

# Spain

## Apie

Article 1(1) of the Constitution of Spain includes equality as a fundamental value, with Article 14 going on to state that all people are equal before the law, prohibiting any kind of discrimination based on place of birth, race, sex, religion, opinion or personal or social situation.

Spain has seen relevant advancements in gender equality and gender mainstreaming over the last 30 years. This has led quite a broad legislative body in gender equality and gender mainstreaming, with national and regional equality laws and equality plans as strategic design instruments. Since the end of the 1990s, plans/programmes seeking gender equality have been developed at central, regional and - to some extent - local level.

Gender mainstreaming was included in these plans from 1996 onwards. While the dual approach to gender equality is included in national and regional plans, programmes and policies, its implementation in practice has been much more difficult. In addition, advancements in gender mainstreaming were affected by the economic crisis, when austerity policies were implemented without a gender perspective [1]. In particular, budget cuts affecting care policies resulted in the re-absorption of certain care tasks into the family [2]. During the austerity period, direct action gender equality policies, such as those targeting gender-based violence, were prioritised over cross-cutting efforts to implement gender mainstreaming at national level. Some regions, however, continued to follow the European Directives and equality policies, thus maintaining the progress that had been made in their territories. The government that came into power in June 2018 has made it clear that gender equality policy is once again a priority.

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## Legislative and policy framework

Since the end of the 1990s, plans/programmes promoting gender equality have been developed at central, regional and – to some extent - local level. The main objectives of these plans have been to address gender equality in the workplace, the empowerment of women, and gender-based violence.

In Spain, the most important step for gender equality policy was the approval of Organic Law 3/2007 [3] on effective equality between women and men (known as the Equality Law), which applies at national, regional and local level. The Equality Law formalised the institutionalisation of gender mainstreaming, requiring public administrations to mainstream gender in the adoption, implementation and budgeting of all policies [4]. The Equality Law covers a wide range of issues, from paternity leave to more gender-balanced political representation, and states the obligation of public bodies and companies with more than 250 employees to develop equality plans, in cooperation with workers' representatives. The Equality Law also prescribes the creation of gender units within all ministries to reinforce gender mainstreaming, as well as an Inter-Ministerial Commission for Equality that coordinates and monitors equality policy. This Commission must meet at least twice every year [5].

Equality Plans are the instruments most frequently used to implement gender equality provisions and these have been developed at state, regional and local level [6]. Equality Plans are, however, non-mandatory policy instruments in which the government's roadmap is applied to achieve gender equality. Each department decides the policy or concrete action that will be adopted to increase gender equality in its respective field of competence.

The National Equal Opportunities Strategic Plan 2014-2016 (Plan Estratégico de Igualdad de Oportunidades 2014-2016, PEIO) includes a commitment to gender mainstreaming in all policy areas, stating that the principle of equal treatment and opportunity is not exclusive to equality bodies and should involve all public agents. Notable sectoral plans are the Action Plan for Equal Opportunities of Women and Men in the Information Society (2014-2017), the Plan for Rural Women 2015-2018, or the most recent Plan for Equality within the State Administration 2015.

The main national action plan on gender equality is the National Equal Opportunities Strategic Plan 2014-2016 (Plan Estratégico de Igualdad de Oportunidades 2014-2016). One of the seven axes of this plan is devoted to 'tools to integrate the equality principle in all policies of government', such as improvement of knowledge, statistics and research, training and awareness, evaluation of gendered impacts, and budgeting. This was followed by a draft plan, the Equal Opportunities Strategic Plan 2016-2020. However, the draft was not approved but instead replaced in 2018 by a draft of the newly created Equal Opportunities Strategic Plan 2018-2021. [7]

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## Structures

## Government responsibilities

The Secretariat of State for Equality Policies (Secretaria de Estado de Igualdad, SEIG) is the Spanish body responsible for equality policy (not exclusively gender equality) and was formerly the Secretariat of State for Social Services and Equality, within the Ministry of Health, Social Services and Equality. The SEIG is embedded within the Ministry of the Presidency, Parliamentary Relations and Equality (MPR), the highest body dealing with gender equality and responsible for policy direction.

The Minister for the Presidency, Parliamentary Relations and Equality is also the vice-president of the Government[8]. The MPR is responsible for the direction of policy aimed at creating real and effective equality between women and men and eradicating all forms of discrimination.

As required by the Equality Law, an Inter-Ministerial Commission for Equality coordinates and monitors equality policies. This commission must meet at least twice every year (Article 5 of Royal Decree 1370/2007). The ministerial departments of the General State Administration are the agents involved in the implementation of the National Equal Opportunities Strategic Plan. The Equality Units of each ministry thus have an especially important role. The reporting system of the Inter-Ministerial Commission for Equality covers a wide range of issues, such as: the development and application of gender impact reports; the actions of the Equality Units of each ministerial department; the participation of women in decision-making positions in the General State Administration; the agreements adopted and development of the actions undertaken within the EU and international organisations; and follow-up of the mainstreaming of measures aimed at the eradication of gender-based violence (Article 3 of Royal Decree 1370/2007).

The Institute for Women and Equal Opportunities is responsible for coordinating and assessing the equality activities that must be undertaken by the different ministries. It cooperates with the government in this regard.

## Independent gender equality body

The Institute for Women and Equal Opportunities [9] is an independent gender equality body that was established in 1983 and now belongs to the Secretariat of State for Equality Policies [10]. The Institute's main regular tasks include: drafting gender equality policies for the government; drafting/initiating laws; reviewing legislation; promoting the implementation of government decisions; coordinating and/or implementing gender mainstreaming processes and methodologies, including gender budgeting; gender-sensitive policy analysis, monitoring, and assessment of reforms; drafting anti-discrimination policies for the government; coordinating and/or implementing anti-discrimination policies for the government; research on gender equality issues; EU and international affairs; and information, publishing and training. The Institute is regularly invited by other departments or ministries to consult on new policy plans.

[The Institute for Women and Equal Opportunities](#) runs a gender mainstreaming programme to incorporate gender mainstreaming into the various areas of intervention of public policy, particularly through advising national and regional administrations, the European Social Fund (ESF) Management Authority, trans-national networks and regional authorities. A significant number of tools and documentation have been developed at national, regional and even local level, such as gender budgeting, gender impact, or sex-disaggregated and gender-sensitive indicators. The guidelines developed by several regional authorities often lack specific gender mainstreaming indicators, however.

## Parliamentary bodies

Progress on gender equality initiatives is regularly reported to the government and representative elected bodies, such as the Congress of Deputies (parliament). However, both chambers of the Spanish Parliament - the [Congress of Deputies](#) and the [Senate](#) - have a Commission of Equality (Comisión de Igualdad). Created as a single commission for both chambers in 1988, this body was split in two in 2008. It monitors the role of government in gender equality issues, as well as the effective fulfilment of related laws.

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## Regional structures

The regional level is very relevant to gender equality and gender mainstreaming in Spain, as regions have devolved competence in relevant issues, such as employment, education, housing and social services. Regions also share competence for gender equality policy with the central state, thus they have developed their own laws for gender equality. The autonomous communities took the European guidelines as a starting point for their public policies, sometimes even going ahead of the central state. Although the approval of the Organic Law of Effective Equality of Women and Men in 2007 was a key moment for gender equality in Spain, it was not in fact the first gender equality law in Spain. Some autonomous communities had already approved their own regional equality laws, such as Navarra (2002), Comunidad Valenciana (2003), Castilla y León (2003), Galicia (2004) and País Vasco (2005). Nevertheless, Article 21 of the Equality Law states that Spanish regions should cooperate with the national government to achieve effective gender equality, providing the legal basis for gender mainstreaming at regional level.

In practice, the regions vary considerably in their mechanisms, competence and available resources [11]. According to the Spanish regional system, each region approves its Statute (which is then approved by the Spanish parliament) and local gender equality bodies thus have different structures. Some autonomous communities have created autonomous administrative bodies responsible for gender equality policies, while others have designated a specific department or office.

## Local level

Article 21 of the Equality Law states that local authorities should cooperate with other public administrations (within their competence) to achieve effective gender equality. At the local level, Councils of Equality (Consejos de Igualdad) have been created in the majority of large municipalities, which assume responsibility for gender equality policy and are, in some cases, responsible for the implementation of gender mainstreaming as well [12]. Some municipalities are very committed to gender mainstreaming, with Bilbao, Madrid and Barcelona City Councils being good examples. These local administrations have incorporated key instruments to implement gender mainstreaming, such as data disaggregated by sex, gender impact assessments or gender budgets. Local gender budgeting examples can be found in [Bilbao](#) (2005), [San Sebastian](#) (2015) and, more recently, in [Barcelona](#) (2017) and [Madrid](#) (2017).

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## Methods and tools

## Gender budgeting

The National Equal Opportunities Strategic Plan 2014-2016, which is in fact still in force until an updated one is approved, includes the objective of improving the evaluation of the regulatory impact and budgeting with a gender perspective. Indeed, as established by the Equality Law, the annual state budget must include a gender impact report. All ministerial departments are therefore required to submit a report to the State Secretary for Budgeting and Expenditure, analysing the gender impact of their expenditure programmes. Since 2011, reports on the gender impact of the general state budget have been made available on the website of [the Ministry of the Treasury](#).

## Training and awareness-raising

To facilitate the advancement of gender mainstreaming, the National Equal Opportunities Strategic Plan also includes training actions for public administration employees, such as training for the people in each government department responsible for preparing draft regulations and the corresponding impact reports.

The Institute for Women and Equal Opportunities carries out relevant training activities. More specifically, it organises online and classroom-based courses and publishes a breadth of materials [13], such as interactive tools to facilitate reintegration to the labour market for victims of gender-based violence or guides on non-sexist language.

The role of the National Institute of Public Administration (Instituto Nacional de Administración Pública - INAP), the government's leading civil service training school in Spain is similarly worth noting. The INAP provides important training to public administration workers to advance in gender mainstreaming. This training is often embedded within courses that are not explicitly focused on gender.

The Institute also carries out awareness-raising activities, for example [organising exhibitions](#) or working with the private sector, such as businesses, representatives of women's organisations and other non-profit organisations. It also promotes awareness-raising campaigns developed by national, regional and local authorities.

## Gender statistics

The National Statistical Institute (INE) and other public administrations that produce data are legally obliged to collect data disaggregated by gender (Article 20(a) of the Equality Law). In practice, sex-disaggregated data can be found to a moderate extent (around 50–75 % of variables are disaggregated by gender).

Although considerable efforts have been made, there is still room for improvement in sex-disaggregated data collection, with fields such as the environment, trade and finance yet to incorporate sex-disaggregated and gender-sensitive data. There are other fields where sex-disaggregated and gender-sensitive data are already included but additional variables for gender analysis could be added. One example is the Salaries Structure Survey, which does not include information on children and thus does not allow an analysis of the impact of motherhood/parenthood on salaries.

There is no specific unit in charge of promoting the production of sex-disaggregated data within the [INE](#). However, it regularly publishes statistics disaggregated by sex, although with some limitations. Since 2006, the INE has published an extensive annual report, 'Women and Men in Spain' [14] (in collaboration with the Institute for Woman and Equal Opportunities). The report includes a broad set of data on employment, salaries, income, social inclusion, education, health, work-life balance, science, technology, information society, crime, violence, and power and decision-making.

The Institute for Women and Equal Opportunities plays a role in gathering, analysing and disseminating statistical information to monitor gender inequality in Spain. The Spanish Delegation on gender-based violence has also developed the annually updated 'Women in numbers' ([Mujeres en cifras](#)) database, which gathers data from different sources, including the INE. It includes a wide set of indicators that address the many dimensions affecting gender equality: demography, family and household, education, technology, employment and many others. Yet, among these categories of indicators, none is related to the measurement of gender mainstreaming.

Other public bodies, such as regional governments, also collect and disseminate gender statistics. One example can be found in the regional government of the Basque Country.

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## Good practices



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Organic Law 3/2007 of Effective Equality of Women and Men (Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres).

Royal Decree 13/2018 (6 February) creating the Commission for Gender Impact of Budgeting and rules on its composition, organisation and functioning (que crea la Comisión de Impacto de Género de los Presupuestos y se regula su composición, organización y funcionamiento).

Royal Decree 355/2018 (6 June) restructuring ministerial departments (por el que se reestructuran los departamentos ministeriales).

Royal Decree 816/2018 (6 July) developing the basic organic structure of the Ministry of Presidency, Relationship with the Chamber of Deputies and Equality (Real Decreto 816/2018, de 6 de julio, por el que se desarrolla la estructura orgánica básica del Ministerio de la Presidencia, Relaciones con las Cortes e Igualdad).

Royal Decree 1370/2007 (19 October) regulating the Inter-Ministerial Commission for equality between women and men.

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## Endnotes

[1] González-Gago, E. (2015). The effects of the economic crisis and austerity on gender equality in Spain and the Spanish regions. In *Women and Austerity* (2014) by R. Karamessini, E. González et al., Routledge.

[2] Understood as the tendency by which family tasks (in this context, care tasks) that had been carried out by persons outside the family, generally by local social services, need to be undertaken again by family members, usually by women.

[3] Organic Law 3/2007 explicitly declares its goal to incorporate in the Spanish legal system the two EU Directives on equal treatment: namely, Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards 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 and supply of goods and services.

[4] Lombardo, E. (2009). Spanish policy on gender equality: relevant current legislation and policies. European Parliament, Policy Department C - Citizens' Rights and Constitutional Affairs.

[5] Article 5 of the Royal Decree 1370/2007 (19 October) regulating the Inter-Ministerial Commission for equality between women and men.

- [6] Alonso Álvarez, A. (2015). El mainstreaming de género en España. Hacia un compromiso transversal con la igualdad; Gelambí, M. (2015). Gender mainstreaming in times of austerity. An analysis of the Catalan municipalities.
- [7] In November 2019, the government had not yet approved it.
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- [9] Formerly the 'Women's Institute' (Instituto de la Mujer).
- [10] Royal Decree 816/2018 (6 July) developing the basic organic structure of the Ministry of the Presidency, Parliamentary Relations and Equality.
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- [13] Available online at: [www.inmujer.gob.es/servRecursos/formacion/Formacion.htm](http://www.inmujer.gob.es/servRecursos/formacion/Formacion.htm). The Online Equality School (Escuela Virtual de Igualdad) can be found at: [www.escuelavirtualigualdad.es/](http://www.escuelavirtualigualdad.es/)
- [14] The [full report](#), as well as individual sections, are available online.
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