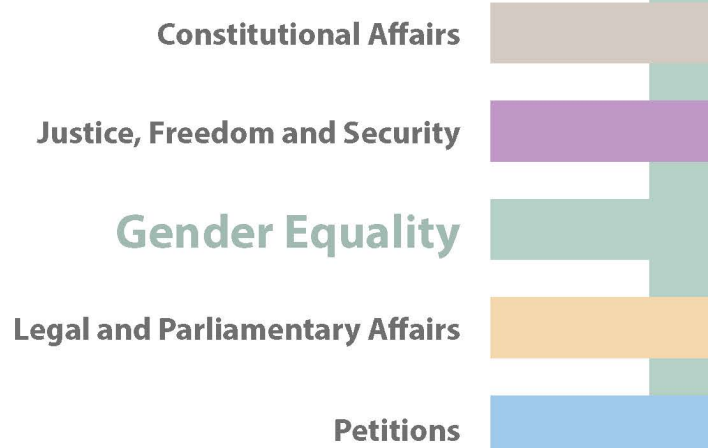


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# Gender equality policies in Spain - update

STUDY FOR THE FEMM COMMITTEE





**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**WOMEN'S RIGHTS & GENDER EQUALITY**

**Gender equality policies in Spain -  
update**

**STUDY**

**Abstract**

While gender equality policies have been institutionalized and consolidated in Spain until 2008, the 2009-2016 period shows backlash provoked by austerity policies adopted in response to the economic crisis. Institutional dismantlement, budget cuts, legislative standstill, policy reforms with negative gender impacts, and problems of implementation indicate an uncertain future for gender equality policies in Spain. This study maps developments in Spanish gender equality institutions, laws, and policies, including employment, care, political and economic decision-making, gender-based violence, and sexual and reproductive rights.

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# CONTENTS

<b>LIST OF ABBREVIATIONS</b>	<b>4</b>
<b>LIST OF FIGURES</b>	<b>5</b>
<b>EXECUTIVE SUMMARY</b>	<b>6</b>
<b>1 SPANISH GENDER EQUALITY INSTITUTIONS AND POLICIES: INTRODUCTION</b>	<b>7</b>
1.1 The institutionalization of gender equality in Spain	7
1.2 Gender equality laws, plans, and social policies in Spain: overview 2009-2016	9
<b>2 GENDER EQUALITY IN EMPLOYMENT</b>	<b>12</b>
2.1 Gender pay gap and vertical segregation	13
2.2 Labour market reforms	14
2.3 Part-time work	14
2.4 Domestic work	15
2.5 Pension reforms	16
<b>3 GENDER EQUALITY AND CARE</b>	<b>18</b>
3.1 Maternity, paternity and parental leave	18
3.2 Childcare and care of elderly and dependent people	19
<b>4 GENDER EQUALITY IN POLITICAL AND ECONOMIC DECISION-MAKING</b>	<b>20</b>
4.1 Electoral gender quotas	20
4.2 Corporate board gender quotas	21
<b>5 GENDER-BASED VIOLENCE</b>	<b>24</b>
<b>6 SEXUAL AND REPRODUCTIVE RIGHTS</b>	<b>27</b>
<b>7 CONCLUSIONS</b>	<b>28</b>
<b>REFERENCES</b>	<b>29</b>

## LIST OF ABBREVIATIONS

**CEDAW** Convention on the Elimination of all forms of Discrimination against Women

**DG** Directorate General

**EAJ-PNV** Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco

**ENEGE** European Network of Experts on Gender Equality

**INE** Instituto Nacional de Estadística

**LGTBI** Lesbian, Gay, Transgender, Bisexual and Intersex

**PP** Partido Popular

**PPINA** Plataforma por Permisos Iguales a Intransferibles por Nacimiento y Adopción

**PSOE** Partido Socialista Obrero Español

**RD** Royal Decree

**SEDOAC** Servicio Doméstico Activo

**WI** Woman's Institute

# LIST OF FIGURES

**FIGURE 1:**

Percentage of women in public office, Spain 1979-2016 **20**

**FIGURE 2:**

Percentage of women in Publicly Listed Companies Covered by the 2007 Law, 2004-2015 **22**

## EXECUTIVE SUMMARY

Gender equality policies in Spain have shown a path of positive development from the 1980s until 2008, with the institutionalization of gender equality policy agencies at the central and regional levels and the adoption of gender equality policies through instruments such as plans and laws. Gender equality became a priority on the governmental agenda especially in the years preceding the economic crisis from 2004 to 2010, as shows the adoption of important laws regulating gender-based violence, equality in employment, political and economic decision-making, care of dependent people, same-sex marriage, and sexual and reproductive rights.

However, Spain's gender equality policies and institutions between 2009 and 2016 have been progressively dismantled and are currently endangered by the austerity policies adopted in Spain in response to the 2008 economic crisis. The backlash provoked by austerity policies has shown a lack of prioritization of gender equality policies in a context of conflicting economic priorities. Although the strategy of gender mainstreaming is backed in Spain through a legal mandate at both the central and the regional levels, gender has not been mainstreamed into policy reforms adopted in response to the economic crisis. In this context of backlash, the future of gender equality policies in Spain looks extremely uncertain.

This study describes developments in Spanish gender equality policies from 2009 to 2016, with some reference to the integration of gender in policymaking, in the following areas: the institutionalization of gender equality in Spain (1.1), gender equality laws, plans, and social policies in Spain 2009-2016 (1.2); gender equality and employment (2), including gender pay gap and vertical segregation (2.1), labour market reforms (2.2), part-time work (2.3), domestic work (2.4), and pension reforms (2.5); gender equality and care (3), including maternity, paternity, and parental leave (3.1), childcare and care of elderly and dependent people (3.2); political and economic decision-making (4), including electoral gender quotas (4.1) and corporate boards gender quotas (4.2); gender-based violence (5); and sexual and reproductive rights (6).



# 1 SPANISH GENDER EQUALITY INSTITUTIONS AND POLICIES: INTRODUCTION

Spanish gender equality policies before the 2008 economic crisis had shown a path of positive development. Progress in gender policies was relatively fast as compared to other democracies, considering that in about three decades, Spain has moved from being a dictatorship (until 1975) and a latecomer in gender equality policies, to being one of the European pioneers in the promotion of gender equality (Bustelo 2016). Gender equality became a priority on the governmental agenda especially in the years preceding the economic crisis from 2004 to 2010, as shows the adoption of important laws such as the Law 1/2004 against gender violence<sup>1</sup>, the reform of the Civil Code which allows same-sex marriage (Law 13/2005)<sup>2</sup>, the 'Dependency law' promoting public care for dependent people (Law 39/2006)<sup>3</sup>, the 'Equality law' on gender equality in employment and other areas and gender mainstreaming (3/2007)<sup>4</sup>, and the Law 2/2010<sup>5</sup> on the extension of rights to sexual and reproductive health. Although Spanish women still perform much of the unpaid care work, women's participation in the labour market has continuously increased from the 1990s (León and Pavolini 2014), being 53.6 per cent in 2016<sup>6</sup>, female parliamentary representation has stabilized since 2004 around 36 per cent, and gender equality policies have been progressively institutionalized and consolidated (Bustelo 2016; Lombardo and León 2015; Lahey and de Villota 2013; Lombardo 2009).

## 1.1 The institutionalization of gender equality in Spain

Gender equality has been institutionalized in Spain since 1983, when the autonomous Woman's Institute (WI) was created by law under the government facing international pressure before entering the European Community in 1986 (Valiente 2013; 2006; Bustelo and Ortbals 2007). Women's policy agencies developed in all Autonomous Communities throughout the 1980s, developing a variety of policy instruments such as gender equality policy plans, laws, and units (Bustelo 2016)<sup>7</sup>. The Spanish gender machinery was reinforced and consolidated, with the creation, within the Ministry of Employment and Social Affairs, of a higher rank (than the WI) Equality Policies General Secretariat in 2004, and the establishment of a higher rank Ministry of Equality in 2008. To comply with directive 2000/43/EC Spain also created the Council for Anti-Discrimination of People on the Grounds of Race or Ethnicity (Law 62/2003), which was formally established in 2007 (RD 1262/2007 and 1044/2009) and effective since 2009 (Lombardo and Bustelo 2012).

<sup>1</sup> Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género.

<sup>2</sup> Ley 13/2005, de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio.

<sup>3</sup> Ley 39/2006 de 14 de diciembre de 2006 de promoción de la autonomía personal y atención a las personas en situación de dependencia.

<sup>4</sup> Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres. The Equality Law 3/2007 also transposed two European Directives: Directive 2002/73/EC, on the implementation of the principle of equal treatment for men and women as regards to access to employment, vocational training and promotion, and working conditions; and Directive 2004/113/EC, implementing the principle of equal treatment between men and women in the access to goods and services and to their supply.

<sup>5</sup> Ley Orgánica 2/2010, de 3 de marzo, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo.

<sup>6</sup> See national statistical office <http://www.ine.es/>.

<sup>7</sup> Despite the importance of gender equality policies and institutions at the regional level in Spain, and the pioneer role of gender equality institutions and policies in Autonomous Communities such as, for example, the Basque Country, Andalusia, and Catalonia, the scope of this study will be limited to the central state level.

However, austerity policies promoted by the EU and adopted by Spain in response to the 2008 economic crisis have had a negative impact on gender equality institutions, promoting budget cuts and institutional restructuring (Bustelo 2016 ; Lombardo 2016; Paleo and Alonso 2015). The ENEGE gender experts in their report to the European Commission on the impact of the crisis on gender equality in the EU state that: 'The Spanish case rings alarm bells as to the repercussions of this crisis on gender equality machinery' in terms of 'downsizing and downgrading' (Bettio et al. 2012: 113; 117). Already in 2010, , after a first legislature of remarkable progress in gender equality policies, there has been a reversal in the institutionalization of equality, since the Ministry of Equality established in 2008 was suppressed in October 2010 as part of the anti-crisis budgetary cuts, and transformed into a State Secretariat for Equality within the Ministry of Health, Social Policy, and Equality. In 2011, after the government resigned, the new government elected in November 2011 restructured ministries in the name of 'rationalization' and 'simplification' in response to the economic crisis and relegated the historic Woman's Institute to be part of the new Ministry of Health, Social Services, and Equality.

In the new ministerial structure established in 2011, the former State Secretariat for Equality was eliminated and a new State Secretariat for Social Services and Equality has been created, with competence to prevent and eliminate discrimination in the six grounds that EU directives prescribe (sex, ethnicity, religion or belief, sexual orientation, age, and disability). The new Secretariat has broad competencies, ranging from social inclusion to family, children, dependent and disabled people, and equality. The Woman's Institute now depends on a Directorate General (DG) for Equal Opportunities (located within the Secretariat for Social Services and Equality)<sup>8</sup>, thus it was downgraded to being dependent from a DG while it was formerly dependent on a higher rank State Secretariat. Moreover, from 2011 onwards the budget for the Woman's Institute has been reduced, while it is required to assume new competencies on equal opportunities beyond gender equality (in 2014 it was renamed the 'Woman's and Equal Opportunities Institute'). While the broadening of competencies beyond gender equality could in principle allow the political treatment of multiple inequalities, the extension of scope, budget reduction, and lack of intersectionality rationale behind the institutional change risk rather to provoke competition among different inequalities for funding and attention (see Hancock 2007). Indeed, these institutional changes represent a counter-trend in the Spanish path to consolidation of gender equality policy institutions. In the restructuring of Spanish equality institutions, as EGGSI experts claim that 'the reason put forward for this change was savings in administrative costs within the context of the fiscal austerity demanded by the current economic crisis.' (Bettio et al. 2012: 114).

At the regional level, the downgrading or elimination of equality institutions has taken place in Galicia, Murcia, and Madrid (Paleo and Alonso 2015). At the local level, Law 27/2013 of 'rationalization and sustainability of local administration' has eliminated article 28 of law 7/1985 that granted local government competence to realize activities for the promotion of women. Local governments will be able to perform activities to promote gender equality only if they will obtain the delegate task and funding from the Autonomous Communities (San José 2015). Gender experts and competent gender equality institutions alike have criticised this measure, expressing concerns for the negative gender impacts of its implementation, and arguing that Law 27/2013 will deprive the local government not only of the possibility

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<sup>8</sup> See RD 200/2012 of 23 January 2012, RD 1823/2011 of 21 December 2011, and RD 1887/2011 of 30 December 2011.

but also of the obligation –established in other Spanish regulation such as Law 3/2007- of public administrations to promote activities in favour of gender equality and against violence against women (Leyra and Roldán 2015). The dismantlement and downgrading of gender equality institutions represents a U-turn in the importance attributed to the goal of gender equality that might have detrimental consequences for gender equality in Spain.

Some equality institutions at the regional level have continued their commitment to gender equality policies even in times of crisis, as the experience of implementation of gender mainstreaming and gender impact assessment in the Basque Country from 2005 to 2014 (Silvestre, Elizondo and González 2016) or the maintenance of budgets dedicated to gender equality policies in Andalusia from 2009 to 2014 reveal (Pale and Alonso 2015). At the local level, a countertrend to the dismantlement of equality institutions is represented by institutional developments that led to the creation of new machinery that promote gender equality in intersection with other inequalities such as, for example, the Department of Feminisms and LGBTI (*Regidoria de feminismos i LGTBI*) within the municipal government of Barcelona<sup>9</sup>. The latter has aimed at counteracting inequalities that tend to increase in times of crisis through measures that frame gender equality in relation to social justice such as the Plan for gender justice (2016-2020)<sup>10</sup> or the Strategy against the feminization of poverty and precarity (2016-2024)<sup>11</sup>.

## 1.2 Gender equality laws, plans, and social policies in Spain: overview 2009-2016

In the first decade of 2000, especially from 2004-2008, gender equality policies in Spain experienced considerable progress (see see PE 419.612)<sup>12</sup>, as shows the adoption of important laws on gender violence (Law 1/2004), on gender equality in employment, political and economic decision-making and gender mainstreaming (Law 3/2007), same-sex marriage (Law 13/2005), and public care for dependent people (Law 39/2006) (Bustelo 2016 ; Valiente 2013; Calvo and Martín 2009). Steps towards a more equal sharing of gender roles in childcare were taken through the Equality Law 3/2007 that introduced an individual right to two weeks of paternity leave. To fill the gap at the central state level concerning the regulation of gender identity and transgender rights, from 2009 to 2016 regions such as Andalusia, Catalunya, Basque Country, Galicia, and Navarra have adopted laws that regulate the issue (Alventosa 2014). Although gender equality policies in Spain until 2008 have not been particularly attentive to the intersection of gender with other inequalities, some progress was made when the the former Ministry of Equality in 2008-2009 prepared a bill on equal treatment on grounds of multiple inequalities to implement directives 2000/78/EC and 2000/43/EC (Bustelo 2009). However, this bill, that was prepared through a consultation process of experts and civil society organizations, and adopted by the government in January 2011, was never discussed in parliament since the agenda of the economic crisis has pushed it to a second order issue (Bustelo 2016; 2009).

Spanish gender equality policies are also developed through policy plans, which until the decade of the 2000s have been the main policy instrument for implementing gender equality

<sup>9</sup> <http://www.barcelona.cat/es/>.

<sup>10</sup> See [ajuntament.barcelona.cat/.../pla\\_per\\_la\\_justicia\\_de\\_genere.pdf](http://ajuntament.barcelona.cat/.../pla_per_la_justicia_de_genere.pdf).

<sup>11</sup> See [http://ajuntament.barcelona.cat/dretssocials/es/documents-tematics?field\\_tem\\_tica\\_del\\_document\\_tid=24&field\\_tipus\\_de\\_document\\_espec\\_fi\\_tid=33&field\\_versi\\_format\\_del\\_document\\_tid=All#](http://ajuntament.barcelona.cat/dretssocials/es/documents-tematics?field_tem_tica_del_document_tid=24&field_tipus_de_document_espec_fi_tid=33&field_versi_format_del_document_tid=All#).

<sup>12</sup> See [http://www.europarl.europa.eu/thinktank/es/document.html?reference=IPOL-FEMM\\_NT\(2009\)419612](http://www.europarl.europa.eu/thinktank/es/document.html?reference=IPOL-FEMM_NT(2009)419612).

policies in Spain. Plans are soft instruments for mainstreaming gender into different policy sectors, regulated by law 3/2007 and adopted by the cabinet, that include measures and goals that different governmental departments, and sometimes also civil society organisations, need to implement during a specific period of time (Bustelo 2016; 2004). Plans are adopted and implemented in Spain not only at the central state level since 1988 but also at the regional level. Moreover, the 3/2007 Equality Law prescribes the mandatory adoption of equality plans not only at the governmental level but also for private companies with more than 250 employees. Equality plans are not compulsory for small and medium-size companies, but a 2011 resolution regulates economic incentives to companies with less than 250 employees that voluntarily negotiate and implement an equality plan (Valdés 2011)<sup>13</sup>.

From 2009 onwards the Spanish government at the central level has adopted two Strategic Plans for Equal Opportunities 2008-2011 and 2014-2016, showing an interruption between January 2012 (end of the former plan) and the adoption of the current 2013-2016 plan in March 2014 (San José 2015). The Strategic Plan of Equality of Opportunities 2008-2011<sup>14</sup> is based on principles of equality and non-discrimination and includes measures in 12 priority areas such as socio-political and economic participation, co-responsibility in family and work tasks, education, knowledge, health, attention to diversity and social inclusion, violence, development, media, and protection of the right to equality. The Strategic Plan of Equality of Opportunities 2014-2016<sup>15</sup> devotes most of its budget to the promotion of women's employment and measure to facilitate the compatibility between work and family responsibilities. The three main strategic objectives of the plan are: 1) the promotion of female employment and fight against wage discrimination; 2) the support of measures to reconcile family and work responsibilities; and 3) the eradication of violence against women (Ballester 2014a).

Despite a relative continuity in the adoption of equality plans, the years 2009-2016 show a general deterioration of Spanish gender equality law and social policies and the lack of incorporation of gender mainstreaming into policymaking. Austerity politics had a negative impact on gender equality policies and institutions, promoting budget cuts and institutional restructuring. Bettio et al. (2012: 113) in their report on the impact of the crisis on gender equality in the EU warn that 'the budget cuts induced by fiscal consolidation measures entail the concrete risk of downgrading the status of equality policies or reducing the budgets allocated to them'. The central government's budget dedicated to gender equality policies decreased at all governmental levels from the beginning of the crisis. Paleo and Alonso (2015) compare the evolution of budgets dedicated to equality policies at the central and regional levels before the crisis, from 2002 to 2008, and after the crisis, from 2009 until 2013. The authors observe that while during 2002-2008 the budget dedicated to gender policies shows a considerable increase of 57.2 per cent at the central level, in the 2009-2013 period the budget decreases at all governmental levels (except for Andalusia), reaching -34.1 per cent at the central level. Spanish feminist organizations (267 signatories), in their 2008-2013

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<sup>13</sup> The implementation of the 3/2007 Equality law also led from 2010 onwards to the application of incentives to private companies such as 'equality labels' granted to companies that provide evidence of their good practices on gender equality. Criteria to obtain the equality label include the company's adoption of equality measures or equality plans and their results, and the implementation and evaluation of positive actions to combat discrimination (Valdés 2010).

<sup>14</sup> See <http://www.csd.gob.es/csd/estaticos/myd/PlanEstrategico2008-2011.pdf>.

<sup>15</sup> See <http://www.inmujer.gob.es/actualidad/PEIO/docs/PEIO2014-2016.pdf>.

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CEDAW Shadow Report to the UN, denounced both the budget cuts in equality policies and the restructuring of the equality machinery at the central and regional levels<sup>16</sup>.

Austerity politics has hit Spanish social policies as well. The Spanish welfare state before the crisis has been described as a hybrid of conservative-familialist and social-democratic features (Guillén and León 2011: 306). While health and education in the pre-crisis period had been universal rights, gender inequalities were maintained in a system characterized by familialism, reliance on women's unpaid work (93 per cent of women dedicate time to household and family activities, as compared to men's 70 per cent, INE 2007), and greater social protection for those in paid work (Peterson 2011).

From the 2008 economic crisis onwards, studies of the impact of austerity measures on the Spanish welfare state such as Pavolini et al. (2015: 18) indicate explicit retrenchment in the welfare system, through budget cuts in education, care, social assistance, family policies, and health. An example of backlash in the universality of the health system is the cancellation of primary care for undocumented migrant people, except for emergencies, children and pregnancies, enforced through the Royal Decree 16/2012 during the government (González and Segales 2014). Pavolini et al (2015: 18) signal 'hidden retrenchment' in education and healthcare, which means that the government is giving rhetorical support of universal coverage but is de facto limiting access to service and progressively reducing budgets. This budget reduction is shown, for instance, in the introduction of citizens' co-payment of medicines and health services, a measure that was also extended to pensioners, in this case for 10 per cent of the cost of their medicines.

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<sup>16</sup> See <https://cedawsombraesp.wordpress.com/> and Spain's CEDAW Shadow report at [http://www.rednosotrasenelmundo.org/IMG/pdf/SpanishShadowReport\\_September23rd.pdf](http://www.rednosotrasenelmundo.org/IMG/pdf/SpanishShadowReport_September23rd.pdf).

## 2 GENDER EQUALITY IN EMPLOYMENT

The situation of Spanish gender equality in employment in the period preceding the 2008 economic crisis shows that women's employment rates have continuously increased from the 1980s, reaching a peak of 54.7 per cent in 2007 (Eurostat 2012; see Ibañez and León 2014). However, women's rates have always been lower than those of men (76.2 per cent in 2007), and of women in other EU member states (Peterson 2011; Eurostat 2012). Moreover, the quality of women's jobs has also tended to be limited to fixed-term employment contracts for short periods, a prevalence of part-time jobs (80 per cent in 2008, Lahey and de Villota 2013), while a high proportion of women's work is performed in the informal economy and thus not counted in official statistics (Peterson 2011). Unemployment rates before the crisis also show a difference between women and men, with 10.7 per cent women and 6.4 per cent men (Eurostat 2007).

Employment conditions have worsened for women from the beginning of the crisis. The unemployment rate in Spain has increased tremendously as compared to other EU members (the total EU-28 unemployment rate being 11 per cent in June 2013), reaching in 2013 a total of 26.3 per cent, with higher peaks for women (women 27.2 per cent, men 25.5 per cent (Eurostat 2013)). In the first years of the crisis, in 2008-2010, most of the lost jobs were male jobs related to the construction sector (González 2011). However, from 2010 onwards, adjustments in the public sector, job destruction for temporary employees who are mostly women, and the fact that in Spain the social security employment benefits mainly advantage men (the ratio between beneficiaries of the unemployment benefit and unemployed that are potentially right-holders is lower for women than men, respectively 55.7 per cent and 61.7 per cent in 2015, Comisiones Obreras 2015) have increased women's unemployment and worsened women's labour conditions (Lahey and de Villota 2013; González 2011). It is not just a matter of a fall in female employment in terms of quantity but also in terms of quality (e.g. salary, work conditions, working hours, leaves, and so on) (Bettio et al. 2012).

An interesting data for gender equality is that despite the rising unemployment and the worsening labour market conditions, Spanish women so far are resisting to exit the labour market (San José 2015), as women's high activity rate confirms (53.6 per cent in 2016)<sup>17</sup>. Low-educated women, even with children under six, have become more active in the labour market to compensate for the loss of male income in households. This, on the one hand, indicates that women are not returning to the private sphere of the household, but on the other hand it shows that further constraints are placed on these women, because it adds the burden of precarious and low income jobs (González and Segales 2014; Addabbo, Rodríguez and Gálvez 2013) to the burden of care and family responsibilities. Domestic tasks are not equally shared with men in Spain (91.9 per cent of women's daily time is dedicated to household and family activities, while men dedicate 74.7 per cent, INE 2010). Cuts in public employees' wages (by more than 5 per cent on average) in 2010 and the blocking of public employment recruitment in 2011 have particularly impacted on educated women, due to their high participation in the public sector (González and Segales 2014).

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<sup>17</sup> See national statistical office <http://www.ine.es/>.

## 2.1 Gender pay gap and vertical segregation

Spain presents a persistent gender gap in the labour market, that includes gender pay gap as well as horizontal and vertical segregation (Torns and Recio 2012). The gender pay gap was high in the pre-crisis period, but has increased from 2007, reaching in 2012 the peak of 23.9 per cent<sup>18</sup>. The labour market sectors with greater women's presence, according to Torns and Recio's data from 2012, continue to be traditionally feminised areas such as household-related activities performed by employers of domestic workers and producers of goods and services for personal use (90.1 per cent), health and social service activities (76.7 per cent), education (67.6 per cent) and other services (64.2 per cent). In terms of vertical segregation, women's presence in Spanish public administration and other politically appointed institutions has decreased from 2009 to 2015. In the Central Bank, for instance, women councillors had increased from being 25 per cent in 2008 to being 44 per cent in 2011, but has subsequently decreased to 30 per cent in 2015 (Verge and Lombardo forthcoming). Women's representation similarly decreased in the Economic and Social Council, passing from 15 per cent in 2007 to 23 per cent in 2010 to 18 per cent in 2015. Of the different public administrations institutions only the General Council of the Judiciary (42.9 per cent) and the Court of Audit (41.7 per cent) have achieved gender-balance in 2015, while women's representation has not progressed neither in the Central Electoral Board (14.3 in 2012 and in 2015) nor in the Council of State (23.3 in 2012 and in 2015) (Instituto de la Mujer 2016). Another example of persisting vertical segregation is the under-representation of women in the higher ranks of academic staff positions of Spanish public universities, with 20.9 female full professors in 2013 (European Commission 2016).

The most important legal reference in Spain for equal pay and equal treatment at work is the Equality law 3/2007. However, the regulation of gender pay gap needs further implementing measures that have not been adopted yet. Although almost absent for long time from public debate, in the 2015 electoral debate the issue of gender pay gap became part of electoral programs. In 2016 the PSOE presented in Parliament a non-legislative proposal on a law to eliminate the gender pay gap, which was passed in November<sup>19</sup>.

To combat vertical segregation, the 3/2007 Equality law foresees the adoption of positive actions and quotas in public administrations and corporate boards (on the latter see 4.2). However, these two types of quotas are weakly regulated. No sanctions are imposed, and, in the case of public administration quotas, the scarce available data reveal little governmental transparency on their implementation. Monitoring mechanisms for parity in appointments at the central political-administrative level could only be found in two ministries. The Spanish Ministry of Finance and Public Administrations and the Ministry of Employment publish an annual report on the implementation of gender equality policies in their respective administration, which claimed that committees for the selection of public administration personnel have respected the 40-60 principle of gender-balanced presence (Ministerio de Trabajo 2011; Ministerio de Economía y Hacienda 2011). However, women's representation decreased to 36 per cent among board members occupying posts as presidents or deputy-presidents (Ministerio de Economía y Hacienda 2011; see Verge and Lombardo forthcoming). In the scientific sector, the 14/2011 Law on Science, Technology and Innovation, prepared by the Women and Science Unit in the Ministry of Economy and Competition and adopted

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<sup>18</sup> See UGT trade union's 2015 report [http://www.ugt.es/Publicaciones/INFORME\\_UGT\\_SOBRE\\_IGUALDAD\\_SALARIAL\\_2015.pdf](http://www.ugt.es/Publicaciones/INFORME_UGT_SOBRE_IGUALDAD_SALARIAL_2015.pdf).

<sup>19</sup> Congreso de los Diputados, Diario de sesiones 15/11/2016, exp. n. 161/000146.

under the government, establishes that gender balance in the composition of selection committees must be met in university appointments for permanent professorship positions. The extent to which the parity provision of this law has actually been implemented still needs to be systematically studied.

## 2.2 Labour market reforms

In response to the economic crisis, the Spanish government has enacted a series of labour market reforms, in line with the deregulatory approach recommended by the EU in its 2011 and 2012 Council Recommendations to Spain<sup>20</sup>. However, gender was not mainstreamed into such reforms. Gender experts have indeed criticized the two Labour Market Reforms (RD 10/2010 and RD 3/2012)<sup>21</sup> approved by the Spanish government in 2010 and 2012 because of its negative impact on women (González and Segales 2014; Ballester 2012). Both labour reforms increase unilateral opportunities for employers to introduce more flexible employment conditions, without having to respect collective agreements. This makes it easier and cheaper for employers to fire employees, especially those who take on most of the burden of care that is women, including pregnant women (Grisoni and Ruiz forthcoming).

The 2012 Labour Reform creates a type of temporal contract with no right for workers to receive indemnification, for companies with less than 50 workers, where women are predominantly represented. It further increases the precariousness of part-time contracts, which mostly affect women. The 2012 Reform affects women not only indirectly, but also directly because it limits workers' rights to ask for a 'shorter working day' to care for children or dependent relatives, limits breastfeeding rights, and eliminates state financial incentives to companies when women are reincorporated in their former employment after having been on childcare leave. This leads Ballester (2012: 29) to conclude that 'the reduction of parental rights that has taken place with the 2012 Spanish legal reform could have the effect of expelling people from the labour market who cannot make their various responsibilities compatible with each other', leaving working mothers particularly unprotected.

## 2.3 Part-time Work

The regulation of part-time work adopted in Spain in 2013 could also have detrimental effects in terms of gender equality due to the indirect discrimination of women that it generates (Ballester 2014b). The Royal Legislative Decree 16/2013 of 20 December 2013 introduces the possibility of 'voluntary' supplementary hours, which, similar to the 2012 legal reform, leaves part-time workers at the disposal of the employer (Ballester 2014b). However, the 2013 regulation worsens the condition of part-time workers, generating indirect sex discrimination due to the increasing difference between labour conditions of part-time workers and full-time workers. It does so first, by increasing the ordinary supplementary hours to a maximum of 30 per cent of the ordinary working time of the part-time worker

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<sup>20</sup> Council of the European Union. 2011. Council Recommendation of 12 July 2011 on the National Reform Programme 2011 of Spain and delivering a Council opinion on the updated Stability Programme of Spain, 2011-2014. Brussels: Official Journal of the European Union (2011/C 212/01). Council of the European Union. 2012. Council Recommendation on the National Reform Programme 2012 of Spain and delivering a Council opinion on the Stability Programme for Spain, 2012-2015. Brussels: Official Journal of the European Union (2012/11273/12).

<sup>21</sup> Real Decreto-ley 10/2010, de 16 de junio, de medidas urgentes para la reforma del mercado de trabajo. Real Decreto-ley 3/2012, de 10 de febrero, de medidas urgentes para la reforma del mercado laboral.



(that can even be increased to 60 per cent by collective agreement), while the maximum was formerly 15 per cent. Second, it worsens the labour conditions of part-time workers because it reduces the time of notification of the supplementary hours to the worker, so that the worker must now be notified only three days –rather than the former seven days- in advance before the start of the supplementary working hours. The increased availability requirement of part-time workers may hinder the entrance in the labour market of -mostly female- workers who care for children and dependants. Third, the 2013 law makes it more difficult for part-time workers to (re)enter available full-time vacancies and be preferred in case of promotion. Although part-time work in Spain is less common among women than it is the case in other European countries (25.2 per cent of female work in Spain is part-time vs 32.7 per cent in EU-28)<sup>22</sup>, there is a higher proportion of women working part-time in Spain compared to that of men (7.9 per cent)<sup>23</sup>. As a result, considering the deterioration of part-time work conditions in comparison to full-time, these changes show indirect discrimination of women and, according to Ballester (2014), could negatively affect the gender pay gap.

Some progress in the protection of part-time workers' right to pension was made in 2012 through an EU judicial sentence. The Court of Justice of the EU in the Elbal Moreno case on part-time work and indirect sex discrimination (case C-385/11 of CJEU<sup>24</sup> which led to Spanish Constitutional Court decision 61/2013) found the Spanish government in breach of the 79/7/EEC Directive on equal treatment in social security. The Court argued that Spain's legislation requiring a proportionally greater contribution period from part-time workers - predominantly women- than from full-time workers to qualify for a contributory retirement pension is contrary to the 79/7/EEC Directive on equal treatment in social security. The gender relevance of this case in Spain, as Ballester (2014b: 21) states, is that 'many women employed in domestic work, caring and cleaning services and in third-sector services fall under this rule'.

## 2.4 Domestic work

Although official data on domestic work underestimate real numbers because most of this work occurs in the informal economy, they still show that domestic work is a highly feminized and ethicized sector in Spain, being almost exclusively occupied by migrant women<sup>25</sup>. Domestic work in Spain is regulated through a special social security system that does not grant domestic workers the same rights as other workers. Some progress in the regulation of the rights of domestic workers has been made through the Royal Law-Decree 29/2012<sup>26</sup> that introduces improvements in the social protection of domestic workers agreed with the trade unions in 2011 (Gil and González 2012). According to the decree, from 2019 the contributions of domestic workers will be put on the same level of real wages, and domestic

<sup>22</sup> See [www.ine.es](http://www.ine.es) 2015.

<sup>23</sup> See [www.ine.es](http://www.ine.es) 2015.

<sup>24</sup> Case C-385/11 *Isabel Elbal Moreno v Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social (TGSS)* [2012] I-000.

<sup>25</sup> Official data from 2015 about the affiliation of domestic workers to the Spanish system of social security indicate that female domestic workers are 407,9 while male are 21,8 ; and migrant female domestic workers are 189314 while male migrant domestic workers are 14806. See <http://www.empleo.gob.es/es/estadisticas/anuarios/2015/index.htm>.

<sup>26</sup> Real Decreto-ley 29/2012, de 28 de diciembre, de mejora de gestión y protección social en el Sistema Especial para Empleados de Hogar y otras medidas de carácter económico y social.

workers will be entitled to pension rights and some improvements in their rights to temporary sickness leave. However, they will still lack the entitlement to enjoy unemployment benefits and the compensation for dismissal (Gil and González 2012). Moreover, the 29/2012 RD places the responsibility on the domestic workers providing services less than 60 hours per month per employer, in agreement with their employers, to register their affiliation to the national social security, which media have criticised for fostering informal economy<sup>27</sup>. Finally, the Spanish government has still not ratified the ILO 189 Domestic Workers Convention signed in 2011 that would give equal rights to domestic workers as compared to other workers, which is a long-term demand of domestic workers' organizations such as SEDOAC<sup>28</sup>. In 2016 both Podemos and PSOE parliamentary groups have presented non-legislative proposals in plenary urging the government to ratify the ILO 189 Domestic Workers Convention and 201 Recommendation on decent work for domestic workers<sup>29</sup>.

## 2.5 Pension reforms

Pensions in Spain reveal a considerable gender gap, which refers to 'how far women's pensions lag behind men's' pensions in general (Tinios et al 2015 : 26). ENEGE experts distinguish the gender gap in pensions in the gap in 'coverage' –which means 'the extent to which more women than men do not have access to the pension system (in the sense of having zero pension income' (Tinios et al 2015: 23)- and the gender 'pensioners' pension gap' – which refers to 'the difference in pensions excluding non-pensioners.' (Tinios et al 2015: 23). Data for Spain from 2012 indicate that there is a 'gender gap in coverage' for people aged 65-69 because 28 per cents of the female population is without pension access' (Tinios et al 2015: 35). Spain, as well as Ireland, also shows the 'widest [gender] pension gaps (52 per cent)' in the EU in the age groups of pensioners between 65 and 79 (Tinios et al 2015: 36). Women in Spain already face obstacles to meeting the minimum requirements for accessing a fair pension due to their over-representation in the informal economy and their more frequently interrupted professional career than men's due to care activities (Ezquerria 2012; Grisoni and Ruiz forthcoming). The pension reforms risk worsening women's pension opportunities even further.

The reform of the pension system adopted in 2011 and 2013<sup>30</sup>, in line with the austerity politics recommended by the EU and developed by the Spanish government from 2010 onwards, raises the retirement age from 65 to 67 years and requires the payment of contributions for 38.5 years rather than the former 35 years regardless of the pensioner's age. Considering women's unstable employment career due to care responsibilities, this measure will negatively affect a larger number of women than men (González and Castellanos 2011), worsening the gender gap in pensions. The reform has not changed the minimum of contributory period necessary for the right to a contributory pension, set at 15 years which are considered too many for several groups of women to achieve. Potential negative consequences for women are to be foreseen also due to the change in the number of years that are now taken into account in the calculation of the pension, increasing the period 10

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<sup>27</sup> See [http://www.eldiario.es/economia/claves-empleo-domestico-economia-sumergida\\_0\\_541746062.html](http://www.eldiario.es/economia/claves-empleo-domestico-economia-sumergida_0_541746062.html); <http://www.elmundo.es/elmundo/2013/04/01/paisvasco/1364831461.html>; [http://sociedad.elpais.com/sociedad/2012/07/03/actualidad/1341316073\\_240699.html](http://sociedad.elpais.com/sociedad/2012/07/03/actualidad/1341316073_240699.html).

<sup>28</sup> SEDOAC Servicio Domestico Activo (active domestic work) <http://serviciodomesticoactivo.blogspot.com.es/>

<sup>29</sup> BOCG 23/02/2016 n. exp. 162/000079 and BOCG 21/10/2016 n. exp. 162/000196.

<sup>30</sup> Ley 27/2011, de 1 de agosto, sobre actualización, adecuación y modernización del sistema de Seguridad Social. Real Decreto-ley 5/2013, de 15 de marzo, de medidas para favorecer la continuidad de la vida laboral de los trabajadores de mayor edad y promover el envejecimiento activo.

more years, so that now it is the last 25 years of a person's working life that are considered while it was formerly the last 15 years (González and Segales 2014). The 2013 pension reform also adds automatic adjustments to allow the sustainability of the pension system that include, first, considering the relation between pension and life expectancy of the pensioner at the time of retirement as a mechanism to calculate the initial amount of the pension; second, as a factor to include in the yearly revaluation of pensions, the establishment of a link between the amount of existing pensions and the system's budget situation, so that the increase in the amount of pensions can be below the consumer price index (Rubio 2016). Considering women's longer life expectancy, these pension reforms risk making Spanish women poorer when aging.

## 3 GENDER EQUALITY AND CARE

### 3.1 Maternity, paternity and parental leave

Spain's welfare state is based on a traditional division of gender roles, as the unequal system of parental leave regulations shows (Ciccia and Verloo 2012). While maternity leave regulations grant mothers six mandatory and not transferable weeks (ten can be transferred to the father if both parents are employed, but there are no incentives for it, so that traditional gender norms tend to prevent fathers from taking the leave, Law 39/1999), fathers<sup>31</sup> only enjoy two weeks of paternity leave (Law 3/2007). Both leaves are 100 per cent remunerated, provided the parents fulfil the requirements. This 'female caregiver model' and 'male breadwinner model' of social policies, together with Spanish inadequate provision of welfare services, make it difficult for women to be freed from the work of care and engage in paid work (Ciccia and Verloo 2012).

Further progress in the equal sharing of parenthood responsibilities were expected after the adoption of Law 9/2009, which planned the extension of paternity leave from two to four weeks to be enforced in January 2011. However, in each yearly State General Budget law the Spanish government has postponed the enforcement of this measure, blocking advances in the promotion of equal parenthood roles between the sexes. Some progress in this direction was made when Podemos party presented in parliament a non-legislative proposal on the reform of parental leave that incorporates the demands of women's NGOs such as the PPINA<sup>32</sup> to adopt equal and non transferable parental leave of 16 weeks for both fathers and mothers. The non-legislative proposal, voted in parliament in October 2016, must now be formulated as legislation and submitted to parliamentary vote<sup>33</sup>. Recent governmental negotiations of the budget law with *Ciudadanos* party referred to the possibility of extending the paternity leave from two to four weeks from 2017<sup>34</sup>.

Individual rights to parental leave in Spain include the 'breastfeeding permission' for parents to take care of children below 12 months (one hour paid leave a day), the unpaid leave for parents of children below 3 years, the reduction in their working time (with proportional wage reduction) for parents that care for children below 12 years old, and the reduction in their working time (100 per cent remunerated) for parents of seriously ill children. Some advance in the equal rights of working parents was made through Law 2/2012 that changed the Workers' Statute according to the *Roca Alvarez* case<sup>35</sup> to recognise that both fathers and mothers have equal access to the 'breastfeeding permission' (Ballester 2015). However, in the *García Mateos vs Spain* judgment (n. 38285/09) in 2013 the European Court of Human Rights condemned Spain for not effectively recognising the right of reconciliation of work and family life to allow workers to take care of their under six year old children. Finally, it is

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<sup>31</sup> The provision is written in gender neutral language so that same-sex parents can claim it.

<sup>32</sup> See Plataforma por Permisos Iguales e Intransferibles por Nacimiento y Adopción <http://igualeseintransferibles.org/>.

<sup>33</sup> Diario de Sesiones del Congreso de los Diputados, 18/10/2016 (n. exp. 162/000147).

<sup>34</sup> ABC 15/12/2016 'El permiso de paternidad se amplía de dos a cuatro semanas a partir del 1 de enero de 2017' [The paternity leave will be extended from two to four weeks from 1st January 2017] [http://www.abc.es/sociedad/abci-permiso-paternidad-amplia-cuatro-semanas-partir-1-enero-2017-201612151440\\_noticia.html](http://www.abc.es/sociedad/abci-permiso-paternidad-amplia-cuatro-semanas-partir-1-enero-2017-201612151440_noticia.html).

<sup>35</sup> Case C-104/09 *Roca Alvarez*, [2010] ECR I-08661.

noteworthy that Spain has not reformed its legislation to comply with the requirements of the revised Parental Leave Directive 2010/18/EC (Ballester 2015).

### 3.2 Childcare and care of elderly and dependent people

Childcare and dependent care policies are not strictly gender equality policies, yet they greatly affect gender equality due to the fact that informal care tasks are still mainly performed by women and because this greater responsibility affects women's employment possibilities (Delgado 2007). While school for 3 to six years old children has been provided in the whole Spanish territory, Spain's challenge is still the coverage of childcare services for children from 0 to three years (León and Lombardo 2015). The Educa3 Plan that the government established in 2008 had established the provision of pre-primary school childcare services. In 2013, the childcare coverage for 0-3 was still limited, predominated by the private sector, and unequal across the different Spanish Autonomous Communities due to the fact that it is competency of the local governmental level (Ibáñez and León 2014).

Despite the need to strengthen the pre-primary school structures, in 2012 the Ministry of Education cancelled the Educa3 Plan, together with other budget saving measures in the area of education. Governments from central to local levels have enforced severe cuts in public support of 0-3 childcare through reduction in family subsidies and help for paying fees, which in a sector that was already privatized or public but privately managed, has resulted in 'increases in child-to-adult ratios and fees, and the worsening of staff working conditions' (Ibáñez and León 2014: 9). In 2013, after the elimination of Educa3, the government adopted the II National Strategic Plan for children and adolescents (2013-2016) that, with the objective of supporting families, proposes measures to improve the availability of infant schools during the working day of the parents (Ballester 2013). González and Segales (2014: 243) argue that 'the cancellation of the pre-primary school 'Educa3 Plan' and the elder care cuts will hamper the incorporation of women into the labour market'. In line with the austerity policies, the government also eliminated in 2010 the so called 'baby cheque', a one-off cash benefit of €2500 measure for the birth or adoption of a child, that gender experts criticised at the time of its adoption due to its pro-natalist character and its arguable gender equality dimension (Salido 2011).

To respond to the need of public care for elderly and dependent people, the government had adopted in 2006 the 39/2006 'Dependency Law' to promote an individual right to state care to dependent people (Salido 2011). However, the implementation of this law has proved difficult, not only because the three levels of government are involved in its management and funding, but also because budgetary cuts introduced from 2010 onwards have reached the Dependency Law as well, reducing the financial state support to people that care for a dependent relative between 15 and 30 per cent (Campillo 2015), and eliminating social protection for non professional carers (Lombardo and León 2015). Gender experts have criticised the budgetary cuts in the Dependency Law due to their negative gender impact. The platform of feminist economists 'Gender impact now' in its analysis of the 2016 government budget denounced that 'although women are 66 per cent of dependent people and 83 per cent of carers, the official Gender Impact Report (...) does not analyse the [gendered] impact of the budget on the redistribution of care'<sup>36</sup>.

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<sup>36</sup> See <http://impactodegeneroya.blogia.com/>.

## 4 GENDER EQUALITY IN POLITICAL AND ECONOMIC DECISION-MAKING

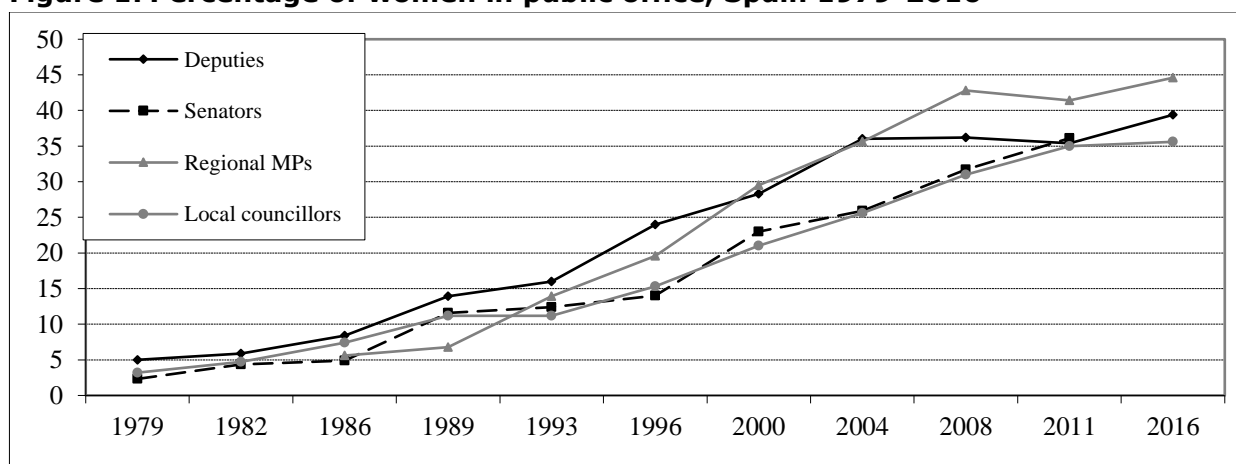
Spain has adopted electoral, public administration and corporate boards gender quotas to increase women's presence in political and economic decision-making. However, strong measures were only applied to the electoral sphere, which explains why the gender outcomes produced by quotas for corporate boards and public administration bodies lag behind those of electoral gender quotas (Verge and Lombardo forthcoming).

### 4.1 Electoral gender quotas

Women's political representation in Spain has achieved percentages around 36 per cent in national parliaments from the 2004 elections (IPU 2012). Progress towards a more gender equal representation in politics started in the late 1980s through voluntary quotas in left-wing parties (Verge 2013). The Law 3/2007 known as the 'Equality Law' adopted legislative gender quotas under the government (Valiente 2005). This law reforms the electoral law introducing the principle of balanced presence by mandating party lists for all elections to include a minimum of 40 per cent and a maximum of 60 per cent of either sex, a proportion to be respected in each stretch of five candidates. The sanction for non-compliance is a strong one, since it involves the withdrawal of party lists. This legally binding measure has effectively promoted equality of outcome in political representation (Verge 2013).

Progress in electoral gender quotas after 2009 includes the adoption of zipper systems in candidate lists whereby women and men alternate throughout the party lists. The zipper system has been used by the United Left IU political party since 2008 and by the PSOE party since 2013. In both parties the aim of this reform is to prevent district-level parties from allocating the lion's share of top positions on party lists to men. The new political party Podemos, in coalition with the IU, also used zipping in most of the districts in the 2016 general elections, and elected 47.9 per cent women. As a result of all main left-wing parties using this gender quota, the last Spanish general elections in 2016 achieved the highest record ever of women representatives -39.4 per cent (see Figure 1) (Verge and Lombardo forthcoming).

**Figure 1: Percentage of women in public office, Spain 1979-2016**



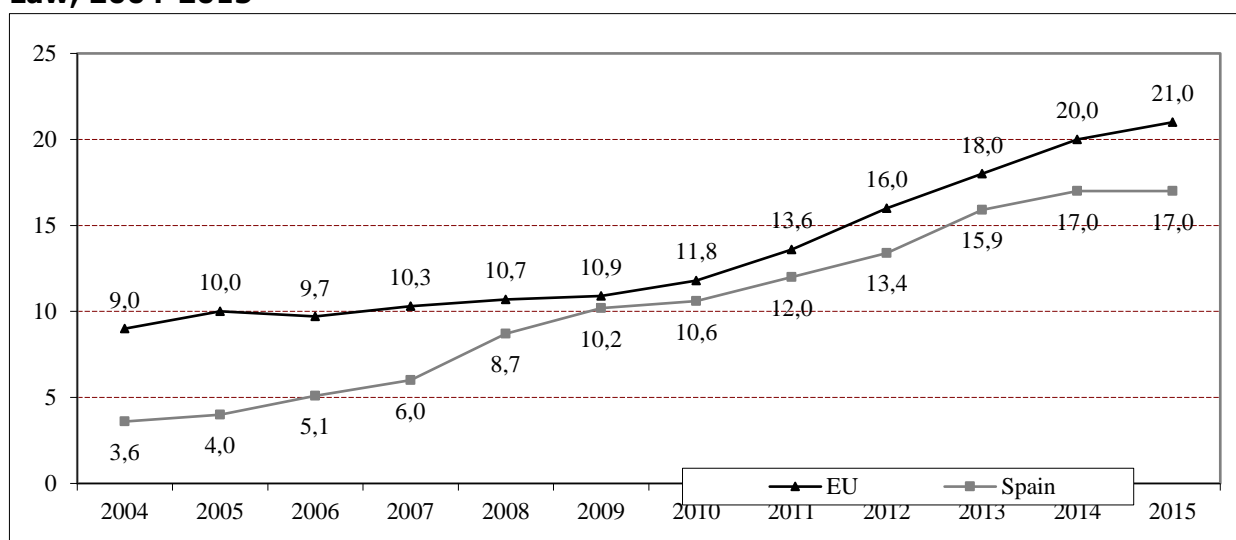
Source: Verge and Lombardo (forthcoming) based on Verge (2012) and Instituto de la Mujer (2016).

At the central level, parity cabinets with an equal number of female and male ministers were appointed from 2004 until 2011. Subsequent governments (2011-2015), with 31 per cent female ministers, did not reach parity but they included a much higher percentage of women than former conservative governments (Verge and Lombardo forthcoming). Gender inequalities in Spanish cabinets show that continuity in the post is less likely for female rather than male ministers and that women are more likely to be changed from one ministry to another (Rodríguez Teruel 2011). Moreover, despite the change in the symbolic representation of women provoked in the 2008 appointment of the pregnant minister of defence Carme Chacón (Lombardo and Meier 2014), female ministers in Spain still tend to be assigned portfolios related to social, family, and cultural issues (Diz and Lois 2016).

At the regional level, the evolution of women's representation in the executives shows a pattern of slow but steady increase until 2003, with percentages around 15 per cent and close to 30 per cent in five regions, a trend of parity governments until 2008, with 52 per cent of governments reaching parity in 2008, and, from 2010 to 2016 a backlash in the presence of women in regional cabinets, with parity governments decreasing from 52 to 29 per cent (Diz and Lois 2016). Parity governments are more common where regional gender equality laws establish mandatory provisions of parity in regional executives, as it is the case in the Basque Country, Andalusia, Galicia and Extremadura (Diz and Lois 2016) or in regions where PSOE is in government (Alonso and Verge 2015).

## 4.2 Corporate board gender quotas

Women's presence in economic decision-making in Spain shows an extremely slow and small increase. In 2015, women only represented 17 per cent of corporate members of the publicly listed companies, below the EU-28 average of 21 per cent (see Figure 2). This underrepresentation is mostly due to the fact that gender quotas in the economic sphere in Spain have been advanced through weaker policy measures than those adopted in the case of electoral quotas (Verge and Lombardo forthcoming). Indeed findings by Armstrong and Walby (2012) confirm that the the effective and fast way to increase women's presence in economic decision-making is the implementation of legal instruments to enforce gender quotas. The 3/2007 Equality law gave Spanish public companies and listed firms eight years, that is until 2015, to achieve a a representation in their boards of a minimum of 40 per cent and a maximum of 60 per cent of each sex. However, the absence of sanctions for non-compliant companies weakened the effectiveness of the statutory policy. The 3/2007 law only established incentives, such as a governmental 'equality award' for companies that stand out in the promotion of equality and a priority for such companies in contracts with the government. Yet, compared to nullifying boards' decisions, as it is done in Belgium, or suspension of board members' compensation or dissolution of the board, as in Norway, enjoying a lower preference in the granting of government contracts is a weak sanction for incompliant companies (Piscopo and Clark Muntean 2013).

**Figure 2: Percentage of women in Publicly Listed Companies Covered by the 2007 Law, 2004-2015**

Source: Verge and Lombardo (forthcoming) based on IESE (2014: 11), Mateos et al. (2006), and European Commission (2016).

After adopting the 3/2007 law, the government continued a policy of soft measures of self-regulation to promote women's presence in corporate boards. In 2010 it launched the Objective 15 programme that includes awareness-raising measures for companies to work in partnership with the government towards the implementation of Recommendation 15 of the Conthe Code (González and Martínez 2012). The Conthe Code or Unified Good Governance Code is a voluntary instrument of self-regulation of companies adopted in 2006 by the Stock Market's National Committee (a supervisory governmental agency). Recommendation 15 of the Code requires companies with few or no women on their board to explain the underlying reasons and undertake actions to correct the situation. This 'soft quota' leaves improvement in women's representation to the willingness of individual companies (Fagan, González, and Gómez 2012). As a consequence of such voluntary measures, the proportion of women on Spanish corporate boards has experienced only a small and slow increase, as Figure 2 shows.

The government elected in 2011 continued this soft approach to gender equality in economic decision-making. The result was that with an average annual increase of 0.8 percentage points between 2004 and 2007 and an average annual increase of 1.7 percentage points thereafter, progress was too slow to meet the target of 40 per cent women in boards by 2015. Indeed, in 2015 women only represented 17 per cent of corporate members of the publicly listed companies (Verge and Lombardo forthcoming). Although publicly owned firms or companies with state participation showed better performance, with 29.5 per cent women in their corporate boards, positive action has also had little impact, with a 16.6 per cent increase in the 2008-2014 period (Informa 2014: 10). Due to the absence of sanction for in-compliant companies in the Equality Law, the presence of women in public companies boards depends on the political will of the government that makes the appointments.

Despite the fact that Spanish corporate boards did not achieve a 40-60 gender balance in their composition by 2015, as the 3/2007 law required, the government did not introduce any hard regulatory approach but continued the soft approach. The new law for capital firms adopted in 2014 (Law 31/2014), rather than referring to the gender quotas of the 3/2007



Equality Law, included instead a recommendation for adopting measures to include more women in boards with the aim of achieving a more balanced representation. Companies' selection committees will set their own targets for the underrepresented sex in corporate boards, elaborate instructions on how to achieve this target and report on its progress, along the 'comply or explain' principle of. Similarly, the new Unified Good Governance Code drafted by the National Committee of Value Market included in its Recommendation 14 a target of 30 per cent women in boards, which is below the minimum of 40 per cent prescribed by the law, and extended the deadline for implementation to 2020 (Comisión Nacional del Mercado de Valores 2015).

The central government's Equal Opportunities Plan (2014-2016) supports this soft and self-regulatory approach when it proposes awareness-raising measures under a 'framework of collaboration with companies' volunteering to meet a gender-balanced representation in their boards. The plan frames women's underrepresentation as due to women's lack of training rather than due to organizational (male) resistance to women's presence in boards. Following this diagnosis, the measures proposed to solve the problem include women's training in management skills, creating networks of managerial positions, mentoring programmes, and exchange of best practices. No governmental activities were organized from 2011 to 2015 to implement the Objective 15 programme. As a result, Spain has moved away from European and international developments and recommendations on gender equality in economic decision-making (Verge and Lombardo forthcoming).

## 5 GENDER-BASED VIOLENCE

A milestone in policies against gender violence in Spain was the adoption of the Law 1/2004 of comprehensive measures against gender violence by the government to respond to the demands of the women's movements and which received the support of all political parties in parliament (García 2016). Despite the limitations of a law that typifies only one kind of gender violence –that occurring in intimate partnership–, or that places responsibility on the victim of violence to denounce the perpetrator as a means to start the mechanism of protection, the law was a step forward for two main reasons. It defined gender inequality as the cause and effect of gender violence and made clear that violence is not a private matter but a public problem that institutions must address through a variety of sanction, protection, and prevention measures (Bustelo and Lombardo 2012; López 2011). The Spanish regions have activated a variety of measures to implement the law on gender violence, including the creation of protocols of interinstitutional coordination<sup>37</sup>.

From the first yearly report in 2007 by the National Observatory of Gender Violence drawn up in application of the 1/2004 law, to the last report in 2013, gender experts have collected data on victims of gender violence and governmental measures adopted to monitor and make recommendations for a better implementation of the law<sup>38</sup>. The assessment of the 1/2004 law on gender violence ten years after adoption<sup>39</sup> recommends improvements to the law such as broadening the concept of gender violence to include other forms of violence than only gender violence within intimate partnerships or ex partnerships; extending the definition of victim to children of victims of gender violence; broadening the concept of gender violence to include types of violence that disable women might experience; granting employment and social benefits if a person is declared victim of gender violence, and other recommendations in the areas of judicial intervention, education and prevention, health, and institutional response.

Amnesty International's reports in 2005 and 2007 denounced the law's lack of protection of migrant undocumented women, or dependent on their partner for documentation, who experience domestic violence, because these women risked being expelled from the country if they denounced the perpetrator on whom they depend for their residence permit (Alarcón and Alonso 2010). The reformed Immigration Law 10/2011 now offers legal protection to undocumented migrant women who denounce a perpetrator of violence. The governmental Plan of Citizenship and Integration (2011-2014)<sup>40</sup> includes among its objectives of equal opportunities and antidiscrimination the need to incorporate a gender perspective into migration policies and to fight trafficking, forced marriages, and female genital mutilation.

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<sup>37</sup> See

<http://www.violenciagenero.msssi.gob.es/planActuacion/seguimientoEvaluacion/pdf/BalanceleyIntegralCCAAparaWeb.pdf>.

<sup>38</sup> See <http://www.violenciagenero.msssi.gob.es/violenciaEnCifras/observatorio/informesAnuales/home.htm>

<sup>39</sup> See

[http://www.violenciagenero.msssi.gob.es/planActuacion/seguimientoEvaluacion/pdf/INFORME\\_10a\\_LEY\\_2016.pdf](http://www.violenciagenero.msssi.gob.es/planActuacion/seguimientoEvaluacion/pdf/INFORME_10a_LEY_2016.pdf).

<sup>40</sup> See [http://extranjeros.empleo.gob.es/es/Programas\\_Integracion/Plan\\_estrategico2011/pdf/PECI-2011-2014.pdf](http://extranjeros.empleo.gob.es/es/Programas_Integracion/Plan_estrategico2011/pdf/PECI-2011-2014.pdf).

The 1/2004 Law set up a Special Government Delegation against Violence against Women (Delegación Especial del Gobierno contra la Violencia de la Mujer) within the General Secretariat of Equality Policies, with the task of formulating governmental public policies to address the problem of gender violence (Bustelo 2016). After the suppression of the secretary of Equality Policies in 2011, the Delegation on Violence is now located within the Secretary of State of Social Services and Equality. The government is in charge of adopting plans against gender violence. The current plan, adopted in 2013 by the Council of Ministers is the National Strategy for the Eradication of Violence against Women (2013-2016)<sup>41</sup>. The main objectives and measures include awareness-raising and education of different institutional and social actors; assistance and protection to victims, for example through monitoring of convicted perpetrators of gender violence when they are on prison leave; the attention to groups that are considered especially vulnerable in gender violence cases, such as children; and the inclusion of measures to address other forms of gender violence such as forced marriage and female genital mutilation (Ballester 2013). Other national plans against gender violence adopted from 2009 onwards include the Plan against trafficking in women and girls for sexual exploitation (2015-2018)<sup>42</sup> and the Plan of attention and prevention of gender violence in migrant population (2009-2012)<sup>43</sup>.

Recent parliamentary activity in the area of gender violence includes the presentation and debate of 'non-legislative proposals' such as the following: PSOE on education in gender equality and to prevent gender violence in primary and secondary school (BOCG 15/9/2016 n. exp 161/000241); PSOE on the protocol on female genital mutilation (BOCG 15/9/2016 n. exp 161/000193); PSOE on the promotion of a social, political and institutional pact that would commit all political parties, state powers and civil society in favour of policies to eradicate gender violence (BOCG 15/11/2016, n. exp. 162/000004); PP on the improvement and updating of Law 1/2004 against gender violence (15/11/2016, n. exp. 162/000135); PP, PSOE, Podemos, Ciudadanos, Esquerra Republicana, Vasco (EAJ-PNV) and Mixto on the creation of a parliamentary subcommittee within the Equality Committee, dedicated to the formulation of a state pact on gender violence issues (2/12/2016 158/000026).

Despite the aforementioned policies and initiatives, the problem of gender-based violence in Spain has not decreased in magnitude in the years 2009-2016. According to data of the Government Delegation on Violence<sup>44</sup>, while the number of complaints for gender violence has diminished from 135539 in 2009 to 70236 in 2016, the number of mortal victims of gender-based violence murdered by their male partners or ex partners has not decreased. From 2009 to 2016, 508 women have been murdered due to gender-based violence, and these deaths are only the tip of the physical and psychological violence women experience. If we consider the time ranging from the adoption of the 1/2004 law until 2016 the number of mortal victims of gender violence grows to 796 women. Feminist movements have mobilised in several demonstrations, including the massive 7th November 2015 march

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<sup>41</sup> See

[http://www.violenciagenero.msssi.gob.es/planActuacion/estrategiaNacional/docs/Estrategia\\_Nacional\\_Ingles.pdf](http://www.violenciagenero.msssi.gob.es/planActuacion/estrategiaNacional/docs/Estrategia_Nacional_Ingles.pdf).

<sup>42</sup> See

[http://www.violenciagenero.msssi.gob.es/otrasFormas/trata/normativaProtocolo/planIntegral/DOC/Plan\\_Trata\\_2\\_015\\_2018.pdf](http://www.violenciagenero.msssi.gob.es/otrasFormas/trata/normativaProtocolo/planIntegral/DOC/Plan_Trata_2_015_2018.pdf).

<sup>43</sup> See

[http://www.violenciagenero.msssi.gob.es/planActuacion/otrasMedidas/pdf/Plan\\_atencion\\_prevenccion\\_violencia\\_genero\\_poblacion\\_extranjera\\_inmigrante\(2009\\_2012\).pdf](http://www.violenciagenero.msssi.gob.es/planActuacion/otrasMedidas/pdf/Plan_atencion_prevenccion_violencia_genero_poblacion_extranjera_inmigrante(2009_2012).pdf).

<sup>44</sup> See <http://estadisticasviolenciagenero.msssi.gob.es/>.

against sexist violence<sup>45</sup>, to claim a stronger governmental commitment in the fight against gender violence.

However, such institutional commitment is currently lagging behind civil society's expectations. Gender violence policies in Spain are threatened by governmental budget cuts enacted in the context of austerity from 2009 onwards. The central government's 2016 Budget law has cut 22.5 per cent of the funding dedicated to policies against gender violence as compared to 2008, continuing the decreasing trend from the beginning of the crisis (Gobierno de España 2015). CEDAW Shadow report for Spain has denounced that the central state from 2009 to 2013 has reduced 23 per cent of the public budget dedicated to measures against gender violence (San José 2015)<sup>46</sup>. The Shadow report also denounced that the Autonomous Communities from 2008 to 2013 have reduced 32.5 per cent the funding dedicated to their programs against discrimination and violence against women (San José 2015). Women's organisations have mobilised to defend policies against gender violence. At the regional level, for example, women's mobilisations and petitions proved effective in 2011 in preventing the closing down of shelters for battered women announced by the government of Castilla-La Mancha, forcing the latter to withdraw its plan of 41 per cent cuts in violence centres<sup>47</sup>. However, the austerity agenda reached all governmental levels, including local administrations.

The national government's 2013 reform of the Law of Local Regime through Law 27/2013 that eliminates local competency on gender equality policies threatens the provision of legal, psychological, and social attention to victims of violence that is currently offered at the local level, including shelters for victims of gender violence. The national Law 1/2004 against gender violence attributes to the regional and local level the provision of these attention centres for victims of gender violence. These are important sites not only to help women who have experienced violence but also to advise them to present their charges to the competent courts specialised in gender violence. Therefore, the elimination of these centres will also hinder the implementation of the 1/2004 law because it will be detrimental to the functioning of the main mechanism for sanctioning gender violence established in the law, that includes the reporting of perpetrators to specialised courts, the issuing of restraining orders, and the sentencing of offenders (San José 2015).

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<sup>45</sup> See <http://marcha7nmadrid.org/>.

<sup>46</sup> See <https://cedawsombraesp.wordpress.com/2014/09/29/shadow-report-in-english-informe-sombra-en-ingles/>.

<sup>47</sup> See petition at <https://www.change.org/p/salvemos-los-centros-de-la-mujer-de-castilla-la-mancha>.

## 6 SEXUAL AND REPRODUCTIVE RIGHTS

Sexual and reproductive health rights were extended in Spain in 2010 through the adoption of law 2/2010 that granted women the autonomy to decide freely until the 14<sup>th</sup> week of pregnancy, and until 22<sup>nd</sup> week in case of serious risks for the health and life of women or serious anomalies of the embryo. In 2011 the new government presented a bill to restrict the right to abortion by reforming the 2/2010 law on sexual and reproductive health. The bill, named 'Law of protection of the life of the embryo and of the rights of the pregnant woman', would make abortion illegal and provoke a deterioration of women's autonomy and health. Abortion, according to the bill, could be practiced only if the life or physical or psychic health of the woman was seriously threatened (within the first 22 weeks) or if it resulted from a crime against her sexual freedom or indemnity (within the first 12 weeks and only if the crime was reported). No free right of abortion for a woman within a set period would be allowed.

The bill was heavily criticised arguing that the new legislation could encourage clandestine abortions, force women to travel abroad to have an abortion, or risk their health in illegal clinics. Detractors of the bill also argued that it would be a setback in the rights of women because the interruption of pregnancy would not be considered a woman's right (Ballester 2014a). Massive national and transnational feminist mobilizations with 'freedom trains' converging on Madrid<sup>48</sup>, criticism from feminist members of the European Parliament, internal divergences within the PP that proposed the bill led the prime minister to withdraw the bill, and forced the resignation of the minister of justice that proposed it<sup>49</sup> (Alonso 2015b). The case, however, is still open because the Constitutional Court needs to dictate a sentence on the 2/2010 abortion law that the PP contested in the courts.

In 2015, the government has adopted a reform of the current abortion law making it more restrictive of the rights of young women under 18 who will need to obtain their parents' consent to have an abortion. Moreover, at the regional level, legal incremental changes are taking place that might eventually result in the restriction of abortion rights. Along the same ideological line as the withdrawn abortion bill, six Autonomous Communities governed by the Popular Party have approved laws for the protection of pregnant women that protect women as mothers, providing financial means for pregnant women in difficult economic situations to continue their pregnancy, but not to interrupt it, and whose aim is to guarantee the embryo's right to life (Paleo and Alonso 2015). These laws show a pro-life approach that limits women's right to self-determination. They also indicate that of the few economic resources that will be dedicated to gender equality policies, most of them will go to women as mothers, whereas women who are in difficult economic situations but are not mothers will not benefit from the funds (Paleo and Alonso 2015).

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<sup>48</sup> See <http://www.eltrendelalibertad.com/> and <http://eltrendelalibertadfilm.blogspot.com.es/>.

<sup>49</sup> *El País* 24/9/2014 'La ley del aborto, historia de un fiasco' [The abortion law, story of a failure] [http://politica.elpais.com/politica/2014/09/24/actualidad/1411510577\\_143104.html](http://politica.elpais.com/politica/2014/09/24/actualidad/1411510577_143104.html).

## 7 CONCLUSIONS

This study has mapped developments in Spanish gender equality policies from 2009 to 2016 as regards the institutionalization of gender equality in Spain, gender equality laws, plans, and social policies; gender equality and employment, including gender pay gap and vertical segregation, labour market reforms, part-time work, domestic work, and pension reforms; gender equality and care, including maternity, paternity, and parental leave, childcare and care of elderly and dependent people; political and economic decision-making, including electoral and corporate boards gender quotas; gender-based violence; and sexual and reproductive rights.

When comparing the period of this study 2009-2016 with the former EP report on Spanish gender equality policies and institutions until 2008 (see PE 419.612)<sup>50</sup>, the main pattern identified is one of progressive dismantlement of gender equality policies in Spain. The implementation of austerity policies in response to the 2008 economic crisis has led to budget cuts, institutional dismantlement and restructuring, blockages in equality legislation, failed implementation, the use of soft rather than legally binding approach, and the lack of gender mainstreaming in important policy reforms such as those of the labour market and pensions. This backlash could reverse progress achieved in Spanish gender equality policies in the last four decades.

Only a prioritization of gender equality in the political agenda, a strengthening of equality institutions, the increase in public budgets dedicated to equality, regulation through both legally binding and soft measures, mandatory gender quotas not only in politics but also in corporate boards and public administrations, and an effective implementation of gender mainstreaming into all policies could make the future of gender equality policies in Spain look less uncertain than it currently is.

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<sup>50</sup> [http://www.europarl.europa.eu/thinktank/es/document.html?reference=IPOL-FEMM\\_NT\(2009\)419612](http://www.europarl.europa.eu/thinktank/es/document.html?reference=IPOL-FEMM_NT(2009)419612).

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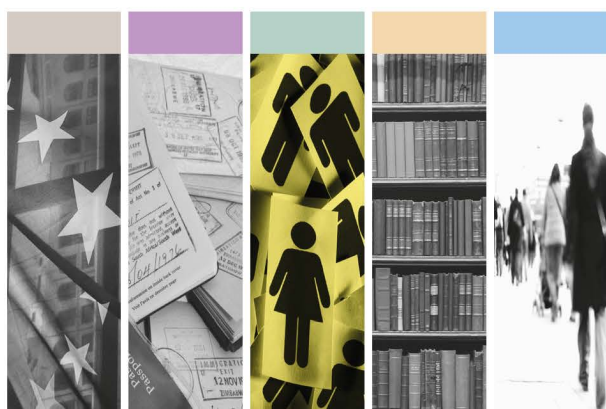
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