanish Constitution)

<sup>22</sup> See [http://www.emakunde.es/images/upload/BLAP\\_S.pdf](http://www.emakunde.es/images/upload/BLAP_S.pdf) on the legal basis of positive action measures.

Workers' Statute 1980

Main law developing anti-discrimination tools is Law 62/2003 on fiscal, administrative and social measures, transposing Directives 2000/43 and 2000/78.

- **Is this restricted to employment related issues?**  
Yes: Main law combating discrimination on the grounds of racial or ethnic origin is reduced to labour field. Besides it, there is another law 19/2007 against violence, racism, xenophobia and intolerance in sports
- **Does it include the sale and supply of services?**  
No
- **What disputes if any took place during its introduction?**  
Mentioned in point 1.2

Beyond the limited scope of anti-discrimination law (limited to labour field), the lack of implementation on anti-discrimination norms in justice administration has been denounced (AI, 2008)

The Spanish Government is blamed for not signing and/or ratifying diverse international conventions: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (EC), additional protocol to the Council of Europe Convention on Cybercrime on the criminalisation of acts of a racist and xenophobic nature committed through computer systems, Convention on the Participation of Foreigners in Public Life at Local Level (EC), Protocols 4 and 7 of Convention for the Protection of Human Rights and Fundamental Freedoms (EC)

- **Is discrimination on the grounds of religion illegal**  
Yes
  - **when was this law introduced?**  
Spanish Constitution 1978 (art. 14 makes illegal discrimination on the grounds of sex and art. 16.1 recognises the fundamental right to religious freedom)  
Law on Religious Freedom 7/1980  
Both physical persons and corporate bodies are entitled  
Workers' Statute 1980  
Law 62/2003 on fiscal, administrative and social measures, transposing Directive 2000/78.  
Rossell (2008) affirms that the increasing religious diversity of the Spanish population is not incorporated in the normative framework, which has not decided what direction should follow regarding some conflicting rights<sup>23</sup>. Conflicts are being solved as they appear and mainly through court sentences.
  - **Is this restricted to employment related issues?**  
Main law is limited to the labour field
  - **Does it include the sale and supply of services?**  
Main law does not include it

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<sup>23</sup> Main conflicts in the labour fields: between individual rights to religious freedom and employer's rights derived from enterprise freedom (e.g. in religious festivity, clothing, conscious objection, hiring and dismissal procedures...). These kinds of conflicts can occur both in religious and neutral enterprises.

- What disputes if any took place present during its introduction?  
The process through which the directive was transposed has been criticised for not consulting neither civil society organisations specifically dealing with or interested in religious issues (diverse churches, NGOs...) nor the specific body created by the Law on Religious Freedom (Counselling Commission on Religious Freedom). Rossell affirms that had these institutions been consulted, the Law “would have dealt with some situations in which individual right to religious freedom is compromised and that are actually solved just by juries” (2008).
- Is discrimination on the grounds of sexual orientation illegal<sup>24</sup>  
Yes

- when was this law introduced?  
Spanish Constitution 1978, although it does not explicitly mention sexual orientation, case law considers that it must be included (Alventosa del Río, 2008)  
Penal Code 1995 criminalises some cases of discrimination (e.g. severe employment discrimination)  
Law 62/2003 on fiscal, administrative and social measures, transposing Directive 2000/78.  
Law 13/2005 brought about changes in the Civil Code allowing same sex marriage
- Is this restricted to employment related issues?  
No (beyond employment, marriage and adoption –and all related rights- is the main field in which discrimination on the grounds of sexual orientation has been removed)
- Does it include the sale and supply of services?  
No
- What disputes if any took place during introduction of these laws?  
Main conflicts stemming from the approval of same-sex marriage law have been extensively explained in Issue History Report and LARG Country Report<sup>25</sup>

Same-sex partnership has, without a doubt, been the ‘hottest’ issue regarding partnership rights in Spain in the last twenty years. The nineties were a period for the promotion of partnership rights, which evolved into same-sex marriage demands.

The main debates over gay marriage were reactive as they have mainly been a response to the conservative statements and resistances. Consequently the debates on the impact of marriage as a sexist institution or the role played by partnerships vs. marriage were rather rare, since any critical reflection was misinterpreted as a tool for the right wing. Adoption rights and the defence of marriage as the naturally heterosexual main social unit have been the milestones of the marriage debates. Conservatives parties and platforms created “to defend family”<sup>26</sup>, in which the Catholic Church and the conservative party allied with the most traditional organisations, marched against same-sex marriage and presented an unconstitutionality demand against law 13/2005 (September 2005) that is still on process to be judged (Platero, 2007).

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<sup>24</sup> Partly based on Rubio-Marín (2004).ec.europa.eu/employment\_social/fundamental\_rights/pdf/aneval/sexor\_es.pdf

<sup>25</sup> López, Silvia, Peterson, Elin and Platero, Raquel (2007) ‘Issue Histories Spain: Series of Timelines of Policy Debates’. Vienna: IWM. Published at [www.quing.eu](http://www.quing.eu).

<sup>26</sup> The platform is called ‘Spanish Family Forum’ (*Foro Español de la Familia*) and supports the idea of family as heterosexual, fighting same sex marriage. See <http://www.forofamilia.org>

- Is discrimination on the grounds of disability illegal  
Yes
  - when was this law introduced?  
Spanish Constitution (1978)<sup>27</sup>  
Workers' Statute 1980<sup>28</sup>  
Law on Social Integration of Handicapped (1982)  
Law 62/2003 on fiscal, administrative and social measures, transposing Directive 2000/78.  
Law on Equal Opportunities, Non Discrimination and Universal Access of People with Disabilities (51/2003): first law globally dealing with direct and indirect discrimination
  - Is this restricted to employment related issues?  
No. "It has almost a universal applicability" (Lidón Heras, 2008): telecommunication and information society, urban public spaces, infrastructure and building, transport, goods and services, relations with public administration.
  - Does it include the sale and supply of services?  
Yes
  - What disputes if any took place during introduction of these laws?  
The main law (51/2003) has been criticised for: the need of future normative development, which may delay its implementation; the possible emergence of conflicts of competence between the central State and the regions; the lack of a regime of sanctions; and it protects people with disability, rather than protecting from discrimination on the grounds of disability (thus a more restricted notion of discrimination is utilised)<sup>29</sup>.
- Is discrimination on the grounds of age illegal<sup>30</sup>  
Yes
  - when was this law introduced?  
Spanish Constitution 1978, although it does not explicitly mention age  
Workers' Statute 1980  
Law 62/2003 on fiscal, administrative and social measures, transposing Directive 2000/78.
  - Is this restricted to employment related issues?  
Main law is limited to the labour field
  - Does it include the sale and supply of services?  
Main law does not include it
  - What disputes if any took place during introduction of these laws?  
None.
- Is discrimination on the grounds of marital status illegal?  
Yes
  - when was this law introduced?  
Spanish Constitution 1978, although it does not explicitly mention marital status (but any social or personal condition or circumstances)  
Workers' Statute 1980  
Law 62/2003 on fiscal, administrative and social measures, transposing Directive 2000/78.  
Diverse autonomous regions have approved laws recognising de facto partnerships (12 out of 17). Diverse norms imply diverse rights, not all of them equalising rights steaming from marriage and from de facto partnerships.<sup>31</sup>

<sup>27</sup> The initial protection was established against "discrimination on the grounds of physical, psychological or sensitive handicaps".

<sup>28</sup> This protection is subject to the condition of workers being able to perform the work.

<sup>29</sup> Lidón Heras (2007)

<sup>30</sup> <http://www.discriminacionporedad.org>

<sup>31</sup> Some competencies are even located at the local level. This widespread normative has lead some experts to affirm that there is "an obvious need of a unitary normative" (Sánchez Bayón, 2002).

- Is this restricted to employment related issues?  
At the national level, yes  
In diverse regions, diverse situations are found
- Does it include the sale and supply of services?  
At the national level, no
- What disputes if any took place during introduction of these laws?
- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant? None

## 2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans' or but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State. |

### 2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan.

Yes: Equal Opportunities Strategic Plan 2008-2011.

Equality Plans, which have been the main and almost exclusive policy instruments regarding Spanish gender equality policies for the first twenty five years of their history, and until the 'equality laws' arrived (Bustelo and Ortals 2007). Five equality plans "generations" have been implemented at the state level:

- I Plan 1988-90
- II Plan 1993-1996
- III Plan 1997-2000
- IV Plan 2003-2006
- Strategic Equality Plan 2008-2011

- If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).

It covers twelve action axes:

- Social and political participation
- Economic participation
- Co responsibility
- Education
- Innovation
- Knowledge
- Health
- Image
- Attention to diversity and social inclusion
- Violence
- Foreign policies and development aid
- Guardianship of the right to equality

- Is the focus restricted to non-discrimination?

No, it is not. The plan has two inspiring principles: non-discrimination, which imply the objective of reversing situations of disadvantage that justifies positive actions, and equality, which implies the objective of parity.

Beyond that, empowerment is one of the four guiding principles, including two dimensions: women's access to decision-making realms and reevaluation of women's contributions.

- o Is there reference to gender mainstreaming?

Yes, there is<sup>32</sup>. Gender mainstreaming is one of the four guiding principles of the plan. Beyond that, it is explicitly mentioned among the strategic objectives of innovation, health and foreign policy and development aid, as well as among the actions of co responsibility, education (gender perspective approach in evaluation of educative system), innovation, knowledge (technical innovation and information society policies, universities, science and technology system), health (health policies), attention to diversity and social inclusion (social services, relationship with third sector), and foreign policies and development aid (foreign policy, development aid and migration policies).

Gender mainstreaming is said to imply first, the need for a gender impact analysis of any normative or executive decision-making, and second, the need to introduce the objective of equal opportunities within the agenda of all public institutions and to change political and technical institutional procedures.

- o Are there named policy instruments and/ institutions, if so what?

Yes, many policy instruments are named; among the most important institutions (and correlated instruments) are the following<sup>33</sup>:

- Social and political participation
  - o International agencies (EU and UN system), Ministries, Inter-Ministries Equality Commission, judicial system, Securities Market National Commission (surveys), National Public Television and Radio (equality plans), Equality Units in Ministries (guaranteeing the implementation of diverse articles of the Equality Law), Equality Observatories.
- Economic participation
  - o Labour Inspection (creation of committees together with trade unions and employers' representatives to evaluate wage gap), Equal opportunities Observatory (monitoring equality plans implementation in enterprises), Gender analysis of national budget, women's work Satellite Accounts,
- Co responsibility
  - o Dependency Law and National Reform Plans
- Education
  - o Gender Studies Units (creation), Permanent Commission (to evaluate content of school books and educative material, creation of)
- Innovation
  - o Equal Opportunities in Information Society Action Plan (elaboration)
- Knowledge
  - o National Plan on Research and Development (use of non-sexist language and inclusion of Equal Opportunities between Men and Women Promotion Strategic Action)
- Health
  - o Quality Plan of the Health and Consumption Ministry (information on quality on key aspects of gender and health), National Health System (inclusion of gender perspective, parity), Autonomous Regions (inclusion of gender perspective in coordination mechanisms, support to include gender perspective in their health policies), Labour and Social Affairs Ministry (gender perspective in labour risks evaluation)
- Image
  - o National Public Television and Radio, EFE news agency and public media institutions of Autonomous Regions (implementing specific articles of Equality Law)
- Attention to diversity and social inclusion
  - o Diverse national Plans on social inclusion (gender perspective on evaluation processes), IMSERSO Elderly Observatory (creation of a working group on

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<sup>32</sup> However, it is not called "mainstreaming de género" (i.e. gender mainstreaming, utilising the English word, which is often used in Spain) but "gender perspective crosscutting/trasversality".

<sup>33</sup> Just policy instruments / institutions referred to among objectives and actions are mentioned i.e. those referred to among introduction and diagnosis are not considered.

gender and equality), Social Security( evaluation of elder women's situation), Social Services

- Violence
  - o National Police fighting gender violence (reinforce), national Security Force, Judges, Prosecutors (reinforcing cooperation), Courts for Violence against Women (creation), National, Regional and local authorities (Coordination protocols), Integral Law on violence, Ministry of Justice (using judicial data), Special Government Unit on Violence against women (surveying implementation of Integral Law on violence), State Observatory on Violence against women (promoting)
- Foreign policies and development aid
  - o United Nations (playing active role in the establishment of the gender architecture), Action Plan for the fulfilment of 1325/2000 Resolution (presentation), Gender Sectorial Strategy of Spanish Development Aid (applying), international forums on gender and development, and UN, UE and OECD (active participation)
- Guardianship of the right to equality

- o Are there indicators and statistics to evaluate the policies?

No, there are not

- o Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

No, there is not.

#### 2.1.2 Is gender equality integrated with other equalities in a national plan?

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

No, it is not.

#### 2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

Yes, there is: National Plan Awareness-raising on and Prevention of Gender Violence

If yes please name the plan. Does it cover:

- o Domestic violence and violence in partnerships
  - o Yes
- o Sexual assault/violence and rape
  - o No
- o Sexual harassment and stalking
  - o No
- o Trafficking and prostitution
  - o No
- o Forced marriage, honour crimes and FGM
  - o No

The notion of gender violence used within Spanish equality laws is strictly limited to domestic violence within (ex) partnerships. The Equal Opportunities National Strategic Plan does include sexual harassment and trafficking, but it does so not within the axis of violence (the former is included within economic participation, health and guardianship of equality right, while the latter is included within Attention to diversity and social inclusion).

Does the plan include:

- o named policy instruments and/or institutions, if so what;

Yes, it does. Among them: Courts on violence against women, Units for comprehensive valuation of gender violence (creation), Security Forces (national, regional and local; training), Commission for the monitoring of the implementation of the Plan, National Observatory of Violence (monitoring), equality machinery (active role in promotion, implementation and monitoring of the Plan), local entities (because of their closeness to victims they are key actors).

Beyond that, for each objective, specific measures and responsible actors are identified (among them: Ministry of Justice, State Prosecutor, General Counsel of Judiciary, Autonomous Regions with justice competences, Public Defender's Office, Ministry of Internal Affairs, Ministry of Industry, Tourism and Trade, Ministry of Labour and Social Affairs, Ministry of Health, Ministry of Education, Ministry of Public Administration).

- o indicators and statistics to evaluate the policies, if so which?

No, it does not.

## **2.2 EU required National Reform Programme (National Action Plan) for Employment**

- o Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?

Member state reports 2006: [http://ec.europa.eu/growthandjobs/key/nrp2006\\_en.htm](http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm)

*Spain National Reform Programme. 2007 Progress Report*

Yes, it does. The main actions concerning gender equality aim at increasing the rate of female employment to attain the EU-15 average (this is one of the three objectives of Pillar 6 "the labour market and social dialogue", and the only objective specifically dealing with gender issues of the whole programme). The actions designed to attain this objective include:

- Active labour market policies (such as training programmes). Special attention is given to "the most disadvantaged groups of women".
- Subsidies for indefinite hiring of women (given that in Spain there is a high rate of fixed-term female employment)
- Reconciliation measures: some of these actions are related to another Pillar of the Programme, Pillar 3 "Increasing and Enhancing Human Capital", which seeks to improve early-age schooling and work-life reconciliation. According to the programme: "With regard to the early stage of childhood education, for children under 3 years of age, measures have been implemented with a two-fold objective: increase school attendance at this age level and facilitate the access of women to the labour market without any discrimination". No specific objective is set (while for 3-6 schooling the objective is 100% and all places free of charge by 2010).
- Measures directed at promoting female entrepreneurship, which are related to Pillar 7 "Entrepreneurship Programme" and include rebates on social security payments for jobs created within companies founded by women, extension of microloans programmes and training.
- Other measures implementing the main measures tackling employment issues within the three key recently approved laws impacting gender equality: so-called Equality Law (mainly, equality plans within companies), Dependency Law (inclusion of non-professional caregivers within social security system) and Integral Gender Violence Law (incentives to employment of victims of violence).
- Additionally, the programme includes the action (which has been postponed, as was pinpointed in the LARG study –Pérez Orozco and Peterson, 2008-, and which is the only action "in process", according to the programme): reform of the social security system for domestic helpers.

Beyond that, the programme includes other secondary actions in Pillar 3 that are also argued to promote gender equality: University Organic Act that aims at ensuring equal representation at university governing bodies; and Continuous Training System that gives priority to "groups that find it most difficult to find jobs", among them, women.

Finally, it must be said that some important actions impacting gender equality are mentioned when signalling the measures implemented to compliance with the specific recommendations for the Euro area: approval of the Equality Law and Dependency Law, and support for infant schooling, the latter being still a point to watch.

- Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these?

EGGSIE 2005 report see:

[http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2006/final\\_nrp\\_synthesis\\_2005\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf)

The EU appointed National Expert (María Luisa Moltó) has made comments on the following aspects of the NRP:

- Elaboration: A negative comment on the lack of evidence of consultation with equality bodies in the preparation of the NRP 2006, although some indirect consultation in the elaboration of the employment chapter is attained through a double way. First, the participation of the equality machinery in the Ministry of Labour and Social Affairs; and secondly, the participation of the Secretary General for Equality in Social Dialogue, where most labour market measures are discussed.
- Gender visibility: gender visibility in the NRP is infrequent, but it increases in the employment chapter thanks to the new section on gender equality focused on the gender Equality Law. Spain is one of eight countries in which gender visibility has increased.
- Gender mainstreaming: Spain, as the other EU countries, suffers from a general failure to gender mainstream the NPR. The employment chapter is limitedly mainstreamed. There are some measures that have an important gender impact, which is not tackled by the NPR (mainly, the change of regime of domestic employment and the so-called Dependency Law<sup>34</sup>). Beyond that, there is no gender auditing/evaluation neither of the NPR nor of the employment chapter; this lack mirrors that of the NRP 2005<sup>35</sup>. The use of gender disaggregated statistics is limited.
- Synergies and conflicts between the employment chapter and other sections: the experts denounces that attention to employment is overshadowed by other economic concerns.
- Targets related to gender equality: the expert recognises the positive evolution of the female employment rate (praised by the NRP). Spain is the country that presents the highest increase (higher than 1,6%) among the countries with the lowest female employment rate (below 50%). However, the expert adds that, on the one hand, this is partially linked to the rate of economic growth; and, on the other, that "data changes [that have occurred in Spain] make the true increase difficult to estimate". Regarding the target of increasing childcare provision, Spain is blamed for not having explicitly adopted the Barcelona target, but having only adopted an implicit objective of a 2% increase per annum up to 2010.
- The approval of the Equality Law is welcomed and it is said to include interesting measures (such as the elaboration of equality plans in companies). The problem is that the NRP does not recognise the positive impact of these measures for economic development and employment growth.

- Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?

EC response: [http://ec.europa.eu/growthandjobs/annual-report-1206\\_en.htm](http://ec.europa.eu/growthandjobs/annual-report-1206_en.htm)

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<sup>34</sup> This lack of a gender perspective of measures that have an obvious gender impact was pinpointed in the LARG reports. These are: 'Series of LARG Country reports Spain: General gender equality policies' (López, Peterson and Bustelo, 2008); 'Series of LARG Country reports Spain: Non-Employment' (Pérez Orozco and Peterson, 2008); 'Series of LARG Country reports Spain: Intimate Citizenship' (Platero, López, and Pérez Orozco, 2008); and 'Series of LARG Country reports Spain: Gendered Violence' (López, Pérez Orozco, Peterson, and Bustelo 2008).

<sup>35</sup> And is repeated by the NRP 2007.

The response recognises that there is a “satisfactory progress towards the employment rate objective, in particular for female employment”. But at the same time it makes the prevention that while the evolution of the female employment rate is positive, “the employment gender gap remains one of the largest in the EU”.

The Council welcomes the measures announced to extend pre-school childcare services, but also highlights persistent problems: that the percentage of children covered has increased slightly during the period 2005-2007, that it is still well below the EU average (16,6% versus 33%) and that important regional disparities are found.

The Country-Specific Integrated Recommendations - Report from the Council to the European Council issued the 4th March 2008 includes the recognition of the positive evolution of the rate of female employment and calls for a further increase of childcare facilities.

### **2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion**

[http://ec.europa.eu/employment\\_social/spsi/strategy\\_reports\\_en.htm](http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm)

- Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

Member state reports: [http://ec.europa.eu/employment\\_social/social\\_inclusion/naps\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm)

*National report on Strategies for Social Protection and Social Inclusion of the Kingdom of Spain 2006-2008*

The NAP analyses gender gaps in employment, poverty, health, as well as the situation of women as main carers of people in situations of dependency.

None of the five priority objectives is strictly related to gender equality. Rather, gender equality is said to be mainstreamed in all of them. The NAP affirms that it "reflects the commitment to making effective the principle of equality between women and men, by mainstreaming the principle of equal treatment and equal opportunities in all social inclusion policies." Nevertheless, one out of the five priority objectives is related to long term care and includes support services and benefits for carers, who are recognised to be mainly women.

Diverse targets to achieve the objectives are established, among them one specifically dealing with gender issues: increasing the employment rate for women from 48% to 57% by 2010.

A key crosscutting measure is the elaboration of the draft of the Equality Law, which includes measures related to the diverse realms of action of the NAP.

The following chapters on priority objectives explicitly mention gender equality aspects:

- Priority Objective 1: To promote access to employment: promote participation in the labour market and fight against poverty and social exclusion.
  - Gender equality is alleged to guide the objectives, because of the increasing female poverty rates and the problems associated with female immigrants. Five out of 16 planned measures deal with gender aspects:
    - Active labour market policies and incentives to increase female employment. Some measures are specifically directed towards women in particularly vulnerable situation: victims of gender violence, those who have been off work for 5 years, and women with disabilities.
    - Equality plans in enterprises
    - 60% of positive actions targeting women
    - some reconciliation measures

- Priority Objective 3: To achieve an equitable education system:
  - A guiding principle is to improve education in terms of equity. Increasing early child school "to reach some 50% of population in the next years" is one of the objectives. This rather vague objective is reflected in a more concrete measures:
    - Increasing the number of public places in nursery schools (0-3) at a rate of 2% and reaching 27% cover by 2008.
    - 10% schooling of children aged 3-6 by 2010.

Among the measures related to the objective of modernising the social security system is to ensure the principle of equality between men and women. The main measures to reach this objective are included in the draft Equality Law<sup>36</sup>:

- With respect to benefits:
  - Recognition of the paternity leave
  - Recognition of the risk during breastfeeding
  - Increase in maternity leave in certain circumstances
  - Flexibilisation of contribution requirements to enjoy maternity benefit
  - Contribution payment paid during the first two/one years off work to look after children/family members.

A final key dimension related to gender equality is the approval of the Dependency Law, which is said to contribute to gender equality in two ways. First, by avoiding that women bear the costs of care themselves in terms of money and time, as well as lost opportunities; and secondly, by creating new employment opportunities (which are said to reach 300.000 new jobs), which will be mostly occupied by women.

The only measures dealing with gender violence are related to employment aspects: bonuses to hire women victims of gender violence (600 EUR per year) and a specific labour insertion programme.

Annex 1 of the NAP (IV National Action Plan on Social Inclusion of the Kingdom of Spain) includes additional measures related to gender equality, which are integrated not within the Priority Objectives, but within the section on "other measures of access to all resources, rights and services which are needed to participate in society". Main actions related to gender equality are:

- Actions by area:
  - Health: analysing health policies and proposing actions to reduce gender inequality; studying health and care needs of female and male sex workers
  - Justice: all measures are related to the implementation of the Law against Violence → Setting up support centres for victims of violent and sexual crime; drawing up an agreement with the Official College of Psychologists to offer personalised care in victim support centres; creating new legal bodies specialised in this field; and offering specific training to professionals in this field.
  - Inclusion in the information society: financial assistance for actions promoting gender equality
- Actions to help people in a situation of extreme vulnerability:
  - People with disabilities: Offering social care and healthcare for women with disabilities; undertaking actions to combat the ill treatment of women and people with serious disabilities; and adopting the First Action Plan for Women with Disabilities
  - Women (rather it is women victims of violence the group this section refers to whom): main actions are passing the Equality Law, adopting the Strategic Plan for Equality of Opportunity between Women and Men and developing the measures provided by the Law against Violence, including: Fund for Comprehensive Social Assistance Against Gender Violence; maintaining and

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<sup>36</sup> All these measures were finally approved by the Law, with the following improvement: contribution payment paid during the first two years off work to look after children and also family members.

developing the telecare system for victims of gender violence; developing the work of the National Observatory on Violence against Women; developing jointly with NGOs programmes aimed at preventing and eradicating violence against women in all its forms<sup>37</sup>; facilitating mobility to civil servant women who are victim of gender violence, when they are obligated to leave their jobs due to that violence, in a temporal or permanent way.

- Families: diverse actions to promote reconciliation are included, but these are understood as helping families rather than promoting equality.
- Prison and former inmates: programmes for female prison inmates and their children

Thus the IV NAP includes a broader set of actions dealing with gender violence (included within the actions to help women as a group in situations of vulnerability).

- Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report (2006)

[http://ec.europa.eu/employment\\_social/publications/2006/ke7606201\\_en.pdf](http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf)

*Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries*

Spanish experts: María Luisa Moltó and María Pazos Morán

In the Spanish national report, the disadvantaged groups that were selected as a focus for analysis were lone parents and elder women.

Elder women: recent provisions for unemployed older workers have increased, which is an apposite trend. The problem is that while these provisions are based on previous contributions, they have a negative gender impact, because women face more difficulties to fulfil eligibility criteria due to their more interrupted employment records. The NAP presents as positive that elder women receive a significant portion of their pension income from the widow's pensions. Nevertheless, the picture is not so positive. 60% of elder women receive a widow's pension that is insufficient to lift them out of poverty. Indeed single women's pension entitlements are inadequate. There are three main sources of benefits for elder women: partly means-tested widow's pensions, means-tested widow's pensions and contributions-based widow's pensions. All of them are insufficient to raise their incomes above the poverty threshold. Thus the main recommendation is to increase the level of non-contributory pensions above poverty levels. The solution proposed by the Spanish expert to the gender inequalities in old age incurred through contribution-based systems: a guaranteed minimum income above the poverty line for the retired.

Lone parents: Spain is one of the countries with the smallest percentage of women among lone parents. Nevertheless, lone mothers face greater risk of poverty than lone fathers (lone mothers at-risk-of-poverty account for 45,8% versus 36% of lone fathers at-risk-of-poverty). This vulnerability is related to the fact that fathers are more likely to be in employment (35% of lone fathers are in employment versus 25% of lone mothers). Lone parents are disadvantaged with respect to the whole population. Lone fathers are clearly disadvantaged with respect to other men. Lone parents face greater difficulties accessing house property (there is a disproportionate share of lone parents renting their accommodation) and have higher illiteracy rates, lone fathers presenting higher rates than lone mothers (8% for population as a whole, 23% for lone mothers and 30% for lone fathers). This situation is related to childcare provisions. Spain is among the countries that fall closest to the Barcelona target with respect to childcare 3-school age, but it has a low coverage of childcare 0-3 and there is no public subsidy for it. Main recommendations with respect to lone parents' situation include changes in the tax-benefit system. Incentives and support for lone parents to participate in the labour market are praised. At the same time, there

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<sup>37</sup> Gender violence, trafficking for purposes of sexual exploitation (prostitution), and crimes against sexual freedom.

should not be a cut in benefits. Instead, benefits should continue once lone parents are in employment until they reach a certain labour income level. Experts (among them, the Spanish one) propose three types of measures: policies to increase the lone-parent employment rate, including benefit incentives and childcare; policies to increase lone-parent income from employment, including training initiatives; and policies to increase lone-parent income from benefits.

- Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

EC report: [http://ec.europa.eu/employment\\_social/social\\_inclusion/jrep\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm)

The response considers that the five Priority Objectives reinforce each other and are positively linked to the Lisbon objectives, including specific attention paid to women's situation by Priority Objectives 1 and 4.

The Joint Report 2006 considers that the introduced reforms in the pension system will contribute to reduced inequalities between women's and men's living conditions and poverty risks.

The response highlights the following future challenges:

- Increasing the efforts to promote the inclusion of vulnerable groups (particularly with respect to income, education, labour inclusion and housing); among them, women.
- Increasing women's market activity rate, which is thought to be a key aspect contributing to the sustainability of the pension system (thus the gender-related objective is rather a way of attaining the final pension-related objective). The evolution of market activity rates, particularly those of women, is positively valued; although it also points that it is still far from the Lisbon objectives. The response also shows the high degree of segmentation of the labour market and the disadvantaged situation of women (in terms of temporary and unwanted part time jobs).

#### 2.4 EU funding

- Does the EU provide funding in your country that has / has had a significant gender impact?<sup>38</sup> Structural funds to consider include the European Social Fund<sup>39</sup> and the European Regional Development Funds<sup>40</sup>,

Yes, it does.

- If yes, how much and over what period of time?

Spain has been receiving this kind of funding since 1994, during the three funding periods (1994-1999, 2000-2006 and 2007-2013<sup>41</sup>).

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<sup>38</sup> The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): [http://ec.europa.eu/regional\\_policy/policy/history/index\\_en.htm](http://ec.europa.eu/regional_policy/policy/history/index_en.htm)

<sup>39</sup> [http://ec.europa.eu/regional\\_policy/funds/fse/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/fse/index_en.htm)

<sup>40</sup> [http://ec.europa.eu/regional\\_policy/funds/feder/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/feder/index_en.htm)

<sup>41</sup> For the period 2000-2006 nine regions were considered objective 1, while seven were objective 2 and another one was in phasing-out. For the 2007-2013 period four regions are eligible under the Convergence objective (NUTS 1), two regions and two autonomous towns are covered by transitional assistance (NUTS 2) and other four eligible for transitional assistance under the Competitiveness and Employment objective are eligible for transitional assistance under the competitiveness and transitional objective.

Period	Funds	Gender equality dimensions
1994-1999 Spain was eligible under Objectives 1 to 5	€ 31.669 millions <sup>42</sup>	Promotion of equal opportunities was mainly understood as support for actions specifically targeting women
2000-2006 Nine regions were considered objective 1, while seven were objective 3 and another one was in phasing-out	€ 43.087 millions <sup>43</sup>  O1: 3,36% of ERDF and 74,4% of ESF targeted Human resources development, employability and equal opportunities  O3: 4,86% of funds targeted	The Women's Institute described this phase as a phase of "awareness-raising and formal attention to the Equal Opportunities (EO) principle" <sup>44</sup> .  EU funds <sup>45</sup> : - An Equal Opportunities group aimed at coordinating and evaluating this horizontal principle was created in 2002. It fell under the Secretary of the Women's Institute - Diverse guides for the integration and evaluation of equal opportunities in EU funded actions were published <sup>46</sup>  ESF <sup>47</sup> : - Sex-disaggregated beneficiaries: o 54,81% of beneficiaries were women o Direct relationship between women's educational degree and their participation level as beneficiaries of ESF funding o Women account for 61,79% of unemployed beneficiaries, while only for 47,76% of employed beneficiaries. o There are not significant gender differences between beneficiaries under Objective 1 and Objective 3 (significant differences related to educational level and occupational status are found) o Objective 3: actions have focused groups with special difficulties entering the labour market, which has been detrimental for women o Most actions targeted labour insertion - Serious lack of reliable, updated and sex-disaggregated information - Women accounting for more than a half of beneficiaries does not imply the integration of equal opportunities - The existence of an axis specifically targeting women is commonly perceived as the "women-axis" thus avoiding including equal opportunities objectives within the rest of actions. This happens despite equal opportunities being a horizontal principle.

<sup>42</sup> <http://www.interreg-mac.org/es/doc/normativa/fondos.pdf>

<sup>43</sup> [http://www.mtas.es/uafse/es/acc\\_est4.htm](http://www.mtas.es/uafse/es/acc_est4.htm)

<sup>44</sup> *Marco Estratégico Nacional de Referencia: Igualdad de Oportunidades entre Mujeres y Hombres en España.*

<sup>45</sup> Information source: Women's Institute.

<sup>46</sup> <http://www.mtas.es/mujer/politicas/fonestruct31.htm>

<sup>47</sup> *Informe de síntesis de las actuaciones cofinanciadas por el FSE en España.* This survey provides sex-disaggregated data, but beyond that it mainly makes recommendations for the next programming period rather than analysing the gender impact of 2000-2006 funding.

<p>2007-2013 Four regions are eligible under the Convergence objective (NUTS 1), two regions and two autonomous towns are covered by transitional assistance (NUTS 2) and other four regions are eligible for transitional assistance under the Competitiveness and Employment objective.</p>		<p>EU funds<sup>48</sup></p> <ul style="list-style-type: none"> <li>- EO in R+D must be promoted</li> <li>- Targeting gender gap in the use of NIT, focusing on women over 25 years and not limiting actions to the professional realm.</li> <li>- Reinforcing activities promoting and diversifying labour opportunities for rural women and recognising their work</li> <li>- Supporting recent norms on care provision (Dependency Law and National Strategic Plan on Childhood) and awareness-raising among companies on the importance of reconciliation.</li> <li>- Dealing with education aspects that condition women's lower presence in labour market</li> <li>- Dealing with women's disadvantaged position in the labour market and absence from the highest valued and best paid positions.</li> </ul>
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- o If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

According to the NRP Progress Report 2007, the incorporation of a horizontal equal opportunities principle and the gender perspective is guaranteed in the implementation of NSRF, EAFRD and EFF. Indeed ESF includes special measures to foster equal opportunities within all its priority axes. The gender perspective is also incorporated in the monitoring and evaluation processes. The Women's Institute's role when elaborating the programme and as an actor taking part in networks responsible for the implementation of the NRP is stressed.

Prior to this, the Women's Institute had provided the following modifications to the Reference Strategic National Framework 2007-2013 elaborated by the Ministry of Economy and Finance:

- Explicitly mentioning gender equality machinery (regional and national level) among the consultation and participation bodies)
- Analysing regional disparities using sex-disaggregated data
- Analysing regional situations with respect to Lisbon objectives from a gender perspective
- ESF: form a gender approach (the evaluation of the planned actions with respect to equal opportunities is highly positive)
- ERDF: using sex-disaggregated data in all objectives, using a gender perspective in the analysis of situations, objectives setting and action planning<sup>49</sup>.
- Including a specific reference to entrepreneurial women when talking about entrepreneurship
- Territorial cooperation: incorporation of a gender perspective
- Evaluation from a gender perspective

Women's Institute observations on the National Reform Programme 2005-2008:

- All bodies must assign a budget for the incorporation of gender mainstreaming. This budget should target:
  - o Gender impact assessments to identify gender gaps in the action fields
  - o Programming specific actions to end these disparities

<sup>48</sup> Marco Estratégico Nacional de Referencia: Igualdad de Oportunidades entre Mujeres y Hombres en España.

<sup>49</sup> Detailed information on proposed changes can be found at: *Propuestas y observaciones del Instituto de la Mujer al documento denominado "Programas operativos FEDER 2007-2013(borrador de tipología orientativa de gastos subvencionales).*

- Fixing gender indicators
- Sex-disaggregating data
- A specific axis to promote equal opportunities between women and men that would be lead by the Women's Institute is proposed (measures including innovative actions network creation, designing common tools and methodologies to promote effective equality and disseminating best practices)

### 3. Governmental Machinery for Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers).

- National level: In 1977, the first democratic government created the *General Sub-directorate of Feminine Condition (Subdirección General de la Condición Femenina)*, attached to the Ministry of Culture. Under the government of the Socialist Party, the *Women's Institute (Instituto de la Mujer)* was created at the central level in 1983<sup>50</sup>. It increased the political rank of governmental institutions dedicated to women since it has its own budget. The *Women's Institute* inaugurated Spanish State Feminism and Gender Equality Policies. In 2004 the new Socialist Government created the *General Secretariat of Equality Policy (Secretaría General de Políticas de Igualdad)* attached to the Ministry of Labour and Social Affairs. This body had a higher rank than the *Women's Institute*, which has since then been dependent on the Secretariat. This institution had a short lifespan; this is why its impact on gender policies institutional framework cannot be fully assessed. However, so far it has played a relevant role regarding some issues, such as gender based violence. After March 2008 a new Ministry of Equality was created, thus modifying the whole structure of gender machinery at state level. Its functions and content are still quite unclear<sup>51</sup>.

- Regional level: the *Women's Institute* acted as a source of inspiration for regional women's machineries<sup>52</sup>. The beginning of regional State Feminism took place in 1988. Regional women's bodies are attached to different governmental areas, which show implicitly different gender assumptions and imply diverse institutional strength (Bustelo, 2008). Recently, some women's bodies have been reconfigured into "equality bodies" (e.g. Navarra). Additionally, two regions (Andalusia and Cantabria) present *Gender Units (Unidades de Género)*, which are support structures to implement gender mainstreaming. In Andalusia it has worked as a transitory instrument toward gender units in governmental departments. At the local level, almost every municipality of a medium and big size has its own equality body. All these bodies are in charge of gender mainstreaming all the policies but this is undertaken with varying success. Both in the regional and local realms the so-called *Women's Councils (Consejos de la Mujer)* play an interesting role as advisory organs<sup>53</sup>.

It could be said that Spain is witnessing a process of reinforcement of its gender equality machinery. This reinforcement is linked to the creation of "equality bodies" (such as the national Ministry of Equality or diverse regional Equality Institutes), the focus of which is still not clear: whether they tackle multiple inequalities issues or uniquely/primarily gender equality issues.

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<sup>50</sup> *Women's Institute* is an autonomous body attached firstly to the governmental structure of the Ministry of Culture, then to Social Affairs (1988), then to Employment and Social Affairs (1996) and currently to the Ministry of Equality (2008).

<sup>51</sup> This can be observed, for example, consulting the information on organisation charts in official webspaces, many of which state: "this section is being updated" (e.g. <http://www.mtin.es/igualdad/Organigrama.html>).

<sup>52</sup> From the approval of 1978 Constitution a process of decentralization began in Spain through the approvals of the regional *Statutes of Autonomy (Estatutos de Autonomía)*. Thus, Spain can be defined as a *quasi* asymmetrical federal system. At present there are ten regional councils.

<sup>53</sup> Since the mid nineties, these councils began to be approved. They group different women's associations and their main aim is to promote women's participation in policy-making, that is to say they are speakers between civil society and Public Administration.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English)?<sup>54</sup>

- o governmental (civil servants and ministers in central government);

The Minister for Equality (Ministerio de Igualdad) has recently been created (Royal Decree 438/2008). The Minister for Equality, Bibiana Aído, is the youngest person of the recently created ministerial cabinet and she has not a political background specifically focused on gender issues. The Ministry includes the following bodies:

- Undersecretary for Equality (Subsecretaría de Igualdad), including: Technical General Secretariat (Secretaría General Técnica), Youth Institute (Instituto de la Juventud) and Youth Council (Consejo de la Juventud)
- General Secretariat of Equality Policy: it was formerly headed by a well known feminist scholar (Soledad Murillo) and is currently led by a woman with a rather political profile (Isabel María Martínez Lozano). The Secretariat includes:
  - o Governmental Delegation for Gender Violence (Delegación de Gobierno para la Violencia de Género), renaming the institution created in 2005 (Governmental Special Delegation against Violence against Women)
  - o General Directorship for Equality in Employment (Dirección General para la Igualdad en el Empleo)
  - o General Directorship against Discrimination (Dirección General contra la Discriminación)
  - o Women's Institute (Instituto de la Mujer), created in 1983

- o enforcement and/or monitoring agency (e.g. equality authority, ombudsperson);

- The Observatory to Promote Equal Opportunity between Women and Men (Observatorio para la Igualdad de Oportunidades entre Mujeres y Hombres) created in 2000 (Royal Decree 1686/2000). The main objective of this Observatory is to elaborate a reliable diagnosis on gender equality in Spain as well as to evaluate gender equality law. It is attached to the Women's Institute
- National Observatory on Gender Violence (Observatorio Estatal de Violencia de Género), created by Royal Decree 253/2006, dependent of the Secretariat of Equality Policy.
- Observatory to Promote Women's Health (Observatorio de la salud de las mujeres), attached to the Ministry of Health and Consumption (Royal Decree 1555/2004).
- Observatory on Women in the Army (Observatorio de la Mujer en las Fuerzas Armadas) created in 2005 and attached to the Ministry of Defence.
- Observatory on Women in Security Bodies (Observatorio de la Mujer en las Fuerzas y Cuerpos de Seguridad), attached to the Ministry of Internal Affairs.
- Observatory against Domestic and Gender Violence (Observatorio contra la Violencia Doméstica y de Género), attached to the Ministry of Justice.
- Unity of Women and Science (Unidad de Mujer y Ciencia), attached to the Ministry of Education and Science.
- Ambassador for the Special Mission Promoting Gender Equality Policies (Embajadora para la Misión Especial de Fomento de Políticas de Igualdad de Género), attached to the Ministry of External Affairs.

- o special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence);

Violence against Women Courts (created with the approval of the Act against Violence, 2004 and set and implemented by Royal Decree 233/2005) and specialised Public Prosecutors.

- o body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality

Women's Participation Council (Consejo de Participación de la Mujer): officially approved in 2003 but still not constituted; attached to the Ministry of Equality.

- o Other, for example, Parliamentary Committees

- Sectorial Women's Conference (Conferencia Sectorial de la Mujer) set up in 1995. It meets periodically (around once a year) for coordinating equal opportunities between

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<sup>54</sup> Just nation-wide institutions are included.

central administration and the Autonomous Communities. Besides, it is an organ for debate and cooperation around gender equality policy. Last meeting took place in July 2007.

- Parliament- Senate Mixed Commission on Women's Rights (Comisión Mixta Congreso-Senado de los Derechos de la Mujer) was created in March 1990. The Commission has three main tasks: researching women's social status; monitoring application of international legislation; and monitoring governmental action in this area. In the current term, the Commission was established in April 2004 and the name was changed to Mixed Commission on Women's Rights and Equal Opportunities. It finished its work past 15<sup>th</sup> January 2008.

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

It would be important to provide information on the Ministry of Equality but unfortunately it is not still available. RD 438/2008 just informs on its organisational chart, but does not give any other detail. Thus information focuses on the main gender equality body: General Secretariat of Equality Policy (regulated by Royal Decree 1600/2004 and Order TAS/2268/2006), which includes the Women's Institute.

#### *The nature of the institution*

- Is there gender machinery that meets the minimum legal requirements of the EU?
  - A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex:
    - Yes
  - providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;
    - No→ there is an Order for the Protection of Victims of Domestic Violence, which provides comprehensive assistance including physical, social and judicial protection, but it is under the scope of the Minister of Justice (Law 27/2003)
  - conducting independent surveys concerning discrimination;
    - Yes: through the Observatory to promote Equal Opportunity between Women and Men, attached to the Women's Institute (dependent of the Secretariat).
  - publishing independent reports and
    - Yes: through the Observatory to promote Equal Opportunity between Women and Men, attached to the Women's Institute (dependent of the Secretariat) and by funding independent reports
  - making recommendations on any issue relating to such discrimination.
    - Yes: one of its regulated functions is "to analyse, elaborate, coordinate and monitor action programmes of the State General Administration on equal opportunities".
- Is there gender machinery that meets the 'Paris Principles'?
  - independence guaranteed by a constitutional or legislative framework,
    - Yes
  - autonomy from government,
    - Yes
  - pluralism including pluralism of composition,
    - Not guaranteed
  - a broad mandate,
    - yes
  - adequate powers of investigation,
    - Yes
  - sufficient resources
    - Unclear: The Secretariat used to perform its activities with a limited budget. The budget for the new Ministry of Equality is still unknown; indeed one of the main fears of feminists is the lack of sufficient and independent budget. Feminist organisations have signed a petition asking for an adequate budget (see point 1.2).

- Is there gender machinery that meets the further requirements of the UN Platform for Action?
  - responsibility vested at the level of a Cabinet minister.
    - Yes with the new creation of the Ministry for Equality
  - Develop indicators and statistics to monitor policy
    - No
- How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?
  - centre of power/ PM's office
    - The Secretariat was an Undersecretary of the Ministry of Labour and Social Affairs. The creation of the Ministry of Equality changes its location and position. Whether the Secretariat becomes closer to the PM's office or not is not as relevant as the fact of the creation of the Ministry itself.
  - Other powerful department.
  - Other department
- Would any of the bodies be described as following a 'feminist' agenda?
  - Partially
    - Briefly explain the reasoning behind your answer.

During the diverse government periods of the Socialist Party (1982-1996, 2004 onwards) feminist and institutional approaches have been quite closed. An obvious divide between these approaches occurred during the government of the Conservative Party (1996-2004).

Diverse points should be made on the links between feminism-gender machinery during the Socialist periods. First, the creation of the Women's Institute was partially due to pressure from the feminist movement and several women coming from this movement entered work there. Nevertheless, the Women's Institute gradually lost its connection with the movement. Secondly, the Secretariat was headed by a feminist scholar during its first four years of existence. Nevertheless, the new Socialist government period seems to imply quite a divide between gender machinery and feminism in terms of staff (neither the new Secretary's nor the Minister for Equality's backgrounds include contact with the feminist movement<sup>55</sup>). Third, the feminist movement has been quite successful in lobbying on violence and sex work issues (as further explained in point 7.1). Nevertheless, it does not represent the approach of the whole movement but a section of it.

- If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.

A sameness vision regarding non-employment issues is endorsed and a transformative vision is applied regarding gender violence concerns (see LARG report –Pérez Orozco and Peterson, 2008).

- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?
- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts?

Yes, there are Violence against Women Courts (approved by Law against Violence, 2004 and created by Royal Decree 233/2005) and specialised Public Prosecutors.

*Dedicated to gender or integrated with other equalities?*

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights?

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<sup>55</sup> It could be said that during the Socialist period 2004/2008 feminist from outside the political realm have been present within gender machinery, but that they are being replaced by people with a rather political profile during the recently started period (2008/2012).

Gender equality bodies were not integrated with the machineries for other equalities issues until the recent creation of the Ministry for Equality. This Ministry is not limited to gender issues, as long as it includes bodies not specifically dealing with gender (e.g. Youth Institute). Nevertheless, the widespread impression is that its main concern will be gender equality. Indeed most of the actions that it has developed up to the moment deal with gender issues. However, the Ministry already got involved in other equalities aspects, such as the celebration of the international day against homophobia and transphobia. Public statements by the new authorities (Minister herself, Secretary for Equality in Employment) talk about fighting discrimination on the grounds of “colour of skin, sexual or religious orientation, age or gender”<sup>56</sup>. Summing up, as long as its functions, compositions, etc. have not still been detailed, no clear answer can be provided. It seems that the Ministry is located in a tension: a tendency to conflate “equality” with “gender equality” (i.e. for a long time, gender has been the only inequality seriously dealt with and gender advocates have argued that “equal opportunities”, without any other adjectives should refer to equality between women and men<sup>57</sup>) and the official aim of dealing with multiple inequalities.

If yes,

- When did this happen?

March 2008

- Was the change controversial (who fought whom, allied to whom)?

No, it was not. Nevertheless, it is still too early to evaluate the opinions of diverse actors as long as the structure, functions etc. are largely unknown.

- Is the division of responsibilities by function or by strand?

Mixed:

- By function: Main division between Undersecretary for Equality and General Secretariat of Equality Policy<sup>58</sup>. Other minor divisions (Technical General Secretariat, General Directorship for Equality in Employment and General Directorship against Discrimination)
- By strand: minor divisions (Youth Institute, Women’s Institute)
  - Is there a separate mechanism for consulting civil society by strand, including women?
- Gender: Women’s Participation Council (Consejo de Participación de la Mujer): officially approved in 2003 but still not constituted; attached to the Ministry of Equality. Women’s Councils act at the local/regional level, with diverse success/relevance.
- Age: Youth Institute now attached to the Ministry of Equality, formerly attached to the Ministry of Labour and Social Affairs
- Race/ethnic origin:
  - Council for Equal Treatment and Non-Discrimination of people on the grounds of their racial or ethnic origin; at date May 2008, it has still not been formally constituted
  - Council of Roma People
  - Forum for the Social Integration of Immigrants
- Disability: National Disability Council
  - Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

Partially. This intersection is mainly in charge of the Women’s Institute and requires coordination with other public institutions or specialised NGOs:

<sup>56</sup> Minister’s for Equality comments during the taking up of the General Secretary against Discrimination and General Secretary for Equality ([http://www.migualdad.es/noticias/toma\\_posesion5.htm](http://www.migualdad.es/noticias/toma_posesion5.htm))

<sup>57</sup> Personal experience while working at the Women’s Institute and with other gender-focused NGOs.

<sup>58</sup> Nevertheless, this supposed function-focus is unclear. The General Secretariat for Equality Policies is not explicitly limited to gender issues (e.g. one of its declared functions is to analyse, design and elaborate equality measures within Public Administration). But up to the moment most of its functions have dealt with gender equality and de facto all its interventions have focused on gender.

- Employment:
  - o Programmes linked to the Equal Initiative focusing on: racism and xenophobia and Roma women<sup>59</sup>
  - o Programme on labour and social insertion of migrant women
  - o Programme on labour and social insertion of women with labour insertion difficulties: victims of violence, lone mothers, women over 45, women with disabilities, migrant, ethnic minorities, former inmates.
- Health: it aims at intervening with women in risk of exclusion (although no specific inequalities are mentioned)
  - o Programme targeting female inmates
- If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.

According to Bustelo (2008: 17) Spain “has been so far quite blind to the European developments of a widened concept of equality in order to include other discriminations not only based on gender [...] there are few traces of intersectionality (understood as the analysis of the intersections between multiple equality strands) in gender policies and in policy discourses around equality policies.”

#### *Relationship of machinery with civil society*

- Are there procedures for the consultation of women’s groups in civil society by the gender or equalities machinery?

Women’s Participation Council (Consejo de Participación de la Mujer): officially approved in 2003 but still not constituted; attached to the Ministry of Equality.

Feminist organisations ask for<sup>60</sup>:

- Its immediate constitution
- Composition: 100% of women’s organisations and regional women’s councils
- At least: previous consultancy and monitoring of Equality Plans, Budgets, funding, laws and gender impact of general and specific policies
- Judicial entity, public funding and regular performance

Bustelo (2008: 18) states that: “One of the most important weaknesses is related to a relative lack of the women’s movement participation in gender policies, but this is a general characteristic of the Spanish State Feminism”.

About regional/local women’s councils Bustelo (2008:18) affirms that they “are a good indicator of the relative weakness of the relation between women’s movements and the state [...] Generally speaking, and with the exception of the regions of Madrid, Cantabria, and the Basque Country, these councils are just ‘consulting and advising bodies’, clearly dependent on the ministry or department where the women’s agency stands”.

- o If so, are they routinised or occasional?

Still not routinised. Feminist/women’s movement has occasionally been consulted, e.g. before the approval of the Equality Law.

## 4. Policy summary questions

### 4.1 Non-employment

Is the tax system household based or individualised?

Optional. Income tax is optionally individualised or household based<sup>61</sup>.

<sup>59</sup> <http://www.mtas.es/mujer/programas/empleo/otrosorganismos.html>

<sup>60</sup> Manifiesto of 46 women’s organisations on the approval of Equality Law, <http://www.forumpoliticafeminista.org/2/25/60/doc-1.htm>

<sup>61</sup> Villota (1999) and Villota and Ferrari (2004)

### Is the benefit system household based or individualised?

Household based.

Pazos (2005) argues that there have been relevant changes but that they are either insufficient or misleading (e.g. changes in the naming of the Social Security system from “men and women” to “worker and spouse” made implicit previously explicit discrimination; similarly, some benefits to which women are individually entitled derive nevertheless from their relationship to family members –such as the care for children-). The main division between direct and derived benefits remains.

How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).

There are not special allowances for lone parents (MISSOC, 2007).

Are there *active* labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

According to the National reform Plan 2007 “significant progress has been made in active employment policies”. When analysing active labour market policies a key difficulty is the role played by diverse administrations (national, regional and local authorities share competencies). Ditch and Robers (2002) recognize that informing on active policies is “a difficult task because of the existence of diverse ‘policy’ levels”.

In some regions and municipalities those kind of policies are found, but specifically targeting women (e.g. Galicia provides 7.500 EUR support for firms hiring lone mothers and women who have been off work for two years<sup>62</sup>). However, these policies are not homogeneously developed and implemented. Indeed, they are reclaimed by lone mothers’ associations<sup>63</sup>.

Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market?

See previous answer.

Are there active labour market programmes for any other category of citizens, and if so which categories?

1998: The National Employment Plan already tended to substitute passive labour market programmes for active ones (Tobes Portillo, 2002). Targeted groups are: people with disabilities, immigrants, young people, ethnic minority, women, long term unemployed, inmates and drug users<sup>64</sup>.

According to Price Waterhouse (2004), diverse policies targeting women are found (preferential hiring, reconciliation services, and bonuses for their hiring, financial assistance for entrepreneurship). Main action axes related to women are: maternity support, preschool childcare and social partners’ dialogue.

Active labour market policies are quite common in Spain and they target any group whose situation in the labour market is considered vulnerable or disadvantaged (older than 45, people with disabilities, women in general). According to the NRP 2007 a positive evolution of these policies is observed. In 2006, 62.3% of participants in reinsertion programmes were hired within six months (69.3% of men, 57.6% of women). The corresponding percentages in 2004 were 49.5% (54.3% of men, 46.2% of women).

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<sup>62</sup> <http://www.comfia.info/noticias/40077.html>

<sup>63</sup> E.g. main conclusions of the Lone Mothers’ Seminar., October 2005: [http://unaf.org/descargas/principales\\_aportaciones.pdf](http://unaf.org/descargas/principales_aportaciones.pdf)

Similarly, lone parents association Isadora Duncan highlights unemployment as one of main problem of lone parents (<http://isadoraduncan.es>).

<sup>64</sup> According to Saez (1997) the following were the prioritised groups a decade ago: 1<sup>st</sup>- Old long term unemployed, 2<sup>nd</sup>- People with scarce or non employment experience, and 3<sup>rd</sup>- Young people. At a second importance level are inactive groups (mostly women) and those receiving non-contributory benefits. This secondary importance that women used to receive can be said to have changed.

What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)

- Childcare: care (under 3 years)

There is not any guaranteed amount of childcare (indeed the percentage of covered children is limited to 16,6%)

- Childcare: pre-primary education (3 yrs- school age)

According to the NRP 2007 the objective of to ensure that the second stage of nursery school (ages 3-6) is free of charge has been fulfilled.

What is the predominant form of childcare provision? i.e. public, private or mixed.

Mixed

How is childcare financed (e.g. by public funds, privately or mixed)?

Mixed

Is the pension age the same for women and men? If so, since when?

Yes, it is (65 years is the standard retirement age, but there are special circumstances in which it is reduced, equally for women and men)

## 4.2 Intimate citizenship

Is abortion legal?

Abortion in Spain is illegal except in the following circumstances:

- If it is necessary in order to avoid risks for the pregnant woman's health<sup>65</sup>
- In case the pregnancy is consequence of rape
- In case the foetus will develop serious psychical or physical defects.

If so, in what year did this happen?

In 1985, Law for the Voluntary Interruption of Pregnancy ([Law 9/1985](#), *Ley de la Interrupción Voluntaria del Embarazo*);

Up to which week of pregnancy is abortion legal?

Up to the 12<sup>th</sup> week in the case of rape; Up to the 22<sup>nd</sup> week in case there is an assumption the foetus will be born with serious psychical or physical defects; And in the case of risk for the pregnant woman, there is no time limit, it will depend on the doctor's criteria.

Are there any other conditions?

Yes

If so, what are these (e.g. consent of doctor/s, counselling)?

In case there are possible risks for the pregnant woman, a specialist doctor, different from the one who will proceed with the abortion, must judge such risks and consent. However, if it is an emergency, it will possible to act without that first consent.

In case of rape as a cause of pregnancy, this has to be reported to police first.

In case the foetus will be born with serious defects, the evaluation must be made by two specialists other than the doctor who will practice the abortion.

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<sup>65</sup> This includes both physical and mental health. This is the assumption most women hold , it permits quite an open interpretation of what constitutes a risk (96,6% of abortions according to the Ministry of Health). Nevertheless, this open statement implies that the access to free abortion is subject to medical and judicial interpretation and that professionals lack enough legal protection. While the interpretation of this case has historically been quite wide, pro-life/anti-choice groups have used it to demand women and health professionals. Indeed last conservative attack using this kind of judicial strategies took place last months and abortion clinics went on strike (<http://news.bbc.co.uk/2/hi/europe/7179142.stm>).

How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country? Abortions in Spain between 2004 and 2006<sup>66</sup>:

Total	Voluntary Pregnancy Interruption(VPI) Notifying centers	Total Pregnancy Interruption (VPI)	Voluntary	Rate for 1000 women
2006	135	101.592		10,62
2005	134	91.664		9,60
2004	133	84.985		8,94

Notified Abortions by young Immigrants in Spain<sup>67</sup>:

AÑO (Year)	CENTROS (Centres)	IVE NOTIFICADAS (Notified VPI)
1987	29	16.766
1995	102	49.367
2004	133	84.985

Abortions by type of centre (2005)<sup>68</sup>

	Hospital	Out from hospital <sup>69</sup>	Total
Public	2,9	-	2,9
Private	9,9	87,2	97,1
Total	12,8	87,2	100,0

Most abortions are carried out at private accredited clinics because of the diverse interpretation of the law that is made in each region and because women want to do it as quickly as possible.

Is a marriage a state based contract, religious contract or both?

Both (but religious marriage has not legal validity i.e. when performing a religious marriage the civil contract must also be signed).

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?

Divorce is legal since 1981. The main requirement since the reform of 2005 is that three months must have passed since the marriage took place. Mutual consent is not essential but makes it easier.

Are there any restrictions to marriage other than the gender of the partners (e.g. nationality, country of origin)?

Actually, marriage is a right for people of the same sex since 2005, not as a religious contract but as a state based contract. For people under the legal age (18): for people aged sixteen, it will be necessary to certify that they are already emancipated –i.e. they do not live and depend on their parents-. People aged between fourteen and sixteen need legal dispensation. No special requirements for foreigners, except from being included in the census.

Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/ no + year when introduced):

Same-sex marriage (law 13/2005)

<sup>66</sup> Data provided by the Ministry of Health and Consume. [http://www.msc.es/profesionales/saludPublica/prevPromocion/embarazo/tablas\\_figuras.htm#Tabla%201](http://www.msc.es/profesionales/saludPublica/prevPromocion/embarazo/tablas_figuras.htm#Tabla%201)

<sup>67</sup> Data provided by the Ministry of Health and Consume.

<http://www.msc.es/gabinetePrensa/notaPrensa/desarrolloNotaPrensa.jsp?id=645>

<sup>68</sup>

<sup>69</sup> Accredited clinics-

## Same-sex marriage:

### Does it extend to:

- **survivors' benefits in pensions?** Yes
- **adoption rights?** Yes (main problems are encountered when trying to adopt a foreign child because many countries do not allow adoption by homosexual people)
- **parental leave?** Yes
- **assisted reproduction?** No. The law on assisted reproduction states that any women can enjoy the techniques regardless her sexual orientation. The difference is that the female spouse of the inseminated woman is not immediately recognised as the mother, but must explicitly ask for it.
- **Family reunification – have partners the right to settle and be employed in the country where their partners live?** Yes

## Civil partnerships

Spanish norms are very complicated and located at diverse levels (Sánchez Bayón, 2002): state (no specific norms, but emergent sectorial ones, e.g. fiscal norms, renting normative), regional (14 Autonomous Communities out of 17 have approved civil partnerships; some of them include same-sex partnerships) and local (more than 200 local registers).

### Does it extend to:

- **survivors' benefits in pensions?** De facto partnerships can enjoy widow's pension if they can prove their cohabitation (from the approval of the Law on Measures on Social Security Issues, Ley de Medidas en Materia de Seguridad Social, December 2007). They do not enjoy similar inheritance rights if they do not make their will.
- **adoption rights?** Depends on the specific regional norm
- **parental leave?** Yes
- **assisted reproduction?** Yes
- **Family reunification – have partners the right to settle and be employed in the country where their partners live?**

### Number of registered civil partnerships, annually and in total?

There are over 200 registers widespread all along Spain. Centralised data have not been found.

## 4.3 Gender-based violence

### Has there been a national survey on gender based violence? When was the most recent one carried out?

One of the latest surveys made in Spain is the Third Macro survey about Violence against Women. It was finished in July 2006. Its targets were:

1. To quantify violent acts against women in the domestic sphere.
2. To learn the social and personal characteristics of battered and/or ill-treated women.
3. To map the physical and psychological effects caused by violence.

It has taken over 32.426 interviews of people resident in Spain, aged 18 or over.

This survey is carried out by Sigmados within the Women's Institute (this office belongs to the General Equality Secretary)<sup>70</sup>.

### Does it include:

- **Domestic violence and violence in partnerships?**  
YES
- **Sexual assault/violence and rape?**  
YES
- **Sexual harassment and stalking?**  
YES

<sup>70</sup> A summary can be found at: [http://www.mtas.es/mujer/mujeres/estud\\_inves/Violencia%20mujeres%20.pdf](http://www.mtas.es/mujer/mujeres/estud_inves/Violencia%20mujeres%20.pdf)  
The whole document is available at: [http://www.observatorioviolencia.org/upload\\_images/File/DOC1169463716\\_macroencuesta2006VG.pdf](http://www.observatorioviolencia.org/upload_images/File/DOC1169463716_macroencuesta2006VG.pdf)

- Trafficking and prostitution?  
NO
- Forced marriage, honour crimes and FGM?  
NO

#### 4.3.1 Domestic violence

What (civil law) legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/ no + year when introduced). Devices could for instance include:

- **restraining orders**  
YES, the Fundamental Law 10/1995 (Section 48) on this issue is later integrated within the Act 11/2003 on Specific measures on citizen's security, Domestic Violence, and social integration of foreigners. A new Act on Integral Protection Measures against Gender Violence was passed in 2004. This Law covers exclusively Domestic Violence (although it is called 'gender violence'), therefore it is more concrete and specific. The Acts and Sections of the Penal Code related to the legal procedures on gender (and other) perpetrators of violence are included in it (see the aforementioned laws: 10/1995, and 11/2003).
- **non-molestation orders** <http://www.newhamdvf.org.uk/civil.html>  
Yes, It is contained in Section 48 of the Fundamental law 10/1995.
- **occupation orders**  
YES
- **state funded perpetrator programs**  
YES
- **other devices?**
- With the 2004 Fundamental law on Integral Protection Measures against Gender Violence, a special type of Court was created in order to focus exclusively on gender violence. This means that the judges must have specific knowledge on this matter.
- In addition, there are, new electronic systems to keep perpetrators under control.
- Victims have social support including economic support in case their incoming is under the official minimum salary.
- At the medical care centres, medical staff will have to be able to detect gender violence the soonest as possible.
- The 2004 Fundamental law on Integral Protection Measures against Gender Violence accounts that domestic violence survivors must be given clear information on legal issues. In addition, they must receive free integral social and legal assistance.

What is the prevalence of domestic violence against women, in one year? (from the survey)

According to the aforementioned survey:

- 3.6% of resident women in Spain who are aged 18 and over have declared they have been victims of domestic violence during the year prior to the survey.
- 9.6% of resident women in Spain who are aged 18 and over are victims of domestic violence even when they do not acknowledge it in an explicit way (they are considered so according to the definition of "technical domestic violence").
- The incidence of violence is higher among foreign women and women with functional diversity<sup>71</sup> who are aged 18 and over, than it is among Spanish women and Women with no Functional diversity of the same age.

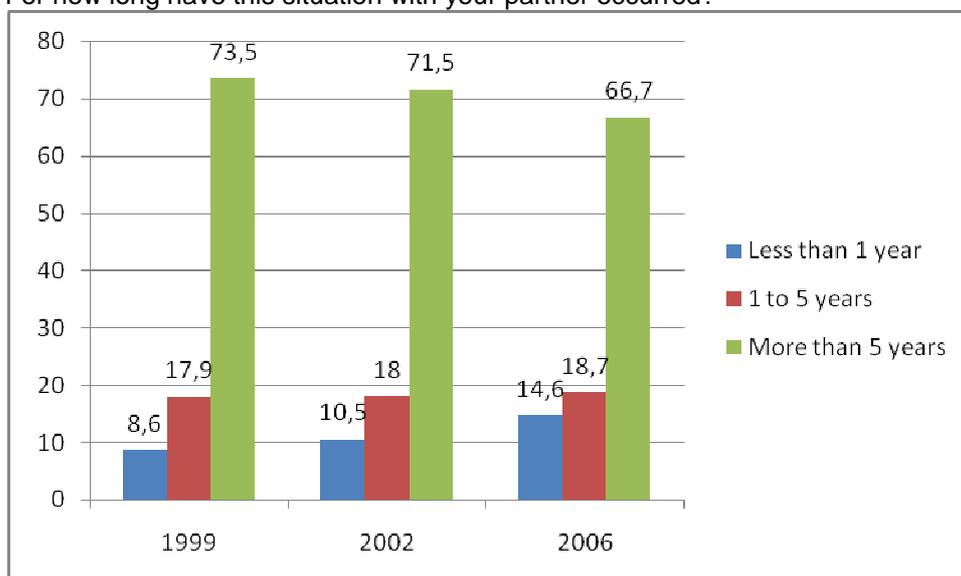
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<sup>71</sup> We would like to use the concept "Functional diversity" instead of "disable person", according to the definition given by this group of people in Spain.

### What is the life time prevalence of domestic violence against women? (from the survey)

66,7% of women who are technically considered as victims of domestic violence (and 63,8% of those who consider themselves victims) have been in this situation for more than five years.

For how long have this situation with your partner occurred?



### What is the number of incidents of domestic violence against women, in one year (from the survey)<sup>72</sup>

During 2007:

94 women were killed by domestic violence.

### What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so).

For 2006, there were 80.751 cases of domestic violence reported to the police<sup>73</sup>.

2006: 8,7 demands per 10.000 people<sup>74</sup>

The problem with these data is that they do not include demands reported to local police (it does include data from two regional police bodies, in regions where these competences are decentralised) or courts<sup>75</sup>.

<sup>72</sup> We could not find this information in the survey, so we searched for it in the website of the Women's Institute. There we would find more recent information, this is why the date is different from the data found in the survey.

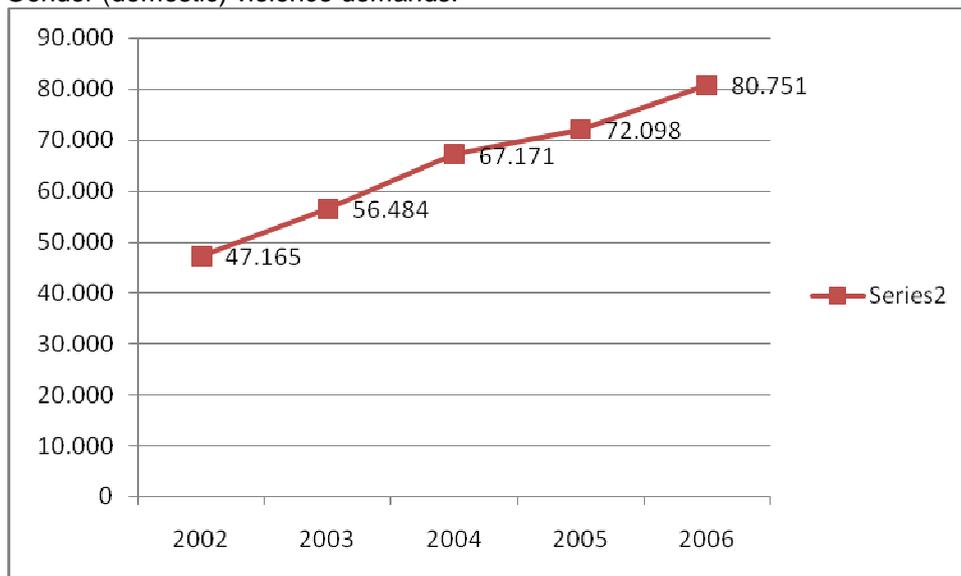
<sup>73</sup> [http://www.mtas.es/mujer/mujeres/cifras/violencia/muertes\\_tablas.htm](http://www.mtas.es/mujer/mujeres/cifras/violencia/muertes_tablas.htm)

<sup>74</sup> <http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/cgpj/principal.htm>

<sup>75</sup> <http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/cgpj/principal.htm>

<sup>75</sup> Annual Report of the State Observatory on Violence against Women 2007.

Gender (domestic) violence demands:



What is the number of domestic violence convictions in the courts? (If not available say so)

13,472 protection orders were dictated in 2006. In 2007 32% of the demands ended up in protective orders.

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so)

2007 (data at third trimester)<sup>76</sup>:

- 32,372 demands (105 presented by victims themselves; 78% are police affidavits)
- 10% renounced to the process.
- Sentences: 4,976 (18% absolute)<sup>77</sup>

2006<sup>78</sup>:

	demandado	juicio	condenado	% condenado sobre juicio
Men	73,785	33,579	23,874	71
Spanish	56,071	25,485	17,397	68
Foreigners	17,714	8,094	6,477	80

#### 4.3.2 Rape & Sexual assault

When was marital rape criminalized?

Marital rape is not explicitly criminalized as such. It is rather established by jurisprudence and doctrine that considers that "marriage does not repeal woman's sexual freedom"<sup>79</sup>

What is the number of annually reported incidents to the police?

During 2007<sup>80</sup>:

2320 women suffered sexual abuse.

262 women suffered sexual abuse with penetration.

431 women suffered sexual harassment.

<sup>76</sup>Data from judicial bodies dealing with violence against women; <http://www.malostratos.org/images/pdf/datos%20judi%203%20tri.pdf>

<sup>77</sup>) Most absolute sentences are due to the claimant not declaring against her spouse/partner

<sup>78</sup><sup>78</sup> [http://www.mtas.es/mujer/mujeres/cifras/violencia/ambito\\_judicial.htm](http://www.mtas.es/mujer/mujeres/cifras/violencia/ambito_judicial.htm)

<sup>79</sup> <http://ortegaygasset.es/circunstancia/numero12/art2.htm>

<http://turan.uc3m.es/uc3m/inst/MGP/documents/DERECHOALAINTIMIDADYALAPRIVACIDAD.doc>

<sup>80</sup> [http://www.mtas.es/mujer/mujeres/cifras/violencia/violencia\\_sexual.htm](http://www.mtas.es/mujer/mujeres/cifras/violencia/violencia_sexual.htm)

2259 women suffered sexual violence.  
1573 women suffered sexual violence with penetration

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? (if not available say so)

N/A

What is required for an act to be considered to be rape, e.g.:

- **lack of consent (since when)**  
YES – non-consent is ‘enough’. Definition of consent: “a person consents if s/he agrees by choice, and has the freedom and capacity to make that choice”. I.e. violence or intimidation.
- **physical resistance? (since when)**  
Not required<sup>81</sup>
- **Other? –**  
So-called “lubricious spirit” i.e. sexual intentionality<sup>82</sup>  
Aforementioned requirements imply sexual aggression, which is considered rape when it is implemented through carnal access (via vaginal, anal or oral) or by vaginally or anally introducing objects<sup>83</sup>.

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic?

Punishments are aggravated when the victim is especially vulnerable because of: age, sickness or situation, and whenever the victim is less than 13 years old<sup>84</sup>.

#### 4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the European Convention on human trafficking (date)

Not yet, although it seems the government has the will to do it soon.

Is trafficking primarily seen as a problem of the sending or the receiving country?

As concluded in the LARG report (López, Pérez Orozco, Peterson, and Bustelo, 2008), a Justice frame or argument is salient within trafficking<sup>85</sup> in women where it is parallel to a gendered (Parliament) or to a de-gendered inequality (Church) approach. The problem is analysed from two perspectives: countries of origin and countries of destination. Regarding the former countries, trafficking in women and prostitution is used by governments as a strategy to obtain extra income, and thus taking advantage of the traditional division of labour and gendered roles. Furthermore, more intensely suffered inequality by women (in terms of education, access to economic resources, etc.) impels them to fall into the mafias’ clutches. In the latter countries, countries of destination, the mafias’ interventions carry on, together with procurers’ blackmailing. Therefore, the problem persists since efficient interventions against traffickers and mafias have not been developed<sup>86</sup> (justice approach).

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long?

According to the Progressive Women Federation’s research on white slave trade with sexual aims in Spain<sup>87</sup>, the European Directive 2004/81/EC (which deals with the issue of victims’

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<sup>81</sup> II Criminal Room Supreme Court Sentence num. 487, 20th March 2000.

<sup>82</sup> II Criminal Room Supreme Court Sentence num. 524, 31<sup>st</sup> March 2000.

<sup>83</sup> [http://www.nodo50.org/defensajuridica/imprime.php3?id\\_article=8](http://www.nodo50.org/defensajuridica/imprime.php3?id_article=8)

<sup>84</sup> [http://www.nodo50.org/defensajuridica/imprime.php3?id\\_article=8](http://www.nodo50.org/defensajuridica/imprime.php3?id_article=8)

<sup>85</sup> In Spanish, the term tráfico (literal translation of trafficking) refers to migrants’ smuggling, while trafficking as forced movement with the aim of sexual exploitation is referred to as “trata”.

<sup>86</sup> There is a clear rejection towards the Swedish model: interventions oriented to johns does not reach the heart of the problem.

<sup>87</sup> In it they gather different axes such as sexual exploitation, feminization of migration, globalization... They take into account several examples but focus better on the case of Spain.

<http://fmujeresprogresistas.org/Documentos/Estudio%20Trata%20de%20Mujeres%20con%20Fines%20de%20Explotaci%C3%B3n%20Sexual.pdf>

residence permission) is not yet transposed to Spanish legislation although the government has the will to do so.

These women are considered victims, and so they are given some assistance such as: emergency assistance (long stay and autonomy houses); helping about migration orientation (legal advice, information on places to go and bureaucracy, etc); health and psychological assistance, etc.

However it is important to account for the fact that as immigrants, these women must abide to the migration law which leaves them in a more fragile social-juridical situation.

Some organisations supporting sex workers' rights affirm that in Spain trafficking and smuggling is being conflated, and that anti-trafficking norms are being used to criminalise familiar and other migration networks that are, although illegal, not coercive. These organizations also claim that Spain does not fulfil the Palermo Protocol, temporary permits are given only under condition of collaboration with police and many victims are being deported<sup>88</sup>.

#### 4.3.4 Intersections

Have specialised policies and practices in relation to gender-based violence in minority communities been developed by:

- **Police:** Yes but only for women and minors.
- **NGOs:** YES
- **Local Authorities / government:** YES
- **Other:** Court trainings

#### 4.3.5 Service provision

Are there refuges and/or sexual assault centres? (dates) YES

How many are there?

Approximately 200 refuge all in all. This is the quantity we have been able to find, but it is possible there are more once you call one of the centres (they probably have more than one house)<sup>89</sup>.

When was the first set up?

First battered women's shelters were set up during the first governing period of Socialist Party and managed by feminist groups (Marugán and Vega, 2003; Cid Santos, 2007):

- 1982: first Centre of Information and Urgencies for Women: Municipality of Barcelona<sup>90</sup>
- 1983-84: first one set up at Barcelona linked to the feminist group Alba

Are they state funded, to what extent?

YES, partly.

## CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

### 5. Political system

#### 5.1 Is the state unitary or federal?

From the approval of the 1978 Constitution a process of decentralization began in Spain through the approvals of the regional *Statutes of Autonomy (Estatutos de Autonomía)*. Public Administration is organised at three levels: central government, regional governments (so-called Autonomous Communities) and local authorities. This structure has been characterised as quasi-federal or a *quasi* asymmetrical federal system.

If federal, are key gender+ equality decisions made at national or provincial/local level?

There is not a single answer to this question. Some competences on matters dealing with gender issues are transferred, totally or, more frequently, partially (e.g. central government

<sup>88</sup> <http://www.diagonalperiodico.net/spip.php?article3348>

<sup>89</sup> [http://www.mtas.es/mujer/servicios/guia\\_recursos/Guiarecursos.pdf](http://www.mtas.es/mujer/servicios/guia_recursos/Guiarecursos.pdf)

<sup>90</sup> [http://www.cird.bcn.es/castella/ebcndon/plan\\_violencia\\_0104.pdf](http://www.cird.bcn.es/castella/ebcndon/plan_violencia_0104.pdf)

establishes the basic structure and coordination of long term care for people in situation of dependency, while the responsibility for its execution relies on regional authorities, who can also expand rights and benefits). Other policies are shared by the three levels (e.g. active labour market policies).

## 5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)?

Framework Agreements (both inter-professional or on concrete aspects) reached by most representative trade unions and employers' organisations at the state or regional level are legally binding. The last signed one is the "Interconfederate Agreement for Collective Bargaining 2007" (analysed in LARG report, Pérez Orozco and Peterson, 2008).

There are two main trade unions: Workers' Commissions (CCOO) and General Workers' Union (UGT) and two employers' organisations (CEOE and CEPYME, SMEs' organisation attached to the former). These are the main social actors referred to when social dialogue is mentioned. They take part, for example, in the following bodies:

- Part of the Consultative Committee of the National Dependency System (the body in charge of long term care for people in situation of dependency).
- Social and Economic Council (the body considered as "the place for reaching understanding between social and economic agents"<sup>91</sup>)

Would the political system be possible to describe as corporatist or neocorporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

The structure of the state during the dictatorship has been clearly defined as corporatist<sup>92</sup>. The main trade unions and employers' organisations used corporatist-like (similar to corporatist practices used in some European countries during the 60s and 70s) pressure and bargaining strategies during the transitional period to democracy. The Moncloa Pact (1977) is said to be the last purely corporatist act. During the 80s, simultaneous to the establishment of a parliamentary democracy, a rather neocorporatist model (also called late-corporatist) was established. The definite breaking point is said to be the general strike in 1988.

What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

Women's presence in main bodies of trade unions is quite relevant, but there is a very serious lack of women in governing bodies of employers' organisations<sup>93</sup>

<b>Women's presence in governing bodies, 2007</b>	
UGT (Unión General de Trabajadores)	46% in Executive Commission
CCOO (Comisiones Obreras)	29% in Executive Commission
CEOE (Confederación Española de Organizaciones Empresariales)	5% directive body
Other minor employers' organisations	% in directive or governing bodies
CCAE (Confederación de Cooperativas Agrarias de España (Agrarian cooperatives)	53%
Entrepreneurs' Circle (Círculo de Empresarios)	12%
APD (Asociación para el Progreso de la Dirección)	11%
AEEF (Asociación Española de Ejecutivos de Finanzas)	9%

<sup>91</sup> [www.ces.es](http://www.ces.es)

<sup>92</sup> Sources: Moreno and Sarasa (1992), Martínez-Alier and Roca (1988), and Tarnawski (1990).

<sup>93</sup> Source: <http://www.mujeresjuristasthemis.org/container.php?seccion=dos>

### 5.3 In which policy environment (ministry) is a decision on the issue predominantly made (for each area: general gender equality policies; non-employment; intimate citizenship; gender-based violence)?

- General gender equality policies: it depends on whether talking about the central/national level or the regional one:
  - o State level: it used to be made within the Ministry of Labour and Social Affairs (where the main gender equality machinery was located), by the Ministry itself or by gender equality bodies. With the creation of the Equality Ministry, it is likely to change.
  - o Regional level: ten regions implement their gender equality law from autonomous bodies, that is to say they are institutions created by law and with their own budgets (Aragon, Asturias, Balearic Islands, Canary Islands, Castilla la Mancha, Catalonia, Extremadura, Murcia, Navarra and the Basque Country). The Gender equality law is articulated through *General Directorates (Direcciones Generales)* in Cantabria, Castilla- León, Madrid, La Rioja and Valencian Community. That means a more limited action capacity. Finally, Andalusia has a regional equality and social well- being ministry from 2004.
- Non-employment: Decisions predominantly made within what was previously called the Ministry of Labour and Social Affairs and now established as the Ministry of Labour and Immigration.
- Intimate citizenship:
  - o Assisted reproduction: Ministry of Health and Consumption
  - o Divorce, marriage: Ministry of Justice and Ministry of Education, Social Policy and Sports
  - o Sexual rights: Ministry of Justice and Ministry of Education, Social Policy and Sports
- Gender violence:
  - o Equality machinery (both at national and regional levels), thus previously Ministry of Labour and Social Affairs (at national level) and probably the new Ministry of Equality
  - o Ministry of Justice
  - o Ministry of Internal Affairs

It should be noted that the new government has introduced relevant changes in the organisation of Ministries, which will surely have an impact on the policy environment in which decisions are made. The following are the most salient changes:

- Creation of the Ministry of Equality (its composition and competences have already been discussed in point 3)
- Social Policy that used to be attached to the Ministry of Labour and Social Affairs has moved to the recomposed Ministry of Education, Social Policy and Sport. The Ministry of Labour is defined as the Ministry of Labour and Immigration (immigration issues were already its competence, although not reflected in its name). Nevertheless, the extent to which these changes will have an impact on the distribution of responsibilities is still unknown. For example, the National Dependency System stays within the Ministry of Labour and Immigration and has not moved to the Ministry of Education and Social Policy.

### 5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

Some authors define the Spanish State as consociational (e.g. Moreno, 2004; Colomer, 2006).

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

The most salient political cleavages refer to regional divisions. A complex bargaining process between Autonomous Communities and central government is in place. New Autonomy Statutes was approved during the socialist government.

## 5.5 International obligations and links

When, if at all, was CEDAW signed?<sup>94</sup>

1980

When did the country join the EU?

1986

## 6. Political Representation

### 6.1 The development of women's political representation, including:

- Date of female suffrage<sup>95</sup>

Women first gained the suffrage during the Second Republic (1931)<sup>96</sup>. After the Civil War the dictatorship started. Women regained this right in 1976 (at the end of dictatorship and at the same time as men).

- Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

Suffrage in 1931 included both men and women over 23 years.

- Date of male suffrage

First Constitution 1812: Its text denied active and passive suffrage to<sup>97</sup>:

- Women
- Men under 25 and "disabled"
- (male) Americans black people and those mixed with them, whether Spanish, Indians or Creoles)
- (male) Illiterates (but this denial should be put in practice by 1830)
- (male) Domestic servants
- (male) Those without known employment or livelihood

Nevertheless, this restricted interpretation of suffrage was not applied and there was quite a broad understanding of indirect suffrage (mostly excluding women and "black" people). Property was not a criterion for active or for passive suffrage<sup>98</sup>.

Debates on whether suffrage should be (male) universal or census-based (thus mainly limited by "economic and intellectual capacity" i.e. by property) took place during the whole XIX century and are reflected in the diverse Constitutions: 1837 (census-based), 1845 (census-based), 1856 (census-based), 1869 (universal), 1873 (universal), 1876 (census-based, and universal from 1890):

- Use of quotas<sup>99</sup>

Yes

- When introduced

2007 for all political parties (Equality Law)

Norms internal to parties (Verge, 2007):

- Socialist Party: introduced an internal quota of 25% in 1988, which implied an increased presence of women in Parliament in the next elections 1989 (from 7,1% to 17,1%). In 1997, it changed to a parity system (40%-60% representation).
- Leftist Party: introduced a 25% quota in 1989, which implied an increased presence of women in Parliament in the next elections 1989 (from 0% to 11%). In 1997, it changed to a parity system (40%-60% representation).

<sup>94</sup> See <http://www.un.org/womenwatch/daw/cedaw/states.htm>

<sup>95</sup> See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

<sup>96</sup> It was in 1933 when women voted for the first time. Contrary to the fears of many leftists (including women that argued against women's right to suffrage) that thought that women were too much influenced by the church and reactionary forces, the leftist coalition won the elections.

<sup>97</sup> Based on Varela Suanzes-Carpegna (2005)

<sup>98</sup> Although the Constitution established that for being elected it was necessary to "have an adequate property", no fix quantity was established and a later article sine die suspended this requirement.

<sup>99</sup> See IDEA: <http://www.idea.int/gender/index.cfm>

- What form e.g. party, electoral, constitutional

Party quotas: The recently approved Equality Law (2007) introduces legal quotas, guaranteeing a minimum of 40% and a maximum of 60% of either sex among candidates in all elections.

- What is the numerical representation of women in parliament? (over QUING period)

	Lower house	Upper house
1996/2000		
2000/2004	33%	25%
2004/2008	36%	24%
2008/2012	35,7%	29,2%

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.

Themis stated in December 2007: "the number of female deputies may significantly increase as a consequence of the normative change introduced by the Equality Law"<sup>100</sup>. Nevertheless, as the data show (see below) this foreseen change has not occurred.

- Other important developments

## 6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament)

Debates on male suffrage already mentioned. Not actual specific representation in parliament.

- ethnicity/religion (what exclusions and when; numerical representation in parliament)

No exclusion. Not specific representation in parliament.

- Other important intersecting inequalities, any quotas

No

## 6.3 Political parties and gender

- Does women's political representation vary by Party;

Yes, it does.

Political Party	Percentage of women in Party's Governing body	Percentage of women at Parliament (lower/upper house)	Represented interests
PSOE (Partido Socialista Obrero Español)	52%	46,6%/32,7% <sup>101</sup>	Leftwing/centralised nationalism
PP (Partido Popular)	28%	30,5%/29,8%	Rightwing/ centralised nationalism
IU (Izquierda Unida)	24%	0%/0%	Leftwing/state scope
CIU (Convergencia I Unió)	21%	40%/28,6%	Rightwing/regional nationalism
PNV (Partido Nacionalista Vasco)	10%	0% <sup>102</sup> /25%	Rightwing/regional nationalism

<sup>100</sup> <http://www.mujeresjuristasthemis.org/container.php?seccion=uno>

<sup>101</sup> Including members of the Catalanian Socialist party who are not in the same upper house group as the rest of the Socialist Party.

<sup>102</sup> Allied with another Basque nationalist party: EAJ.

- if so, do these Parties tend to represent different class, ethnic, religious or other interests?

Yes, parties represent different interest (major divisions are ideology -leftwing and rightwing- and scope of representation –regional, thus regional nationalism, and state, thus centralised nationalism). No clear relationship among those interests and women’s representation is found. The most salient issue is that the Socialist Party (PSOE) and the Leftist Party (IU) were the only one that adopted a parity strategy.

- What is the current Party / Parties in Government:

The Socialist Party (in government during the period 2004/2008 and re-elected in March 2008). Although it did not obtain absolute majority in past elections, it did not create government alliances, but governs alone and looks for support for the legislative actions.

- With which European Parliament political group is this Party / Parties affiliated?<sup>103</sup>

Party of European Socialists (PES)

- What political party / parties have held office during 1995-2007?

Period	Party holding office	Affiliation to European Parliament political group
1992/1996	PSOE	PES
1996/2000	PP	EPP
2000/2004	PP	EPP
2004/2008	PSOE	PES
2008/2012	PSOE	PES

## 6.4 Representation in government

- What percentage of government Ministers are female?<sup>104</sup>

There are nine female ministers and eight male ministers. Thus women account for 52,9% of the ministers.

- To which Ministries do female ministers belong?

- Ministry of Presidency (First Vice-President)
- Ministry of Defence
- Ministry of Public Works
- Ministry of Education, Social Policy and Sport
- Ministry of Environment, Rural and Sea World
- Ministry of Public Administration
- Ministry of Housing
- Ministry of Science and Innovation
- Ministry of Equality

## 7. Civil Society

### 7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women’s organisations. If so,

No, there is not. The State Coordinator of Feminist Organisations is officially working, but it rather represents a reminiscence of past coordination than a real actual coordinated work.

<sup>103</sup> See list Of EP political groups: [http://www.europarl.europa.eu/groups/default\\_en.htm](http://www.europarl.europa.eu/groups/default_en.htm)

<sup>104</sup> See IPU: <http://www.ipu.org/wmn-e/world.htm>

Coordination exists at a rather regional/local level:

- Cross-cutting stable coordination:
  - o Basque Country: The Basque Coordinator of Feminist Assemblies
  - o Catalunya: Xarxa Feminista (Feminist Network)
  - o At Madrid: diverse groups join at a local which was obtained during the transition when buildings expropriated by the dictatorship were returned to social actors (the flat was used by the main women's association of the Francoist regime).
  - o Barcelona: groups join at the "Women's House" (Ca la Dona), which is autonomously run.
- Thematic coordination, examples:
  - o Platform for a public system of attention to people in dependency in the Basque Country
  - o Care network (Madrid)
- Coordination to organise feminist events:
  - o At the national level, the last Feminist Conference took place in 2000
  - o Feminist Conference take also place at regional level: Catalonia (2006), Basque Country (2008)

o is this the same as the body which is affiliated to the European Women's Lobby?

The affiliated body is CELEM, Coordinator for the European Women's Lobby. It is also part of AFEM (Southern Europe Women's Association)

- o when was it established?
  - 1993
- o how many organisations are affiliated to the national body?
  - 30
- o how many women are so coordinated?
  - Unknown
- o How many staff work for the organisation (how many paid, how many unpaid)?
  - N/A
- o What is its budget?
  - N/A
- o What is its range of activities (are these in an annual report)?
  - Monitoring of the IV Communitarian Action Programme
  - Analyse both European and national legislation
  - Defining strategies and promoting actions to increase women's presence in decision-making bodies both at the European and Spanish level
  - Promoting measures against violence against women
- o Does the national body engage with all or only some of our 3 issues
  - Non-employment: e.g. Actions on social protection systems
  - Violence: data base on surveys, studies... on gender based violence
- o Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

Yes, there are some coordinating organisations.

employment/non-employment	<ul style="list-style-type: none"> <li>• Women's Platform for the Dependency Law</li> <li>• Civic Platform for a Non-transferable Paternity Leave</li> <li>• Women's World March</li> <li>• Platform for Domestic Workers Associations</li> </ul>
gender based violence	<ul style="list-style-type: none"> <li>• Women's Organizations Platform in favour of abolition of prostitution</li> <li>• State Network of Feminist Organisations against Gender Violence</li> <li>• State Platform for Sex Workers' Rights</li> </ul>

intimate citizenship	<ul style="list-style-type: none"> <li>• National Federation for Lesbian, Gay, Bisexual and Transgender Organisations, FELGTB</li> <li>• Platform for an Abortion Law<sup>105</sup></li> <li>• Responsible Custody (<a href="http://www.custodiarresponsable.org/">http://www.custodiarresponsable.org/</a>)</li> </ul>
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**List the key women's / feminist civil society organisations and their main methods / activities**

To provide the following list, two criteria have been considered.

1<sup>st</sup>: distinguishing between women's organisations (e.g. rural women, entrepreneurial women) and feminist organisations. Although the distinction is quite complicated, some kind of self-identification with feminism has been established as a pre-requirement to be listed here (what Bustelo & Orbals, 2007 calls recreational associationalism has not been considered).

2<sup>nd</sup>: Associations are classified according to their main methods and activities, although a strict separation of activities is not easy. They are also classified according to their scope, given that most feminist/women's organisations do not act at the state level, thus identifying only national ones would not provide a right picture of Spanish reality.

3<sup>rd</sup>: Organisations dealing with intersecting inequalities have been listed under a later section

<b>Activities/methods</b> <small>106</small>	<b>National or multi-regional scope (thematic focus, if any)</b>	<b>Regional/local scope (locality/thematic focus, if any)</b>
Building autonomous institutions / Public protest	<ul style="list-style-type: none"> <li>• Women in Black (non-violence)</li> </ul>	<ul style="list-style-type: none"> <li>• Feminist Assemblies and groups with quite a long history (linked to the State Coordinator of Feminist Organisations): Bilbao, Cordoba, Dones i Treball (Barcelona/non-employment)Granada, Madrid...</li> <li>• Feminist groups somehow related or close to the autonomous/squatter movement: Feminist Assembly Sevilla (Lilitu), Eskalera Karakola (Madrid), Ladyfest Spain (Madrid), Women's House Mambo (Barcelona), Las Tejedoras (Madrid), Women's Association La Ruda (Zaragoza), Medeak (San Sebastian)...</li> <li>• /non-employment), also service provision</li> <li>• Groups somehow close or related to minor leftist political parties: L.I.L.A.S. (Madrid), Bilgune (Basque Country)</li> </ul>

<sup>105</sup> It has been just created and responds to the renewed campaign against abortion (<http://www.plataformaproaborto.es/>). Commissions for the right to abort have played a key role lobbying for this right since late 70s, but are now mostly disarticulated except in some places, such as Barcelona.

<sup>106</sup> Associations are classified according to their main methods and activities, although a strict separation of activities is not easy. They are also classified according to their scope, given that most feminist/women's organisations do not act at the state level, thus identifying only national ones would not provide a right picture of Spanish reality.

		<ul style="list-style-type: none"> <li>Women's organisations linked to specific neighbourhoods: Las Tejedoras (Madrid, Women from Opañel (Madrid), Neighbourhood Spanish Women's Association</li> </ul>
Campaigning / lobbying state	<ul style="list-style-type: none"> <li>Women's Foundation (also service provision)</li> <li>Progressive Women's Association</li> <li>Federation of Young Women</li> <li>Feminist Policy Forum (non-employment)</li> <li>Separated and Divorced Women's Federation (Service/state?)</li> <li>Lone Parents' Foundation Isadora Duncan (also information provision)</li> <li>Jurist Women's Association Themis (law, also research)</li> <li>Association of Spanish Women Media Professionals, AMECO (also research)</li> <li>Federation of Rural Women's Associations (FADEMUR)</li> </ul>	<ul style="list-style-type: none"> <li>Hetaira (Madrid/sex workers' rights), also service provision</li> <li>Licit (Barcelona/sex workers' rights), also service provision</li> <li>Transexualia (Madrid/trans issues)</li> <li>Genera (sex work)</li> </ul>
Service provision	<ul style="list-style-type: none"> <li>Women's Net (cyberfeminism)</li> <li>Women's Town (cyberfeminism)</li> <li>Federation of associations for Assisting Raped Women</li> <li>Federation of associations for Assisting Victims of Sexual Assault</li> </ul>	<ul style="list-style-type: none"> <li>Women's Association of Domestic Workers (Basque Country/domestic workers' rights), also campaigning and lobbying</li> <li>APRAMP (Madrid/sex workers' reinsertion), also campaigning and lobbying</li> <li>Domestic Workers' Association (Valladolid)</li> <li>Entredós (Madrid)</li> <li>Women's Libraries (diverse locations: Madrid, Valladolid, Barcelona...). They were very relevant during late 70s, 80s (even owning their one editorial series) and have lately lost importance.</li> </ul>
Research	Research Commission on Violence against Women University Association of Women's Studies (AUDEM)	
Other		Plazandreok, feminist party (San Sebastian)

o Are they important or marginal to national politics?

Organisations working on violence issues have played a key role in lobbying role (some of its members were part of or closely linked to the Socialist Party) with respect to domestic violence issues and, to a lesser extent, prostitution. Indeed the approval of the Law against Gender

Violence can be said to be their most salient success. They also lobby around some aspects related to the sub-issue of divorce, separation and marriage (intimate citizenship). This is the best known feminist position and the most influential one at the policy level.

Nevertheless, there are feminist organisations that are unhappy with these positions regarding violence, sex work, and divorce/separation concerns. A network to counteract the hegemony of that discourse has been created by diverse feminists<sup>107</sup> and is trying to influence public opinion rather than lobbying state.

Other sub-issues in which feminist organisations have been successful are:

- Parental leave: recently introduced by Equality Law. Although the platform arguing for an independent and non-transferable paternity leave is not happy with the limited scope of the new benefit (just 13 days).
- Parity issues: Equality Law

- o Are they centralised or dispersed?

Most women's feminist organisations in Spain work in a rather dispersed way and are locally relevant. Bustelo & Orbals (2007) affirm that they are "highly fragmented".

### List the key anti-feminist organisations and their main methods/ activities?

There are many organisations that, although not explicitly defining themselves as anti-feminist, support an anti-feminist agenda. They could be classified around two groups:

- 1- Organisations bringing together separated or divorced fathers, arguing that men are discriminated by divorce laws, which take their properties and children away. Their main activities include lobbying and service provision (e.g. lawyers, private detectives, psychologists, family mediation etc.):
  - o Separated Family Fathers' Association: state level
  - o Diverse Separated Family Fathers' Associations at regional level
  - o Separated Parents' Association (not such an anti-feminist agenda, although arguing for shared custody and considering that many battering demands are false)
  - o SOS Papa, Association for the Child's Rights (just lobbying)

• Building autonomous institutions	No
• Public protest e.g. demonstrations	No
• Campaigning	Yes
• lobbying state	Yes
• service provision	Yes
• research	No
o Are they important or marginal to national politics?	Marginal
o Are they centralised or dispersed?	Mostly dispersed
  
- 2- The Catholic Church itself and Catholic groups: In Spain the Catholic Church has played a key role arguing against legal and social reforms during the last years of the Socialist government. It has organised demonstrations and lobbied against those reforms. Its main mobilisation issues have been: same sex marriage, citizenship education<sup>108</sup>, and abortion. The Catholic hierarchy (impersonated in the Episcopal Conference) has been an active actor. Beyond that, some Catholic groups are extremely conservative. Mainly: Opus Dei and Legion of Christ (some members of the Conservative Party are members of those organisations). The influence of the Church on national politics is very relevant. Indeed a preferential treatment drawing from Agreements signed during the dictatorship and ratified during the first years of

<sup>107</sup> It brings together people rather than feminist organisations, although some groups could clearly be identified as being closely linked. This responds to an elected strategy of creating an "opinion stream".

<sup>108</sup> A new subject introduced in schools, aimed at providing shared civil and democratic values. It has been blamed for indoctrinating values against Catholic moral (particularly in aspects such as sexuality, laicism). It has also been blamed for imposing a "gender theory". ([http://www.elpais.com/articulo/sociedad/doctrina/teoria/genero/Rouco/Varela/elpepiscoc/20080501elpepiscoc\\_3/Tes](http://www.elpais.com/articulo/sociedad/doctrina/teoria/genero/Rouco/Varela/elpepiscoc/20080501elpepiscoc_3/Tes)).

democracy exists. It provides the Church a preferential position in terms of funding, presence in official acts, education system, etc. Voices have been raised arguing for the derogation of these agreements, but it seems still a difficult step.

- Building autonomous institutions Yes
- Public protest e.g. demonstrations Yes
- Campaigning Yes
- lobbying state Yes
- service provision Yes
- research No
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

Beyond that, some anti-abortion groups, praising women's role as mothers and campaigning against abortion, exist. Their importance is rather marginal and they are closely linked to the Catholic Church or other Christian groups.

### Are there any men's groups / organisations that are supportive of women's / feminist organisations?

Yes, there are. For example:

- Men's Association for gender Equality (AHIGE, <http://www.ahige.org>)
- Men's groups in diverse towns
- Heterodoxia (<http://www.sindominio.net/heterodoxia/>)
- Platform for Equality and against Battering
- Studies Centre on the Masculine Condition (<http://www.cecomas.com/>)

### Women's / feminist organisations in civil society

- What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?

Diverse disagreements among feminist / women's organisations include:

- Sex work: pro-regulatory versus abolitionary positions
- Divorce/marriage/gender violence: there are various disagreement points. First, the confidence on institutions and legal procedures linked to debates on women's agency and risks of victimisation (some groups are highly supportive of the Law against Violence and consider that it is mainly a State responsibility to protect women, while others have a much more critical view and warn against conceding the State too much control over women's lives). Second, debates on women's and men's role (some feminists argue that there is some risk of creating a too innocent view of women as never being capable of harming others). Third, the confidence in the penal way to solve social problems.
- Reconciliation issues: there are some feminist who are much more confident in reconciliation measures to solve actual double presence problems, while others argue for a much deeper transformation of the socioeconomic system.
- Political power: some groups are highly supportive of parity and affirmative actions such as quotas, while others are critical with the democratic system and lay on a rather autonomous organisation.

- Do women's organisations actively engage with other intersecting inequalities (in each area?)

Not really, but there are organisations that work simultaneously on gender and other intersecting inequalities.

- Do they have good alliances with those representing other inequalities or not? (in each area)

The interrelationship of feminist / women's groups with other groups actively working with other inequalities is quite complicated i.e. crosscutting work on intersecting inequalities is not common in Spain. Alliances do not work fluently.

- Are there alliances between women's / feminist organisations and men's groups (if these exist in your country)?

Some men's groups are rather linked to public institutions, either national institutions (e.g. AHIGE has an agreement with the Ministry of Health and Consumption), local institutions (e.g. Pro-Equality Men is an institution supported by the City Council at Jerez) and/or equality machinery (e.g. AHIGE has agreements with the Women's Institute).

The alliances between those groups and feminist groups are stronger with respect to gender violence (mainly, domestic violence) than in other areas.

- Are there many organisations of minoritised women? (in each area)

Not many, but there are some: women with disabilities, older women, migrant women

Employment / non-employment	Older women: Les Grans (Barcelona) The Independent Life Forum ( <a href="http://www.minusval2000.com/relaciones/vidaIndependiente/">http://www.minusval2000.com/relaciones/vidaIndependiente/</a> ) has gender work axes Diverse associations of women with disabilities and/or women's sections within mixed groups: Women with Disabilities Network ( <a href="http://www.redmcd.org/">http://www.redmcd.org/</a> ): state level AMDAS - LA FONTE: Disabled Women's Association (Asturias)  SEDOAC (Active Domestic Service, Migrant Domestic Worker's Association)
Violence	Sex workers' associations
Intimate citizenship	Lesbian and transsexual organisations (with a feminist perspective): <ul style="list-style-type: none"> <li>- Dona mes dona (group for the naturalisation of sexual diversity), <a href="http://donamesdona.terrassa.net/">http://donamesdona.terrassa.net/</a> (terrassa)</li> <li>- Feminist Lesbians' Group (Barcelona), <a href="http://www.lesbifem.org/">http://www.lesbifem.org/</a></li> <li>- Transexualia</li> <li>-</li> </ul>

Not specifically working on our issue:

- Roma women's organisations:
  - Romi (Roma Women's Association), <http://www.mujeresromi.org>
  - Paraja, (Roma Women's Association)
  - Alboreá (Roma Women's Association)
  - Kamira (Federation of Roma Women's Associations)
  - Fakali (Andalusian Federation of Roma Women's Associations)
- Migrant women:
  - Guinean Women's Association E'Wapiso Ipola
  - Dominican Women's Association
  - Dominican Mothers' Voluntary
  - Migrant women's organisation Malen Etxea
  - Group Malwen (Chilean migrant women)

- What links are there with international? / EU level / bilateral bodies? (in each area)

Many organisations have links with other non-Spanish organisations (mainly: CELEM). However, these links are not usually institutionalised or based on stable coordination mechanisms.

- Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?

The reasons for the previously mentioned success in lobbying certain issues are not clear and different answers could be provided.

It could be argued that there is quite a fluent performance of the velvet triangle (academy-feminist groups-femocracy). E.g. the presence of Soledad Murillo, a well known feminist scholar who has been actively involved in women's organisations, as the Head of the General Secretary for Equality Policies (thus representing herself the confluence of the three streams: feminist movement, academy and institutions) is considered a key factor that allowed for the approval of both Equality Law and Law against Violence<sup>109</sup>. From a different perspective, it could also be said that the main reason is the closeness of some organisations to the Socialist Party, thus easing the consideration of some feminist perspectives, but obscuring others (given the heterogeneity of feminist proposals).

Two different strategies within the feminist movement are identified. First, organisations focusing on lobbying and campaigning, some of them closely linked to the Socialist Party. It could be said that all of these organisations receive some kind of public funding and many of them enjoy from women employed in the organisations themselves. Secondly, organisations which rather follow their own agenda and focus on public protest. Some of these organisations receive public funding, but they mostly rely on their own resources and are almost only based on voluntary work.

Prior to the approval of the Equality Law feminist organisations from all of the state were consulted. This participation channel was welcomed, but criticisms on the scarce weight given to women's voices (particularly compared to the social partners and in terms of the success of their proposals) were also heard.

Another example of consultations with the feminist movement was the debate in Parliament on the regulation of sex work. Both pro-regulatory and abolitionist groups were consulted. The latter regret that their presence seemed to have been totally useless and that the Socialist position was already decided prior to consultations.

The approvals of both the same-sex marriage and the Gender Identity Law were based on a successful lobbying role of LGBT organisations (not strictly feminist).

No formal channel of participation at the state level exists as of yet. The Equality Law stipulates the creation of a Women's Council that is being reclaimed by feminist groups. At the local level, diverse Women's Councils exist. While some work better than others, it could be said that none plays a truly influential role in policy decision-making.

- Does this vary between issue areas?

Yes, it does. Sub-issues in which the feminist movement is more influential (whether the whole feminist movement or some of its strands) are: prostitution, parity and quotas, and domestic violence. The influence on non-employment aspects is much more limited given that the undoubtedly main voices are those of the social partners. For example, the change of the social security regime of domestic work (included in the NRP 2007) involved a series of consultations with domestic workers' associations. The governmental proposal was even disseminated (it did not fulfil the domestic workers' demands), but finally the change did not take place because of the opposition of one of the main trade unions and employers' organisations.

- Has this changed over time?

The relationship between the feminist movement and political parties is a controversial one, linked to debates on the institutionalisation of feminism<sup>110</sup>. A relevant conflict around the

<sup>109</sup> She is no longer the Head of the Secretariat, as pointed out in section 3.

<sup>110</sup> This discussion draws from (Gil, 2008).

autonomy of the feminist movement took place during the first years of the movement in Spain (around the transition from the dictatorship to democracy)<sup>111</sup>. Autonomy from political parties was reclaimed, and it could be said that the feminist movement has remained quite autonomous from the more radical leftwing parties since then. However, after the electoral success of the Socialist Party, a process of institutionalisation of feminism started. Some feminist/women's groups have remained closely linked to governmental bodies since then whenever the Socialist party has held power (1982/1996). During the conservative government (1996/2004) a clear separation between the feminist movement and the party in power occurred. These links have however re-emerged since the upcoming of socialist party (2004 onwards).

The creation of the Women's Institute in 1983 meant a turning point in the process of institutionalisation of feminism. The debate nowadays is not so much whether institutions are relevant or not, but on the ability of the feminist movement to "build its own politics" (Gil, 2008).

- When engaging with the state is a coalition form of organising common or not?

Yes, it is. Platforms and/or networks are usually created to lobby for changes (see examples provided in previous questions). These coalitions work at the state level, although some examples of regional networks are also found.

- Does it make sense to talk of a 'women's movement' or not?

Yes, it does

- Briefly explain your answer.

Although the Spanish women's/feminist movement is not properly articulated, neither has a shared and strong agenda nor a common strategy, the richness and diversity of associations requires one to talk about a feminist movement<sup>112</sup>.

- Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

Equality versus difference feminisms has sharply framed discussions for a long time in Spain (mainly during the 80s and even the 90s). Equality perspectives have been closely linked to institutionalised feminism. From the 90s and onwards, it could be said that transformation perspectives have found a place within feminist groups, somehow linked to a more autonomous movement, at the same time as difference perspectives have lost importance. Thus, actual debates rather relate to sameness versus transformation.

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

Debates exist around the issue of care (this debate was introduced in the Country Issue History Report –López, Peterson and Platero, 2007-):

- Visions closer to equality argue for a public regime (mostly state provision) based on new reconciliation measures, care benefits.
- Visions closer to transformation argue for a deeper social change and their interventions rather focus on the questioning of the existing socioeconomic system (while supporting public state-based or even third-sector based regime).

- How closely aligned is feminism with social democracy?

Institutionalised feminism is closely aligned with social democracy and the ties to the Socialist Party are quite tight.

- Notes on the history of the development of gendered or feminist civil society organisations:

- Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate?

Question previously answered.

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<sup>111</sup> Some quite extreme leftwing political parties, which were not so important in parliamentary representation terms but rather socially influential, tried to play a key role in the feminist movement. These conflicts were linked to the debates on double militancy (see IHR).

<sup>112</sup> From a different perspective, Empar Pineda (a historical feminist leader) asked in a recent article "Does the feminist movement exist?" and her answer was quite negative: "I have increasing doubts on its existence" (<http://www.diagonalperiodico.net/spip.php?article6032>).

An example of conflict regarding autonomous/close to state organisations is the debate held during the last 8<sup>th</sup> March 2008, which coincided with the day of reflection (general elections were held on 9<sup>th</sup> March). Women's demonstrations were banned in most towns. Intense debates on the convenience of respecting this prohibition and whether demonstrations should be changed to the 7<sup>th</sup> March as suggested were common in diverse 8<sup>th</sup> March commissions (ad hoc coordinating bodies that tend to meet annually to organise 8<sup>th</sup> March events). A hidden political interest of marching on the 7<sup>th</sup>, and thus being able to use the demonstrations as political platforms to praise the Socialist government's support of gender equality, was expressed by some rather autonomous groups<sup>113</sup>.

- Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?

No, it does not. Differences between the close to state feminist organisations and the more autonomous ones crosscut the four issues.

- Is there a history of divisions as to: socialist, radical, liberal?

Yes, there is. Most salient debates during the first years of feminism were linked to debates between radical feminism<sup>114</sup> (arguing for an autonomous women's organisation) and socialist feminism (closer to radical leftwing parties, arguing for double militancy). Later, liberal feminism grew stronger within institutional feminism. The division radical/socialist is no longer relevant. The actual division is more closely linked to debates on the degree of institutionalisation and the gender vision (sameness versus transformation).

- Does this vary by 4 areas?

Not, it does not. It was a crosscutting debate and still is.

- Is there a history of changing engagement with class, ethnic and religious forces?

No, there is not. The links of the feminist movement with other forces are very weak, except with trade unions (see point 7.2).

- Does this vary by 4 areas?

The only issue in which links are quite relevant is non-employment through the women's machinery in trade unions.

- Is feminist research organised in Universities and research institutes?

Yes, it is

- Are there named centres?

Yes, there are dispersed diverse centres, institutes, seminars, research groups, chairs... in most Spanish universities. A whole list can be consulted here: <http://www.audem.com/centrosuniversitarios.php>

- If yes, are they important?

They are quite important, but their actions mostly target specific research and teaching (graduate) rather than mainstreaming gender into undergraduate and graduate courses.

The most important ones are (i.e. autonomous bodies with a quite relevant institutional form):

- Women's Studies Centre (U. Autònoma Barcelona)
- Duoda Women's Research Centre (U. Barcelona)
- Gender Studies Centre (UNED)

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<sup>113</sup> E.g. the article asking: "Is the 7<sup>th</sup> the 8<sup>th</sup> of March? 7<sup>th</sup> of March or Socialist Party as a capture apparatus" (Eskalera Karakola, <http://madrid.indymedia.org/newswire/display/6579/index.php>). Diverse manifestos accusing these supposed hidden interests have been disseminated: 8<sup>th</sup> of March Commission Madrid (<http://lahaine.org/index.php?blog=4&p=20956>), LILAS ([http://www.nodo50.org/tortuga/article.php3?id\\_article=7671](http://www.nodo50.org/tortuga/article.php3?id_article=7671)). Indeed appeals to revoke the denial to legalise the demonstration in diverse towns were noticed. At Madrid a anti-constitutional appeal was noticed once the former appeal was dismissed. I.e. this conflict implied the re-emergence of debates on the autonomy of the feminist movement.

<sup>114</sup> <http://www.fmujeresprogresistas.org/feminismo4.htm>

- Women's Studies University Institute (U. Autonoma Madrid)
- Feminist Research University Centre (U. Complutense Madrid)
- Women's Studies Institute (U. Granada)

There are some centres not linked to universities, such as: Women's Culture Centre Francesca Bonnemaison, Barcelona

- If not, is important feminist research primarily dispersed or mainstreamed?

Women's/Gender Studies units work in a quite network way.

- Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

There are diverse publishers and funds.

Publishers and special series:

- Horas y Horas (linked to Madrid Women's Library)
- Series Feminisms (co-edited by Catedra, Women's Institute and University of Valencia)

Journals:

- Arenal, Women's History Review
- Asparkia, Investigació Feminista (Feminist Research, Univ. Jaume I)
- Aequalitas, Judicial Review on Equal Opportunities between Women and Men
- Duoda review (Duoda Women's Research Centre)

Most regional Equality bodies publish their own journals.

- Is there a national association for women's studies/gender studies?

Yes, there is: AUDEM, University Association for Women's Studies (<http://www.audem.com>)

- Are there feminist lawyers' organisations?

Yes, there are: Themis, Lawyer Women's Association

- Are there radical lawyers' organisations that support justice claims for one or more of the inequalities?

Yes: Free Lawyers' Association (ALA, <http://www.nodo50.org/ala>). It has a women's area, but also works on other inequalities as long as they are compromised to adopt an opinion "on every issue related to the world of Law and freedoms".

## 7.2 Class

- A short history of the development of organisations representing class interests.

The beginning of the workers' movement can be located around 1840s. It received a serious impulse in 1868 and from then groups linked to the International Labour Association started to be created.

1879-1898: two main streams are identified. First, socialist trade unionism, linked to the Socialist Party; Worker's General Union (UGT, which is one of main actual trade unions) was created in 1888. Secondly, anarchist trade unionism.

1900-1931: trade unionism experienced a clear expansion along the previously commented two lines (Worker's National Confederation CNT, the main anarchist trade union, was created in 1911). They were active actors against colonial wars that Spain was fighting. An anti-revolutionary trade union line linked to the Catholic Church was created, but did not gain much support.

1931-1939: class trade unions were active supporters of the Second Republic, although they were also critical because of the slowness of expected changes. Key conflicts among diverse trade unions took place during the Civil War.

1940-1977: the dictatorship abolished class trade unions and imposed a single vertical trade union (Syndicalist National Central). Membership was mandatory for both workers and employers. Workers' commissions were created to take advantage of existing structures in

order to defend workers' rights. These were the embryo of future Workers' Commission (one of two main actual trade unions), which were constituted as such in 1976 (clandestinely).

1977: trade unions are legalised and CEO is created

1989: the anarchist trade union is divided into CNT (works outside the legal representation framework) and Work General Confederation (CGT, working within institutional framework). The coverage of anarchist trade unions is very limited.

- o How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)
  - o density (proportion of workers that are organised),

As the European Industrial Relations Observatory Online states: "Membership in Spanish trade unions is one of the lowest in Western Europe: only 16% of employees are trade union members compared to 25% of European employees"<sup>115</sup>.

Nevertheless, the total percentage of workers employed with trade union representation – is relatively high.

Coverage	Sector	Employed workers with trade union representation
High	banking	82%
	water, gas, and electricity	68%
	public administration	64%
	health	61%
	education	51%
low	agriculture and fisheries	16%
	hotels and catering	21%
	construction	26%
	retailing	34%
Public sector		67%
private sector		37%

The main obstacles are representing workers both in small enterprises and in the most precarious segments of the labour market (temporary employers and informal economy).

- o coverage (what proportion of workers are covered by collective bargaining agreements),

Collective bargaining in Spain, 1997–2005<sup>116</sup>

Year	Agreements		Companies covered		Workers covered	
	Number	Variation %	Number	Variation %	Number	Variation %
1997	3,763	6.0	847.5	11	7,226.8	18.1
1998	3,776	0.3	814.2	-3.9	6,972.2	-3.5
1999	3,874	2.6	894.8	9.9	7,782.8	11.6
2000	3,945	1.8	977.3	9.2	7,862.8	1.0
2001	4,021	1.9	895.1	-8.4	7,605.9	-3.3
2002	4,217	4.9	924.2	3.3	7,808.0	2.7
2003	4,364	3.5	1,057.3	14.4	8,147.2	4.3
2004	4,182	-4.2	902.5	-14.6	7,800.6	-4.3
2005	4,167	-0.4	066.6	7.1	8,380.9	7.4

According to the European Industrial Relations Observatory Online: "In 2005, collective agreements at sectoral and provincial level represented 21% of the total collective agreements

<sup>115</sup> [http://www.eurofound.europa.eu/eiro/country/spain\\_3.htm](http://www.eurofound.europa.eu/eiro/country/spain_3.htm)

<sup>116</sup> [http://www.eurofound.europa.eu/eiro/country/spain\\_3.htm](http://www.eurofound.europa.eu/eiro/country/spain_3.htm)

and covered 55% of workers, whereas national collective agreements amounted to 1.5% of the total agreements and covered 27.4% of workers. At the same time, company level agreements corresponded to 75% of the total agreements, but covered only 10% of workers.”

- centralisation of collective bargaining,
  - is there are national body of trade unions;

No, there is not. Inter-Confederate Agreement for Collective Bargaining (the main reference document providing guidelines and orientations for the rest of collective agreements) have been negotiated between UGT, CC.OO., CEOE and CEPYME since 2002.

- what proportion of TU members and unions are affiliated?
- coordination of collective bargaining.
  - Does the national body of trade unions negotiate on behalf of trade unions

The European Industrial Relations Observatory Online states that the collective bargaining structure in Spain is highly fragmented. There are agreements on the level of companies, groups of companies, provincial level, national level and sector level. The total number of agreements is very high (4000): “As a consequence of this apparently complicated hierarchy, the structure of collective bargaining is considered by some observers neither centralised nor decentralised, but a sort of mix.”

- Can it coerce or discipline member unions to enforce agreement?
  - Question does not apply
- Women and trade unions:
  - What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female? (Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation: <http://www.ilo.org/dyn/lfsurvey/lfsurvey.home> )

Difficulty of obtaining data (beyond data provided by trade unions themselves, affiliation data come from the Survey on Satisfaction on Working Conditions, but the Ministry of Labour does not elaborate these data):

UGT<sup>117</sup>: women comprise 31.45% of total members (274.905 women)

- How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

All trade unions have some gender equality body, whether secretary or department.

- UGT: Worker Women Department
- CCOO: Women’s Secretary (<http://www3.ccoo.es/sindicato/mujer.html>)

Beyond these broad bodies, these kind of gender equality machinery tend to exist as well in the diverse sections (whether territorial or sectoral) of trade unions.

- What proportion of women are in the executive of (major) trade unions?

2007 (source: Informe Themis):

- UGT: 46% women in executive bodies<sup>118</sup>
- CCOO: 29% women in executive bodies

- Is gender equality high or low on the bargaining agenda?

There is a clearly increasing and explicit introduction of equal opportunities aspects in collective agreements (CES, 2003). Since 2002 National Agreements for Collective Bargaining introduce a focus on preventing discrimination against women. Nevertheless, it rather remains in the realm of statements of intent than in concrete measures i.e. tend to be rather intentional than

<sup>117</sup> <http://www.ugt.es/Mujer/proyecto europeo/afiliacionconjuntoespana.pdf>

<sup>118</sup> UGT guarantees 30% representation of each sex since its 39th Congress (2005), whenever the number of affiliated women or men is equal or higher than 30%

operative (Carrasquer, 2004). The European Industrial Relations Observatory Online affirms that the best results in terms of the inclusion of equal opportunity in bargaining tend to be found in national sector agreements, while company agreements tend to show the best results in terms of good practices<sup>119</sup>.

Collective agreement is seen as a key strategy in the promotion of labour market gender equality. This idea is supported by trade unions and included in the Framework Agreement on Collective Bargaining (see LARG report -Pérez Orozco and Peterson, 2008-).

- Is it seen as an issue for women, or for all trade unionists?

The official rhetoric affirms that advancing towards gender equality is beneficial for women, but also for the general situation of the economy (increased economic growth and productivity, and more efficient performance of the labour market). Nevertheless, the final interest in prompting equal opportunities remains in the hands of the gender machinery of trade unions.

- How well organised are employers?

- Do they have a single (or more) national organisation?

There is only one important employer umbrella organisation, the Spanish Confederation of Entrepreneurial Organisations (CEOE). It has an associated confederation for SMEs, the Spanish Confederation of Small and Medium Enterprises (CEPYME). According to the European Industrial Relations Observatory Online there are no reliable data on the membership of employer associations. Nevertheless, it is estimated that 70–80% of employers are directly or indirectly members of CEOE i.e. representation organised at several intermediate levels. Employers' representation structure is very complex and is based on a mixture of territorial, local-sector, provincial inter-sector and national-sector bodies<sup>120</sup>.

- Is it powerful or not? E.g. can it control its members?

The Executive Commission and the Directorate are the bodies allowed to approve the Interconfederate Agreement for Collective Bargaining<sup>121</sup>. Beyond that, diverse structures of the CEOE with a limited territorial dimension have the competence to sign agreements. For example, CEOE in Cantabria (one region) has recently approved a new statute that reinforced the figure of the President in the detriment of the assembly's role to designate executive bodies. This increased centralisation of power has been extremely controversial<sup>122</sup>.

- Are they indifferent or hostile to gender equality in the workplace?

Hostile (see LARG report -Pérez Orozco and Peterson, 2008-). Indeed trade unions consider that the increased attention that collective agreements pay to gender equality is their own triumph against employers' resistances.

- Do they oppose the development of gender machinery, gender equality policies and gender equality laws?

Yes, they do. Indeed they have actively opposed the Equality Law. Their opposition was based on two points: the imposition of quotas in the executive bodies of companies<sup>123</sup>, and the mandatory equality plans in big firms. Indeed, while the draft of the bill established that the percentage of women in executive boards in enterprises must increase over the next four years, until reaching 40%, employers' opposition was such that the final Bill states that enterprises "will try to include a number of women that allows for a balanced presence of women and men in a period of eight years".

Another conflicting point was paternity leave<sup>124</sup>. Those disagreements avoided reaching a tripartite agreement (trade unions, employers and government). Thus the draft of the bill was signed just by trade unions and government.

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<sup>119</sup> [http://www.eurofound.europa.eu/eiro/country/spain\\_5.htm](http://www.eurofound.europa.eu/eiro/country/spain_5.htm)

<sup>120</sup> [http://www.eurofound.europa.eu/eiro/country/spain\\_3.htm](http://www.eurofound.europa.eu/eiro/country/spain_3.htm)

<sup>121</sup> CEOE changed its Statute in October 2006 (the previous one dated back to 1977).

<sup>122</sup> <http://www.eldiariomontanes.es/20080525/economia/ceoe-estatutos-polemica-20080525.html>

<sup>123</sup> <http://www.eleconomista.es/mercados-cotizaciones/noticias/182386/03/07/Economia-Laboral-La-CEOE-insiste-en-que-esta-a-favor-de-igualdad-de-mujer-pero-no-a-traves-de-cuotas-que-impondra-Ley.html>

<sup>124</sup> <http://www.ccoo.es/comunes/temp/recursos/1/31557.pdf>

- Do they support 'diversity management'? (e.g. policies that emphasis the gains associated with the promotion of diversity in the organisation, in contrast to an emphasis on equality / equal opportunities).

Yes, they do. Diversity management is seen as a key strategy to improve working organisation. Indeed there are several courses and trainings on diversity-management. I.e. equality is understood in rather political/ethical terms (thus as a bargaining realm or, at best, as an ethical responsibility) while diversity management is seen as an entrepreneurial strategy.

- Did they lobby for a merged rather than separate equalities bodies?

No, they did not. However, the possibility of establishing merged equality bodies has not reached the public arena in Spain. Indeed, the approval of the Ministry for Equality took place while there had not previously took place a debate on the convenience of establishing a merged equality body.

- Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions?

Tripartite Foundation for Training in Employment (<http://www.fundaciontripartita.org/>). It is composed by: CC.OO., UGT, CEOE, CEPYME, Intersyndical Confederation Galicia and National Institute for Employment.

The Tripartite Foundation is the state body in charge of encouraging and coordinating the implementation of public policies in professional training (Law 50/2002). It is part of the participation and management bodies of the organisation structure of the Continuous Training subsystem.

- Are women represented in such bodies?

N/A (see the data on women's representation in each institution that takes part in the Tripartite Foundation; but data on women's presence in the Board of the Foundation are not available).

- Are there EU, bilateral or other international level links for either trade union or employer organisations?

Main trade unions (CCOO and UGT) are members of the European Trade Union Confederation.

Main employers' organisation (CEO) is member of BusinessEurope

- Are these links important (e.g. in lobbying government at national level)

ETUC provides information and political support rather than playing an important lobbying role. Cappa (2005) considers that a process of convergence of syndicalist policies in the EU is being observed and that Spain is taking part of it. Nevertheless, this convergence is particularly linked to the need to tackle European-wide firms; intervening in the Spanish political process.

Zufiaur (2007) considers that Spanish trade unions anticipated the integration of Spain in the EEC by developing solid bonds with other European trade unions and by favouring dialogue between Spanish government and European authorities thus easing the incorporation of Spain into the EEC. Another influential dimension was that the presence of diverse Spanish trade unions in a single European body made it more absurd and difficult not to act in a unitary way within the country i.e. helped to get a unity of action.

### 7.3 Other intersecting social inequalities

#### 7.3.1 Ethnicised / racialised groupings

- What is the composition of the national population by ethnicity?

According to AI two decades ago ethnic or racial diversity in Spain was restricted to the existence of the Roma community (AI, 2008). Migration has sharply and quickly changed the ethnic picture in Spain. Nowadays, 10% of the Spanish population was born outside Spain. However, the arrival of more than three million foreigners has implied an intense change in Spain, which has passed from a relatively homogeneous society to a diverse society regarding origins, religions, cultures and races.

Thus, two main groups tend to be considered when talking about ethnicised / racialised groupings: Roma (historical ethnic division) and migrants (recent ethnic division).

- o What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)?

Two main communities must be pinpointed:

- The Roma community: the unique community condensing historic ethnic differences: 650.000 Roma people<sup>125</sup>
- Migrant community<sup>126</sup>, which explains current and recent ethnic diversity: data inform on migrants' nationality, but not on their ethnic/racial origin. According to the census 11,6% of people living in Spain in 2007 were born outside the country (48% of them are women). The data from the census are different from the data on legal foreigners living in Spain: foreigners legally resident in Spain and not coming from the EU account for 4,6% of population.

- o Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)?

Yes, it is considered to partially intersect. Indeed the recent phenomenon of migration is usually considered to be the cause of both ethnic/racial and religious diversity in Spain. In that sense, the Spanish Observatory of Racism and Xenophobia provides data on religious diversity and discrimination.

With respect to the Roma community, religion is not a differentiating aspect.

- o Prioritise the ones that have been the most important in the development of gender+ equality policies.

Migrant/non-migrant

- o What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?
- Migrants: migrant community lack rights, mainly: access to adequate housing, equal treatment in the labour market, and to live a life free of violence (AI, 2008). Additionally, migrants lack political rights, such as the suffrage right. The lack of rights depends on the administrative status of migrants i.e. whether they enjoy legal residence or not. The treatment that Immigration Act LO 8/2000 provides to migrants' rights could be considered unconstitutional with respect to the following rights: residence and circulation freedom, right to work (particularly right to syndication), education, union and demonstration freedom, association freedom, effective judicial tutelage (particularly the denial of judicial assistance to non-resident foreigners in certain circumstances) (Goig Martínez, 2006). Migrant women victims of domestic violence cannot access the economic resources guaranteed by the Law against Violence. This circumstance was denounced by the Economic and Social Council in 2005<sup>126</sup> and, according to AI (2008), this de facto exclusion remains.
- Roma people: According to the report by AI (2008) the Roma community is still discriminated in almost all spheres of public and social life. The last report on Spain by the European Commission against Racism and Intolerance states that Roma people face prejudices and discrimination in aspects such as education (their illiteracy rate is 4,6 times higher than the average), employment (much higher rates of fixed-term contracts, unemployment, low qualified jobs), health (lower life expectancy) and housing (10-12% live in segregated settlements), and that 30 of Roma people live in poverty or exclusion<sup>127</sup>. They also face discrimination from the police and in the performance of the penal system, which implies that Roma people and particularly Roma women are over-represented in prisons.

<sup>125</sup> OBSERVATORIO 02. Empleo y Comunidad Gitana. FSGG. Madrid 2003.

<sup>126</sup> Economic and Social Council Report (2005): Dictamen 08/2005 sobre el Real Decreto por el que se regula la ayuda económica establecida en el artículo 27 de la *Ley Orgánica 1/2004*, de 28 de diciembre, de *Medidas de Protección Integral contra la Violencia de Género*.

<sup>127</sup> Sources: Giménez Marín (2005) and report on "Roma community's health" , Ministry of Health and Consumption and Fundación Secretariado Gitano (2005).

- In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Three main types of organisations can be identified:

- Migrant's organisations: most of them provide services but also engage in campaigns, awareness raising processes, public protests, etc.:
  - Moroccan Workers and Immigrants' Association (ATIME)
  - Asociación Rumiñahui Hispano Ecuatoriana (Hispanic-Ecuadorian)
  - Peruvian Immigrants and refugees' Association (ARI-PERU)
  - Dominican Mothers Voluntary (Vomade)
- NGOs and Foundations aimed at providing services for migrants (labour insertion, legal counselling and services); they tend to engage in other activities such as awareness raising, campaigns, training on racial/ethnic equality issues:
  - Fundación CEPAIM (Fundation for Migrants support)
  - Fundación Migrar (Fundation 'Migrating')
  - Red Acoge ('Reception Network')
  - Fundación RAIS (Support Network for Social and Labour Insertion)
  - Spanish Commission for Refugee's Help (CEAR)
  - Fundación ALARES (Fundation created from the ALARES enterprise group)
  - América- España, Solidaridad y Cooperación (AESCO)- America-Spain, Solidarity and Cooperation
  - Crus Roja (Red Cross)
- NGOs and civil society associations aimed at awareness-raising, public denounce, lobbying and reporting on inequality aspects:
  - SOS Racismo (SOS Racism)
  - Movimiento contra la Intolerancia (Movement against Intolerance)
  - Transfronterizo (<http://www.transfronterizo.net/>) (Transborders)

Most of the previously mentioned foundations also work for Roma people. But additionally there are NGOs and other organisations working specifically for Roma people's rights (most of them provide some services but also engage in lobbying `processes and campaigns):

- Fundación Secretariado General Gitano
- National Association Rome Presence
- Unión Romaní
- Asociación Española de Integración Gitana
- Asociación Nacional Presencia Gitana
- Federación de Asociaciones Romaníes Andaluzas
- Federación de Asociaciones Gitanas de Cataluña
- Federación de Asociaciones Gitanas de Castilla y León
- Federación de Asociaciones Gitanas Extremeñas
- Federación Autonómica de Asociaciones Gitanas de la Comunidad Valenciana
- Federación de Asociaciones Gitanas de Aragón

- In what way are women engaged in these organisations?

Most migrant's organisations have a women's section/area. E.g. women's network has been recently created (December 2007) within the main Moroccan migrants' organisation (ATIME). However, these organisations are mostly lead by men.

NGOs and Foundations usually have a women's section/area.

- Do minoritised women organise separately within or outside of such organisations?

Women who had been actively participating in social and political organisations in their countries of origin are usually organised in destiny countries. There are both Roma women's and migrant women's organisations (see point 7.1).

The in-depth report elaborated by Colectivo IOE in 2001 (IOE, 2001) concluded that "foreign women present a low level of collective articulation". Their survey provided the following results:

only 3% of employed migrant women were affiliated to some trade union; 15% participated in some migrant's organisation; and 18% met their fellow countrywomen at churches or mosques.

- Are there any groups organised against certain ethnic groups?

There are racist and/or xenophobic groups mostly aligned with extreme rightwing i.e. closed to neo-nazi ideology (the main targets of those violent groups are homosexuals and migrants). They do not act against any particular ethnic group (although Maghribian and Black-African migrants are particularly discriminated)<sup>128</sup>.

### 7.3.2 Religion/belief/faith

- What is the composition of the national population by religion / faith

"Spain is becoming a country characterised by religious plurality as a consequence of immigration" (Rossell, 2008). It used to be a highly homogeneous country in terms of religion (hegemony of Catholic Church). But nowadays the relevance of other religions has sharply increased (mostly Evangelic-linked to Latin-American migration-, Orthodox –linked to East European migration- and Muslim –linked to Maghribian and some Black-African migration).

According to the last barometer of the Sociological Research Centre (CIS) 2008<sup>129</sup>, 77,4% of Spanish people consider themselves Catholic (although 56% almost never take part in religious acts), 1,6% profess another faith (28,6% Evangelic, 25,7% Jehovah's Witnesses, 2,9% Muslims<sup>130</sup>), 12,6% are not believers. This survey did not ask non-Spanish, thus did not include migrants without Spanish citizenship.

- FEREDE (Federation of Religious Spanish Evangelic Entities) considers that there are 800.000 non-Spanish Protestant people in Spain.
- UCIDE (Union of Islamic Communities in Spain) considers that there are 300.000 Islamic believers in Spain.

- What proportion of the population are practising members of an organised religion?

Of the 79% of the population that define themselves as Catholic or believers of another religion, 56% almost never take part in religious acts (CIS barometer 2008).

- What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

- Catholic Church
- Minor confessions: there are three recognised "deeply-rooted" confessions:
  - Federation of Religious Spanish Evangelic Entities (FEREDE), from 1986 represent Spanish Protestantism
  - Spanish Islamic Commission (CIE), including: Federation of Religious Spanish Islamic Entities (FEERI) and Union of Islamic Communities in Spain (UCIDE)
  - Jewish Communities Federation (FCI)

They are in fact autonomous organisations with a broad range of action strategies (including the provision of services and lobbying). Recently Catholic Church has been actively involved in public demonstrations to protest against diverse reforms introduced by the Socialist government (mainly, the approval of same-sex marriage and education reforms).

- How are women represented or not within them?

- Catholic Church
- Federation of Religious Spanish Evangelic Entities (FEREDE): no specific information on women's presence or role.
- Spanish Islamic Commission (CIE), including: Federation of Religious Spanish Islamic Entities (FEERI) and Union of Islamic Communities in Spain (UCIDE): no specific information on women's presence or role.

<sup>128</sup> See Raxen report: <http://www.movimientocontralaintolerancia.com/download/raxen/36/36Completo.pdf>

<sup>129</sup> [http://www.cis.es/cis/opencms/-Archivos/Marginales/2740\\_2759/2749/e274900.html](http://www.cis.es/cis/opencms/-Archivos/Marginales/2740_2759/2749/e274900.html)

<sup>130</sup> ACTITUDES Y CREENCIAS RELIGIOSAS, Estudio nº 2.443 Enero 2002

- Jewish Communities Federation (FCI): no specific information on women's presence or role. There is a Spanish Council of Jewish Women
  - Do they oppose gender equality in general and in our three issues?

The role of the Catholic Church has already been explained in point 7.1

- Federation of Religious Spanish Evangelic Entities (FEREDE): 9% of the Spanish ministers are women. One woman is part of the Permanent Commission. Women constitute less than 10% of Evangelic Councils<sup>131</sup>.
- Spanish Islamic Commission (CIE), including: Federation of Religious Spanish Islamic Entities (FEERI) and Union of Islamic Communities in Spain (UCIDE): they have made several public statements in favour of gender equality, thus answering to charges of discriminating women (linked to the idea that the whole Islamic world is highly discriminatory against women)<sup>132</sup>. A contentious issue is the "veil debate". Islamic organisations defend the right of Islamic women to use it. Although there is still not a law on religious symbols that prohibits its use, in some places (such as some schools) women are not allowed to use it.

- What is their preferred model of womanhood?

The most influential confession is the Catholic Church. The Spanish ecclesiastic hierarchy is deeply aligned with Vatican authorities. Their preferred model of womanhood is linked to what could be called a "reactionary ethic of care" and is clearly described in the following words:

"Among the fundamental values linked to women's actual lives is what has been called a 'capacity for the other'. Although a certain type of feminist rhetoric makes demands 'for ourselves', women preserve the deep intuition of the goodness in their lives of those actions which elicit life, and contribute to the growth and protection of the other. [...] motherhood is a key element of women's identity [...] motherhood can find forms of full realization also where there is no physical procreation [...] It implies first of all that women be significantly and actively present in the family, 'the primordial and, in a certain sense sovereign society' [...] it cannot be forgotten that the interrelationship between these two activities – family and work – has, for women, characteristics different from those in the case of men. The harmonization of the organisation of work and laws governing work with the demands stemming from the mission of women within the family is a challenge. [...] women who freely desire will be able to devote the totality of their time to the work of the household without being stigmatized by society or penalized financially, while those who wish also to engage in other work may be able to do so with an appropriate work-schedule, and not have to choose between relinquishing their family life or enduring continual stress, with negative consequences for one's own equilibrium and the harmony of the family." (Ratzinger, 2004)<sup>133</sup>.

This document has been disseminated in Spain by the Episcopal Conference.

- Do they support or oppose the other equalities issues?

Minor religious communities are mostly worried about equality between different faiths, given the privileged position of the Catholic Church in Spain and the privileges that it receives from the Spanish government. The government is currently thinking about the possibility of modifying the Law on Religious Freedom, not to deepen secularism, but to extend the privileges of the Catholic Church to the other "deeply-rooted" confessions.

Minor confessions are worried about discrimination on the grounds of religion. E.g. FEREDE has developed an Observatory on Religious Intolerance<sup>134</sup>.

<sup>131</sup> <http://www.redescristianas.net/2008/05/13/%C2%BFdonde-estan-las-mujeres-carlos-osma/>

<sup>132</sup> E.g. they have expelled organisations in favour of the Sharia.

<sup>133</sup> Joseph Ratzinger (2004), Letter To The Bishops Of The Catholic Church On The Collaboration Of Men And Women In The Church And In The World, [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20040731\\_collaboration\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20040731_collaboration_en.html)

<sup>134</sup> [http://www.ferede.org/general.php?pag=discrimina\\_ayuda](http://www.ferede.org/general.php?pag=discrimina_ayuda)

- Are they in alliance with any other inequalities or not?

No, they are not. However, there are tactic alliances between diverse minor confessions to question the hegemony of the Catholic Church.

- Are there any groups organised against certain religious groups?

There are racist and/or xenophobic groups mostly aligned with extreme rightwing organisations/ideologies that act against Islamic people.

### 7.3.3 Sexual orientation

- Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Yes, there are several organisations spread all around the country: LGBT organisations, lesbian feminist (seen point 7.1), transsexuals... Their strategies vary. Those that receive relevant public funding tend to provide services (such as counselling, legal advice, meeting spaces, and activities), while others, which are rather autonomous, focus on public demonstrations, campaigns etc. The biggest ones are involved in lobbying activities. Indeed the approvals of same-sex marriage and the gender identity law have been recognised as a by-product of the incidence of these organisations (see speeches during parliamentary debates, analysed in LARG report -(Platero, López, and Pérez Orozco, 2008-).

- Do they have a national organisation?

Yes, they have: the State Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGT). The whole list of its members can be consulted at: <http://www.felgt.org/>

- In what way are women engaged in and represented in these organisations?

Women are quite well represented. Regarding sexual orientation, there are lesbian-only organisations and lesbian-specific activities and bodies within mixed organisation (e.g. the area of Lesbian Politics within the FELGT). There have been three Lesbian Politics Conferences (2003, 2005 and 2007<sup>135</sup>).

Regarding gender identity, Male-to-Female transsexuals are much more active than Female-to-Male, and women tend to lead transsexuals organisations (or bodies within broader LGBT organisations). Nevertheless, while there are male only transsexuals organisations (e.g. Grup de Transsexuals Masculins de Barcelona <http://www.transmasculins.org/>, <http://www.elhombretranssexual.net>), there are no female only trans organisations.

- Do they work in alliance with other inequalities or not?

It could be said that there are some alliances with the feminist movement, although no established communication channels exist.

Beyond that, there are TLGB organisations (or areas within LGBT organisations) that tackle other inequalities, among them:

- Association for the Inclusion of Homosexual, bisexual and Transsexual Immigrants (Catalonia) ACATHI (<http://acathi.org/>)
- Disabled Gay Association (just for men)
- Aged LGBT: <http://mayoreslgtb.org/>
- Cohesion: Christian Homosexuals ([http://es.geocities.com/grupocohesion/index\\_english.html](http://es.geocities.com/grupocohesion/index_english.html))
- FELGT: areas of functional diversity, aged, religious issues
- COGAM: : areas of deaf, aged, migrant

- Are there EU, bilateral or other international links

Some organisations are engaged with ILGA-Europe. They engage in cooperation activities (e.g. FLGT organised the I International Encounter on the situation of LGBT people in Latin-America and Africa, 2004).

<sup>135</sup>

See [http://www.felgt.org/col/politicas\\_lesbicas/presentacion.html](http://www.felgt.org/col/politicas_lesbicas/presentacion.html) and <http://politicaslesbicas.foroactivo.com/>

and

- Are there any groups organised against gay / lesbian / trans-people?

There are homophobic groups mostly aligned with extreme rightwing i.e. closed to neo-nazi ideology (the main targets of those violent groups are homosexuals and migrants).

#### 7.3.4 Disability

- Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

There are several organisations both at the national, regional and even local level.

- Spanish Confederation of People and Relatives with Mental Illness (FEAFES)
- Spanish Deaf-Blind Children's Parents Association (APASCIDE)
- National Confederation of Deaf People in Spain (CNSE)
- National Organisation of Blind People in Spain (ONCE)
- Spanish Confederation of People with Physical and Organic Disability (COCEMFE)
- Spanish Committee of Representatives of People with Disability (CERMI)

Many of these organisations tend to provide services. Indeed they were created because of the lack of adequate public institutions i.e. as a collective way of sharing strategies, ideas, and providing the needed services that were not found or could not be paid for in the market. This is why many associations are composed by relatives of people with disabilities and are organised around different types of disabilities.

Other bigger organisations provide services but, beyond that, try to lobby the State. They also engage in research and campaigning.

Finally, there are organisations that, although providing services, are rather involved in publically denouncing, such as the Independent Life Forum (<http://www.minusval2000.com/relaciones/vidaIndependiente/>).

- In what way are women engaged in and represented in these organisations?

Women's with disability associations are rather organised at the regional/local level (Catalonia, Andalusia, Asturias, Valencia, Murcia). Some mixed organisations have a women's area (e.g. Women's Commission within the CERMI). However, only 20% implement programmes targeting women. These data come from the Action Plan for Women with Disabilities 2007, which indeed establishes as a priority objective: "to promote the participation of women with disability in the associative field".

According to QRM (2004) women with disabilities take part in associations even more than men. Nevertheless, their presence in decision-making positions within these organisations is very low.

- Are there EU, bilateral or other international links

The biggest organisations take part in international networks, mostly European ones. E.g. CERMI is part of EDF (European Disability Forum), ONCE is part of World Blind Union.

#### 7.3.5 Age

- Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

The main state-wide organisation is: the Spanish Confederation of Organisations of Older People (CEOMA), which groups 37 organisations. These associations are focused on providing services and a meeting space for older people. Lobbying activities are channelled through confederations.

According to the First Free Meeting of the Older People's Associations, there are more than 6000 registered associations, but most of them present a weak or almost inexistent structure.

They consider that the mainstream approach focuses on (childish) entertainment/consumption, considering older people more as an object than as a responsible subject<sup>136</sup>.

- How are women engaged in and represented in these organisations?

Women account for the majority of members of these associations, but they do not occupy decision-making positions (Pérez Salanova, 2008).

- In each case, are there EU, bilateral or other international links.

CEOMA is part of AGE (European Older People's Platform).

#### 7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

Gender/religion and gender/sexuality are endemic sources of controversy, mostly due to the social and political role of the Catholic Church and its opposition to most feminist proposals. Lately, the Catholic Church has started to campaign against "gender theory", as explained in point 7.1.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

The Gender machineries of the trade unions regularly take part in the feminist movement (e.g. 8<sup>th</sup> March coalitions, gender-based violence platforms). Beyond that, trade unions-feminist organisations alliances tend to be created ad hoc. No other institutionalised alliances are found.

### WIDER SOCIAL INSTITUTIONS

#### 8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

#### *Population, economic development, economic inequality and state welfare*

	Country	EU
<b>GDP per capita PPP (Purchasing Power Parity) 2003 (OECD 2006)</b>	23.100	23.400 (EU-25)
<b>Population size 2006 (Eurostat 2006)</b>	43	459,5 (EU-25)
<b>% of workforce in agriculture 2003 (World Bank 2006)</b>	5,3	3,7 (EU-15)
<b>Longevity 2005 (World Bank 2005)</b>	80,6	79,7 (EU-15)
<b>Gini (measure of economic inequality) 2005 (Eurostat 2007)</b>		
<b>% GDP/gov. expenditure on social expenditure 2003 (OECD 2007)</b>	27,2	20,8
<b>% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)</b>	0,78	
<b>% GDP/government expenditure on childcare (forthcoming OECD)</b>	0,1	
<b>% GDP/Government expenditure on military (World Bank 2005)</b>	1,032	1,7 (EU-15)

<sup>136</sup> First Free Meeting of Older People's Associations, *Manifesto for a Social Compromise*, November 2004, [www.avangroup.com/hartuemanak/contenidos/articulos/ManifiestoNovbre2004.pdf](http://www.avangroup.com/hartuemanak/contenidos/articulos/ManifiestoNovbre2004.pdf)

## Gender Regime

	total	Female	Male
Employment rate (2005, Eurostat) <sup>137</sup>	63,3	51,2	75,2
Unemployment rate (2005, Eurostat) <sup>138</sup>	9,2	12,2	7,0
Share of women in adult labour force % (2004, UN) <sup>139</sup>		41	
Women's share of part-time employment % (2004, UN) <sup>140</sup>		81	
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat) <sup>141</sup>		13	
School enrolment tertiary % gross (2004, World Development Indicators) <sup>142</sup>	65,7	72,4	59,2
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007) <sup>143</sup>		36	
Women's share of legislators and managers % (UN 2005) <sup>144</sup>		32	
% one parent families (dependent children) <sup>145</sup>			
Mean age at first marriage (Eurostat, 2003) <sup>146</sup>		28,8	30,6
Marriage rate (2003, UN) <sup>147</sup>	4,83		
Divorce rate (2003, UN) <sup>147</sup>	1,7		
Fertility rate (2004 , World Development Indicators) <sup>148</sup>	1,3		

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Employment

rates:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em012](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012)  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em013](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013)

138

Unemployment

rates:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em072](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072)  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em073](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073)

<sup>139</sup> Share of women in adult labour force: percentage of the economically active who are women:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

<sup>140</sup> Women's share part-time employment:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

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Gender

pay

gap:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em030](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030)

<sup>142</sup> World Development Indicators, World Bank (September 2006)

<sup>143</sup> Women in parliament:

<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

<sup>144</sup> Women's share legislators and managers:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

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Mean

age

at

first

marriage:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=Yearlies\\_new\\_population&root=Yearlies\\_new\\_population/C/C1/C13/cab11024](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024)

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Marriage

rate,

table

23:

<http://unstats.un.org/unsd/demographic/products/dyb/dysets/2003%20DYB.pdf>

<sup>147</sup> Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

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World Development Indicators, World Bank (September 2006)

## 9. SUMMARY

### 9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
<b>Issues</b>						
<i>Example: Parental leave UK</i>	Yes	After	1998	Beyond 2002	CEC	No
<b>1 Equal pay/equal treatment</b>	Yes	After	Diverse	Equal		No
<b>2 Sexual harassment and discrimination</b>	Yes	before	1989, 1995, 2007	Equal		No
<b>3 Equality bodies</b>	No	before (gender) after (other inequalities)	Various	Less		Yes
<b>4 NGO/civil society dialogue</b>	No			Less		Yes
<b>5 Parental leave</b>	yes	Some aspects prior	1989, 1999, 2001, 2007	beyond		No
<b>6 Organisation of working time</b>	Yes	After	1998, 1999, 2001	equal		no
<b>Gender Machinery</b>						
<i>Example: EOC UK</i>	Yes	Before	1975	Beyond	No	Yes

## 9.2 Plans and programmes

<b>National general gender equality plan (current)</b>	Yes X				No
Reference to Lisbon targets	<b>No</b>				
Reference to Barcelona targets	<b>No</b>				
Targets and indicators	None X	Weak	Moderate	Strong	

<b>National plan: Gender-based violence (current)</b>	Yes X				No
Targets and indicators	None X	Weak	Moderate	Strong	

Focus on gender	No	Yes:	Weak	Moderate	Strong
<b>Employment plan</b> (general assessment)			X		
<b>Social protection and social inclusion plan</b> (general assessment)				X	
Reference to gender based violence				X	

## 9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister	1983			2008: creation of the Ministry for Equality
Independent equality body (research, monitoring, and enforcement)	X			Diverse Observatories or units (within 6 Ministries)
National consultative / representative body linking state and women's NGOs			X	Approved creation but not constituted
Any other body / bodies (e.g. parliamentary committees) Please name: 1. 2...	1995			Sectoral Women's Conference

#### 9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
<b>General</b> To what extent is gender mainstreamed throughout policies?			X	
<b>Non-employment (4.1)</b>				
Extent to which mothers can be legitimately non-employed		X		
<b>Intimate citizenship (4.2)</b>				
Extent to which women have access to abortion (in country of residence)			X	
Extent to which state policies are highly heteronormative			X	
<b>Gender-based violence (4.3)</b>				
Extent to which policies on GBV go beyond domestic violence	X			
Strength, resources and co-ordination of GBV policies			X	

#### 9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)	X			
Extent to which the women's NGOs participate in policy making		X		
Extent to which women's NGOs are close to state			X	
Extent to which women's NGOs engage with intersecting inequalities		X		
Extent to which women's NGOs are state funded			X	
Extent of influence of trade union body on policy making			X	
Extent of power of women within trade union body			X	

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