



Report by Spain regarding the Questionnaire on Implementation of the Beijing Platform for Action (1995) and the Final Document of the Twenty-Third Session of the General Assembly (2000) for the Preparation of Regional Evaluations and Tests to Take Place in 2010 to Commemorate Beijing + 15

➤ **Part One: General overview of the advances made and the problems encountered in promoting gender equality and enhancing the role of women**

The present document reports on the advances in Spain regarding equality between men and women since 2004, an issue on which, during this same period, extraordinary progress has been made, coinciding with a Government that, from the beginning, made a high-profile commitment to equality, as shown by the constitution, in 2004, of the first Government in the history of Spain with an equal number of men and women ministers, and the designation, also for the first time, of a woman as First Vice-President of the Government.

Regarding the advances made, it is noteworthy that in 2008 Spain presented its *Sixth Report on the Implementation of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW)* to the CEDAW Committee; during the first quarter of 2009, a response was submitted to the questionnaire on "Economic Policy and Violence against Women", and to the questionnaire that in 2008 was sent by the Division for the Advancement of Women (DAW) on the same issue, where detailed information, including statistics, is available.

In 2004, the Secretariat-General for Equality Policies was created, as part of the Ministry of Labour and Social Affairs, to be the agency responsible for policies involving equality between men and women. The Women's Institute (which had existed since 1983) was incorporated into this Secretariat-General, as well as the Special Government Delegation to Combat Violence against Women.

The Government's drive to implement equality policies was reflected during this period by the approval of:



- Organic Act 1/2004, of 28 December, on Comprehensive Measures against Gender Violence (hereinafter *Gender Violence Act*).¹
- Organic Act 3/2007, of 22 March, on Effective Equality between Men and Women (hereinafter *LOIE*, as it is known in Spain).

These two laws were historic landmarks on the path to real and effective equality between men and women, and reflect how the Government of Spain understands and implements the principle of *gender mainstreaming*. Furthermore, these laws show a multidimensional approach, regulating very different aspects and involving every level of the Public Administrations.

The Government constituted after the elections of March 2008 is carrying on these efforts. For the first time, the majority of its ministers were women, and the First Vice-President of the Government, also a woman, was confirmed in her post; moreover, the political profile of the agency responsible for these policies was raised yet again, with the creation of a Ministry of Equality.²

On a regional level, some of Spain's Autonomous Communities (as its regional administrations are known) have approved their own Equality Acts, covering their political and territorial scope: **Galicia** (Act 7/2004, of 16 July, on Equality between Men and Women), the **Basque Country** (Act 4/2005, of 18 February, on Equality between Men and Women), **Balearic Islands** (Act 12/2006, of 20 September, on Women), **Murcia** (Act 7/2007, of 4 April, on Equality between Men and Women, and Protection against Gender Violence), **Castilla y León** (Act 7/2007, of 22 October, modifying Act 1/2003, of 3 March, on Equal Opportunities for Men and Women), and **Andalusia** (Act 12/2007, of 26 November, on Promoting Gender Equality).

As indicated above, amongst the advances made during the period covered by this report, a highlight was the approval of the LOIE, which represented the formalization of the principle of equal treatment and opportunities as a vehicle for gender mainstreaming in all the actions of public authorities. Its multidimensional nature can be appreciated by the fact that it reforms 27 laws of all kinds (involving electoral law, the judiciary, employment, workers' statutes, social security, health, education, asylum, the armed forces, and the police and security forces), and the process has not concluded; on the contrary,

¹ For more information, see the section "Violence against Women" in Part Two.

² Its structures and functions are explained in Part Three, devoted to Institutional Mechanisms.



this is the beginning of a process to cover such areas as criminal law and tax law, which are in great need of reform from a gender perspective.

The purpose of the LOIE is "the effectiveness of the principle of equal treatment and opportunities for men and women, and the elimination of discrimination against women in every aspect of life; in particular, in the political, civil, economic, social, and cultural areas, with the aim of attaining a more just and democratic society, with more solidarity."

The LOIE recognizes equal treatment and opportunities as an informing principle of the legal system, as well as the obligation to integrate this principle into the interpretation and implementation of the law. Furthermore, it introduces into the legal system such basic concepts as the principles of equal treatment, direct and indirect discrimination, sexual harassment, and affirmative action. It also establishes legal consequences for discriminatory behaviour, the right to effective reparation or compensation proportional to the prejudice suffered, as well as the legitimization and capacity to intervene in civil, social, and contentious-administrative cases in the event of damage to the principle of equality.

The principle of mainstreaming is defined as the basic effectiveness mechanism of the principle of equal treatment and opportunities, as well as establishing the basic criteria that should guide all the actions of the public authorities. Regarding data collection and the release of public statistics, it is established that they must be presented with a breakdown by gender.

The LOIE highlights the need to achieve a balance between the number of women and men in all decision-making areas, so that neither of the sexes has a representation higher than 60% or lower than 40%. This proportion is established as being compulsory on lists of candidates—amending the Organic Act on Electoral Regulations—and the boards of administration of major corporations are encouraged to reach this goal within eight years.

Moreover, the LOIE establishes the Government's obligation to provide a **gender-impact report for all of its plans having special economic, social, cultural or artistic importance that are presented for approval by the Council of Ministers**. Since 2003 the Government has had to present a gender-impact report with all of its legislative proposals. The most important new development here regarding this new



obligation has been the gender-impact report that was attached to the General State Budget for 2009.

It also establishes the creation of **Equality Units** in all Ministries.

Another major legal change on the national level in Spain has been the approval of **Act 39/2006, of 14 December, on Promotion of Personal Autonomy and Care for Persons in a Dependent Situation**, which guarantees citizens a stable framework of resources and services for care of dependent persons, expanding and complementing the protection afforded under the Social Security system, and strengthening the advances of the social State model established in the Spanish Constitution.

During this period, the government has approved plans in different areas and involving all of the Public Administrations, such as the **Strategic Plan for Equality of Opportunities**, approved by the Council of Ministers in December 2007, for the 2008–2011 period. This Strategic Plan has four main guidelines: redefining the model of citizenship, empowering women, mainstreaming gender, and recognizing scientific and technical innovations as forces for social change. The Plan is underpinned by two basic principles: non-discrimination and equality. The actions of public authorities should be approached from this dual perspective:

Non-discrimination: Although the actions of public authorities regarding equality have traditionally followed the principles of social justice, situations of gender-based discrimination remain an everyday reality. Consequently, it is necessary to carrying out reparative actions to improve the social position of women.

Equality: Equality should be a considered a value in and of itself. Women constitute at least 50% of the population. Therefore, this is not a matter of dealing with a minority. No society can afford to waste half of its intellectual and human potential. From this viewpoint, the important thing is not only to redress discriminatory situations, but also to advocate the value of incorporating women, in consonance with their numbers, into economic growth and social modernization.

The budget earmarked for this Plan exceeds 3.69 billion euros.



The **Comprehensive Plan for Combating Trafficking in Human Beings for the Purpose of Sexual Exploitation**, approved in December 2008, aims to be the first comprehensive planning instrument for combating trafficking in human beings for the purpose of sexual exploitation in Spain, and is divided into five areas for action:

1. Public awareness, prevention, investigation and research (e.g. drafting best practice codes for investigation, conducting studies and research, improving attention to victims, information campaigns, courses and seminars).
2. Education and training (e.g. information and public-awareness programmes for schools, and conferences and colloquia for parents and educators).
3. Assistance and protection for victims (e.g. a manual to improve telephone services for victims, specialized legal assistance for victims in their own languages, simplifying procedures for providing work and residence permits, and closer collaboration with countries of origin.).
4. Legislative and procedural measures (e.g. improve and systematize police action procedures, providing victims with immediate and appropriate attention, and improvement of detection in human-trafficking situations).
5. Coordination and cooperation (e.g. strengthening police coordination on a national and international level, and closer collaboration with NGOs providing support and services for victims).

The **National Human Rights Plan**, approved by the Council of Ministers on 12 December 2008, also constitutes a roadmap for promoting and protecting human rights in Spain, and in its foreign policy actions. It includes a total of 172 measures, of which 132 affect domestic policy, and the rest involve foreign policy.

The advances achieved on the national level regarding equal opportunities between women and men have made Spain, today, a country of reference in the area on an international level. Therefore, action abroad has been promoted by launching and supporting initiatives that foster equality policies in the



different international organizations where Spain is present. Most especially, Spain gives pride of place to its relationship with the United Nations, where it is promoting the creation of an agency for the equality and empowerment of women having sufficient status and resources (within the framework of the reform processes, more specifically, that of gender architecture). Moreover, a National Action Plan has been drafted to fulfil UN Security Council Resolution 1325/2000, on Women, Peace and Security.

In this same area, the creation of the office of **Special Ambassador for the Promotion of Gender Equality Policies in March 2007**, aims to give a higher profile to gender mainstreaming in Spanish foreign policy.

Regarding international cooperation, during the period covered by this report, the **Sectoral Gender Strategy for Spanish Cooperation** was drafted, a strategic instrument proposed by the LOIE to obtain better results for equal opportunities in the area of international cooperation. Its basic regulatory reference points are the CEDAW, the Beijing Platform for Action, the Millennium Development Goals, and the Communication of the European Commission on Gender Equality and Empowerment of Women in Development Cooperation, as well as the Paris Declaration on Aid Effectiveness. The Strategy proposes promoting the economic, social, sexual, civic, political, and cultural rights of women in order to favour their full citizenship and as a form of eradicating poverty through the empowerment of those women suffering from the worst forms of discrimination.

Gender mainstreaming has been established as a priority, both in bilateral and multilateral action, promoting more specific actions aimed at reducing discrimination against women and favouring equal opportunities, promoting better quality of aid, and considerably increasing the funds and contributions aimed at international organizations specialised in gender issues (e.g. UNIFEM, INSTRAW, UNFPA, UNDP, the OECD-DAC Gendernet).

Since the approval of the **2005-2008 Master Plan**, and now, with the recently approved **2009-2011 Master Plan**, policies for equal opportunities between women and men have adopted, within international development cooperation policy, a focus having two priorities, both horizontal and sectoral, considering the gender in development approach and the strategy of women's empowerment as basic elements of Spain's action guidelines. In recent years, great steps forward have been made towards



integrating this gender-mainstreaming approach into Spanish development policy, through a complex transformation process at every level, from planning to management, follow-up, and assessment.

Finally, it should be added that, as pointed out earlier, Spain is continuing its efforts in collecting data broken down by sex, in fulfilment of the LOIE. Here, the Women's Institute is continuing work on its **"Women in Figures" database** which is accessible online at www.migualdad.es/mujer/mujeres/cifras/index.htm and features more than 500 indicators. Recently, "Women in Figures: 1983-2008" was published, presenting an overview of the evolution of the situation of women and men in Spain over the last 25 years. Furthermore, it collaborates closely with the National Statistics Institute (INE), with which it has published, for the third consecutive year, a "2008 Report on Women and Men in Spain".



Part Two: Progress made in the implementation of the areas of special concern from the Beijing Platform for Action and the new initiatives and measures included in the twenty-third Special Session of the General Assembly

- **Women and poverty**

Social exclusion has a multidimensional nature, encompassing different problems such as poverty in the sense of income, difficulties in employment integration and access to education, lack of decent housing, lack of health, psycho-physical capabilities and healthcare, absence or insufficiency of family or community support, and problems in accessing new technologies. Persons at risk of **poverty** are those living in households whose total equivalent income is less than 60% of the average national equivalent income (according to the EUROSTAT definition of this category).

The publication "2008 Report on Women and Men in Spain", drafted by the INE in collaboration with the Women's Institute of the Ministry of Equality, points out the following statistics:

Relative poverty rates by age and gender

(2006)

	All	Men	Women
Total	19.9	18.5	21.2
Less than 16 years	23.8	23.6	24.1
16-24 years	19.4	17.7	21.2
25-49 years	15.5	14.7	16.3
50-64 years	16.4	15.4	17.4
65 and older	30.6	28.0	32.6

Source: 2006 Living Conditions Survey, INE

It can be seen here that in all age groups, the relative poverty rate of women is higher than that of men, especially in older women, where a difference greater than 4 percentage points is found between



their poverty rates (32.6% for women and 28% for men). The average income of these persons is approximately 300 euros a month, slightly higher for women than for men. On the other hand, it is striking that in 2005, men accounted for 83% of homeless persons.

Since the presentation of the latest report to the UN Economic Commission for Europe (UNECE), regarding the legislative modifications that have taken place in Spain from 2004 to the present in the area of women and poverty, the LOIE of 2007 established the general action criteria for public administrators, and the consideration of the singular difficulties of women from especially vulnerable groups, such as those belonging to minorities, migrants, girls, women with disabilities, older women, widows, and victims of gender violence, for whom affirmative action measures may be adopted. Moreover, the LOIE stipulates the development of **specific programmes** by the Government for the full incorporation of women into the Information Society, especially those belong to excluded groups.

However, not only the LOIE encompasses this area. During this period, other measures have been implemented:

At present, the **2008-2010 National Report on Strategies for Social Protection and Social Inclusion**, approved by the Council of Ministers in October 2008, addresses the situation of some groups and individuals with social integration difficulties, such as the elderly, persons with disabilities, vulnerable families, children, young people, drug addicts, HIV/AIDS patients, immigrants, asylum-seekers and refugees, the inmate population, the Roma population, women, and homeless persons. Gender issues are a constant throughout the document. Specifically, it aims to ensure equal opportunities and combat discrimination in employment, work conditions, health, and distribution of family burdens, as well as to promote decisive action against gender violence and encourage cultural recognition and social participation, especially of women.

The **2008-2011 Strategic Plan for Equal Opportunities**, for its part, incorporates a large number of actions grouped under five strategic goals aimed, once again, at groups of women with the need for specific attention, and, on the other hand, at groups at a higher risk of social exclusion, given that, in both cases, their vulnerability to discrimination is also higher. These goals are: (1) Incorporate a gender perspective and diversity management in services, treatment and follow-up offered by agencies involved in public health, education, employment, justice, security and housing; (2) Lead, through public



authorities, policies for the inclusion of women in situations, or at risk, of social exclusion; (3) Design gender-mainstreaming strategies for collaboration, supervision, and follow-up on programmes carried out by the third sector, for the inclusion of women in situations or at risk of social exclusion; (4) Promote awareness of the processes of exclusion and poverty affecting women; (5) Adjust the response and resources of social services to these different needs.

The **2007-2010 Strategic Plan for Citizenship and Integration**, approved by the Council of Ministers in February 2007 and under the aegis of the Ministry of Labour and Immigration, assimilates the principle of gender mainstreaming, and includes three objectives with intervention measures aimed specifically at immigrant women.

The **Women's Institute**, under the aegis of the **Ministry of Equality**, is carrying on its efforts to combat social exclusion, with a special focus on the most disadvantaged women, through subsidies, cooperation and social volunteering programmes, research, and studies on women.

Furthermore, on 19 December 2007 a **State Anti-Poverty Pact** was signed at the proposal of the Coordinator for Development NGOs, which encompassed all of the parties represented in the Spanish Parliament.

Given the current world economic and financial crisis, the Government of Spain has implemented specific measures for women's employment. Thus, given that unemployment has an especially serious impact on those with family responsibilities, new rebates have been established on employers' Social Security payments for those businessmen and businesswomen who hire, with an indefinite contract, unemployed persons having dependent children. Thus, employers who, between the beginning of December 2008 and 31 December 2010, hire with an indefinite contract unemployed workers having family responsibilities will have the right to a rebate of 125 euros/month (1,500 euros/year) on their employer payments to Social Security. To this end, any kind of indefinite contract may be used, both the standard form and those for promoting indefinite contracts. It has been estimated that 110,000 unemployed persons will benefit from indefinite contracts during the course of this two-year-long rebate programme.



- **Women and health**

According to data provided by the **Women's Health Observatory** of the Ministry of Health and Consumer Affairs (an agency created in 2004 with the mission of collecting and disseminating information on gender inequalities regarding health), and published in the 2006 "Health and Gender Report", **women's life expectancy** was 83.8 years and that of men 77.2, which means that women live, on average, 6.6 years longer than men.

The **main causes of death** for men and women are malignant tumours—breast tumours in the case of women, and lung tumours in men—and diseases of the circulatory system. The death rates due to tumours in men are approximately twice those of women, and in the case of diseases of the circulatory system, they are three times higher.

According to the preliminary results of the **2006 National Health Survey**, 56% of the population with limitations to their daily activity are women. In fact, women's disability rate is nearly 10 points higher than that of men.

As regards **tobacco use** in Spain, according to data from the Ministry of Health and Consumer Affairs, in 2005 the number of regular or occasional smokers amounted to 38.7% of men and 24.1% of women. However, the figures for women are approaching those for men, especially in the age groups between 25 and 44. With respect to **alcohol use**, and according to the same sources, in this past decade there has been a clear downward trend. The percentage of adult non-drinkers rose by more than 6% between 1993 and 2003, among both women and men.

Spain is the fourth-ranking country in the EU in terms of percentage of use of **cannabis, amphetamines and ecstasy**, and the country with the highest rate of **cocaine use**. There was an upward trend between 1994 and 2004 in the use of cannabis and cocaine. According to the 2004 Report of the **Spanish Drugs Observatory**, the average age at which drug use begins is somewhat lower among men than among women; however, women seek treatment for the first time much sooner than men.



According to the data of the **National Statistics Institute** regarding **health and sexual habits in 2004**, 41% of the people who had had occasional sex the year before did not use a condom. Among people under 30, there were no differences between the genders regarding the frequency of condom use with occasional partners. On the other hand, the use of this preventive measure appears to be less frequent among older people, and this difference is especially marked in the case of women. Both men and women state that women do not take the initiative to ensure that a condom is available: in nearly three out of four occasions it was the man who brought the condom. **Voluntary terminations of pregnancy**, according to data from the Ministry of Health and Consumer Affairs, have risen from a total of 51,002 abortions in 1996 to 84,985 in 2004. Terminations of pregnancy among teenagers (15- to 19-year-olds) totalled 7,211 cases in 1996, and 11,677 in 2004.

In Spain, even though the data show a downward trend, the percentage of women out of the total of **diagnosed cases of HIV/AIDS** has increased, reaching 24.46% in 2004. The average age of the women diagnosed is 30.9 years old. The number of those infected through heterosexual sex account for 29.2% of these cases. This type of transmission is extremely significant among women, and represents 52% of the diagnoses of HIV infection notified in 2004.

During the period since the presentation of the last questionnaire to UNECE, some amendments to the legal system have taken place: **Act 14/2007, of 3 July, on Biomedical Research**, **Act 14/2006 of 26 May, on Assisted Reproductive Technology**. The **LOIE (Organic Act 3/2007, of 22 March, on Effective Equality between Women and Men)**, for its part, stipulates that the Public Administrations should promote the integration of the principle of equality in the sphere of health. Furthermore, since late 2008, the Government has designated an **Interministerial Committee of Experts**, whose members come from the fields of justice, health and equality, to **reform the law on abortion**. In its preliminary report, this Committee has suggested new legislation, together with sufficient measures, to achieve a qualitative improvement in the sexual and reproductive rights of women in Spain.

The Ministry of Health and Consumer Affairs, during this period and in line with the results of the studies and research carried out regarding **sexual and reproductive health in Spain**, has launched a series of sexual information and education actions aimed at the correct use of contraception and shared responsibility between girls and boys, such as: 1) including an analysis of the variability of services to



address the sexual and reproductive health of young people in the National Health System; 2) analyzing the needs and difficulties of young immigrants in accessing sexual and reproductive health services; 3) producing studies on sexual and reproductive health; 4) analyzing the work carried out by health professionals in addressing sexual and reproductive health issues, in coordination with the Autonomous Communities and Local Administrations; 5) developing strategies for sexual information and education and for the correct use of contraception; 6) developing instruments and campaigns to promote shared responsibility between girls and boys in affective and sexual relationships, and to prevent unwanted pregnancies.

The **Quality Plan for the National Health System**, approved in March 2006, currently in force and implemented by the Ministry of Health and Consumer Affairs, was designed to develop six major strategies, of which one is promoting equality, focusing on two areas: fostering health policies that are based on best practices, and analyzing health policies and proposing actions to reduce gender inequalities.

Moreover, the **2008–2011 Strategic Plan for Equal Opportunities** promotes a series of actions aimed at women's health during their entire life cycle, involving different public agencies, and which are organized around four goals: 1) promoting research into and production, publication and dissemination of qualitative and quantitative information regarding the impact of gender on health and healthcare; 2) promoting gender mainstreaming in health policies, as well as fostering specific policies concerning women's health; 3) contributing to improve specific aspects of women's health, as well as addressing widely prevalent diseases and those that are sensitive to gender impact; 4) fostering the participation and empowerment of women in health processes.

Some specific measures resulting from the Strategic Plan are the implementation of various gender-mainstreaming programmes regarding the prevention of pregnancies, sexually-transmitted diseases and HIV/AIDS among teenagers and young people. They also include courses on social services and healthcare related to violence against women, aimed at training and raising awareness among health professionals and technical staff.

In addition, the Ministry of Health and Consumer Affairs, through the Institute for Health Information and



the Women's Health Observatory, has promoted the revision of the **National Health Survey** with the aim of learning about women's health and gender inequalities, adding some specific questions regarding gender violence.



- **Women and education and training**

The finalization, in 2000, of the transfer of powers regarding education by the Spanish State to the country's Autonomous Communities involved the creation of new conditions, which made it advisable to review the existing legislation on non-university education. **Organic Act2/2006, of 3 May, on Education** ensures the necessary basic standardization and unity of the educational system. At present, the minimum school-leaving age in Spain is 16.

The latest results of the **Active Population Survey of the National Statistics Institute (EPA)**, show the data regarding those aged 16 and over, according to the level of studies completed:

Distribution of enrolled students, by gender, throughout the educational system	2003- 04		2005- 06	
	Both genders	% women	Both genders	% women
Total	8,460,551	50.02	8,479,238	49.86
Preschool Education	1,353,460	48.53	1,487,547	48.65
Primary Education	2,479,631	48.42	2,483,364	48.36
Special Education	27,799	40.19	28,665	37.99
Compulsory Secondary Education	1,871,430	48.86	1,844,953	48.70

Source: Statistics on Education in Spain (Ministry of Education) and Statistics on Higher Education in Spain (INE)

Coverage regarding **childcare services** between the ages of 3 and 6 is around 98%, whereas in the 0- to 3 year-old range it barely reaches 12%.

From the age of 14 to16, when **compulsory secondary education** finishes, Spanish girls achieve better results with respect to obtaining the Graduate in Secondary Education certificate, which means that among female students the "failure rate" is lower.



As regards **vocational training** and **the Intermediate and Advanced Level Training Modules**, there has also been a steady increase in recent years; however, registration for post-compulsory secondary education has fallen. In general terms, there is a balance between the proportion of men and women, but there is still significant horizontal segregation, because there are specialities that are clearly feminized and others that are clearly masculinized, showing the persistence of cultural stereotypes. The Organic Act on Education introduces greater flexibility of access, as well as of the relations among the different sub-systems of vocational training, in order to establish diverse connections between general education and vocational training.

At **university**, the presence of women has increased, reaching 54.25% in the academic year 2005-06. However, a more careful examination shows that there is horizontal segregation here, as well. The former deficit in access to university has been replaced by differentiated enrolment: while more than 80% of students in Teaching or Translating and Interpreting are women, in some branches of Engineering, women account for only 15% of the students. With respect to **doctoral studies**, even though nearly 51% of enrolled students were women, they were also the ones reading the fewest dissertations.

The participation of Spanish female students in the **ERASMUS programme** is higher than that of male students, with a total of 57.88% in the academic year 2004-05. In data analysis regarding **teachers**, a combination of horizontal and vertical segregation becomes apparent. For the academic year 2005-2006, the majority of teachers (65.50%) were women. Only in the cases of Compulsory Secondary Education, Post-Compulsory Secondary Education and Vocational Training do the percentages of women and men come closer, with 55.72% of women. At the Preschool/Primary level, the percentage of female teachers is 77.67%, whereas women account for 42.12% of University faculty. Moreover, only 18.11% of university professors holding a chair position are women, and the number of women Rectors has fallen from 5 to 4, according to the 2007 Council for University Coordination.

Regarding legislation, since the presentation of the last report, there have been some new developments: 1) **Act 27/2005, of 30 November, on the Fostering Education for a Culture of Peace**, for the peaceful resolution of possible controversies, fostering education aimed at and based on peace, as a cross-cutting element, and promoting the necessary actions and activities to eliminate all types of discrimination. 2) **Organic Act 2/2006, of 3 May, on Education** (mentioned above), which states as the



goals of education the full development of the student's personality and affective capabilities, training in respect for human rights and fundamental freedoms and for effective equal opportunities between men and women, the recognition of affective and sexual diversity, as well as the critical assessment of inequalities, in order to overcome sexist behaviours. 3) The introduction of the subject **Education for Citizenship and Human Rights**, designed for the last stage of Primary Education and all of Secondary Education in Spain by the Spanish Parliament in accordance with the Organic Act on Education (4) Finally, The **LOIE (Organic Act 3/2007, of 22 March, on Effective Equality between Women and Men)** addresses, in general terms, the integration of the principle of equality into education policy, ensuring real equality of opportunities through the following actions:

- Special attention, in curricula and at all educational stages, to the principle of equality between men and women.
- Elimination and rejection of sexist behaviours and contents which involve discrimination between women and men, with particular attention to textbooks and educational materials.
- Integration of the study and implementation of the principle of equality into courses and programmes for initial and ongoing teacher training.
- The balanced presence of women and men in the monitoring and governing bodies of teaching institutions.
- Cooperation with the other educational Administrations to develop projects and programmes aimed at promoting the learning and dissemination of the principles of coeducation and effective equality between women and men among the members of the educational community.

Furthermore, the **Gender Equality Unit**, attached to the Ministry of Education, has been created, with the mission of implementing affirmative action measures in the scientific, technological and academic fields.



- **Women and armed conflicts**

With regard to the role of women in the prevention and resolution of conflicts and in peacekeeping in the international sphere, a noteworthy event was the approval, on 30 November 2007, by Cabinet Agreement, of the **National Action Plan of the Spanish Government for the Implementation of Resolution 1325**³, which involves in its actions the Ministry of Foreign Affairs and Cooperation (including the Spanish Agency for International Development Cooperation – AECID), the Ministry of Defence, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education, the Ministry of Health and Consumer Affairs, and the Ministry of Equality.

This action plan is structured around six goals, which can be summarized as follows:

1. Promoting the presence of women in peacekeeping missions.
2. Gender mainstreaming in all the phases of these missions.
3. Specific training in gender affairs for the staff participating in missions.
4. Respect for the human rights of women and girls in conflicts.
5. The principle of equality in processes of disarmament, demobilization and reintegration.
6. Fostering the participation of civil society in this regard.

Each of these goals includes a series of actions undertaken by the Spanish Government, at the national level, with the European Union and other regional organizations (NATO and OSCE), and at the global United Nations level.

In order to carry out the follow-up of this Plan's Actions, on 11 April 2008 an **Interministerial Group** was set up, with representatives of the Ministries concerned, which was also in charge of coordinating the activities carried out with civil society. Currently, work has begun on the first follow-up report which will evaluate the implementation of this Plan, as well as how it integrates UN Security Council Resolution 1820. Although this report has not yet been drafted, we can list some of the activities that the different Ministries involved are carrying out.

³ This document can be found at the following website:

<http://www.maec.es/es/MenuPpal/Asuntos/Politicad%20de%20igualdad%20de%20genero/Paginas/Politicad%20de%20igualdad%20de%20genero.aspx>



The **Ministry of Defence** has published Resolution 1325 and the National Plan on the website of the Observatory of Women in the Armed Forces. The Ministry gives courses on women and armed conflicts, is working to introduce a gender perspective into military education, and collaborates with the Committee on Women in the NATO forces. The Armed Forces are carrying out activities to disseminate and raise awareness of Resolution 1325, especially with regard to training troops prior to their deployment in Operation Zones. Moreover, the presence of women is being fostered in areas such as evaluation boards and committees, and significant efforts are being made to enable their deployment in missions abroad.

For its part, in March, **Spanish International Cooperation** will publish the **Spanish Cooperation Action Plan on Women and Peacebuilding**, drafted by the Directorate-General for Planning and Evaluating Development Policies (**DGPOLDE**), of the Ministry of Foreign Affairs and Cooperation, as a proposal for the implementation of Resolution 1325 by all Spanish Cooperation actors. This Plan seeks to meet the priorities set out in the sectoral Strategies on Gender and Peacebuilding, and to fulfil the National Action Plan. For its part, the 2009-2012 Master Plan for Spanish Cooperation, approved at the Cabinet Meeting of last 13 February, envisages the gender dimension within peacebuilding processes. In addition, the AECID and DNGOs have been carrying out, in developing countries, important peacebuilding projects and activities with a gender approach, specifically in Colombia, Palestine, the Balkans and African countries.

The **Ministry of Equality** (through its **Women's Institute**) has carried out dissemination and training activities (following the signing of a Collaboration Agreement with the Directorate-General for Staff of the Ministry of Defence). Work has also been done, as regards the Resolution, at the international level, collaborating, among other initiatives, with the French EU Presidency in drawing up indicators regarding women and armed conflicts.

Finally, in recent years there has been a substantial increase in the participation of highly-qualified Spanish women (including university graduates, healthcare professionals, and university professors) as international observers in electoral processes in Central America, Bosnia & Herzegovina and Kosovo, and as cooperation workers in the reconstruction processes following armed conflicts.



- **Children and teenagers**

Spain's progress in developing policies to promote the Rights of the Child in recent years has been expressly recognized by the Committee on the Rights of the Child in its Final Observations on the second Report presented by Spain vis-à-vis the implementation of the Convention.

Regarding the protection of children, noteworthy is the work done by the **Observatory of Children and Adolescents** since 1999 (which has no responsibilities for direct attention to children who have been victims of abuse or trafficking). It involves all of the agents involved in promoting and protecting the rights of children and teens, from all the Public Administrations and NGOs. Among its duties are the coordination of policies and relevant agencies for the protection of children.

In the field of sexual exploitation of and violence against children, the **Working Group on Child Abuse** drafted, as a response to the international commitment resulting from the World Congresses against Commercial Sexual Exploitation held in Stockholm in 1996 and in Yokohama in 2001, the **1st Action Plan against the Commercial Sexual Exploitation of Children and Adolescents**, which was approved by the Plenary of the Observatory for Children in December 2001. In February 2005, the assessment of this Plan for 2002 and 2003 (and which remained in force for the next two years with the follow-up on the actions implemented) was presented. This assessment enabled a complete analysis of the actions carried out while it was in force, and led to the conclusion that the development of the Plan was a significant contribution to the coordination of resources to fight against the sexual exploitation of children. In December 2005, the Observatory for Children approved the **2nd Action Plan against the Sexual Exploitation of Children and Adolescents (2006–2009)**.

The process of implementing and following up on the Plan was advanced by the Cabinet's approval, on 16 June 2006, of the **2006–2009 National Strategic Plan for Children and Adolescents**. This is a common framework for comprehensive planning, in which the major strategic lines for developing policies for children and adolescents are defined by consensus. It is a medium-term instrument for integration, to achieve the full development of rights, of inter-territorial equality and equal opportunities for children and adolescents, within a common, flexible framework that respects the uniqueness and capacity for self-governance of each of Spain's Autonomous Communities.



However, some important challenges remain to be addressed, such as: the worrying increase in the number of teenage pregnancies and abortions, which is indicative of the need to reconsider the question of the sexual education offered to adolescents and to prevent possible situations of intimidation and/or gender violence, as well as the risk of unwanted pregnancies, HIV/AIDS infection and other sexually transmitted diseases.

This Government has begun proceedings for the signing and subsequent ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Among other significant policies being developed are: 1) promoting the granting of refugee status to victims of mistreatment who request and merit it; 2) developing cooperation with third countries to prevent the trafficking of children and adolescents; 3) adapting national legislation to the Palermo Protocol as regards the trafficking of minors; 4) guaranteeing the legalization of the situation of foreign children who have been victims of sexual exploitation; 5) creating control mechanisms to ensure that children and adolescents who have been the victims of traffickers and who return to their countries of origin will be safe following their return. According to data presented in the Plan, 89.12% of the victims of the sexual exploitation of children are female, and 10.88% are male.

Furthermore, education constitutes one of the fundamental pillars of socialization, from an early age, and represents one of the basic strategies employed to achieve a significant advance in equality between men and women in all areas of activity. In order to promote equality-oriented education in families, for the period addressed by this Report, the **Women's Institute**, under the aegis of the Ministry of Equality, has prepared educational materials, aimed at teachers, parents and students, to be used in training activities for education professionals and in classrooms at various levels of the education process. These materials include: "*Tomar en serio a las niñas*" (Taking Girls Seriously); "*Créeme y páralo*" (Believe Me and Stop It) (to confront the sexual abuse of children); and "*Las adolescentes y el deporte: Chicas en movimiento*" (Teenagers and Sport: Girls in Action, to encourage young girls not to give up physical exercise and sports during adolescence).



The **Exchange Project, promoted by the Women's Institute**, which was initiated in 2005 in collaboration with the Departments of Education in Spain's different Autonomous Communities, aims to share information and analyze educational materials on the equality of opportunity and the prevention of violence. Moreover, in collaboration with the Spanish Confederation of Parents' Associations (CEAPA), and with the objective of promoting the participation of parents in initiatives aimed at achieving equal education opportunities for students, the following activities have been carried out:

- "Aprendiendo en familia" (Learning in the Family), a training course for educators on the prevention of family conflicts.
- Campaign to promote the integration of immigrant women in these associations of parents.
- Publishing materials to encourage democratization in family life (harmonizing work and family, co-responsibility and the sharing of housework).



- **Women and violence**

(This section provides information on policies in Spain aimed at combating situations in which women are subjected to violence): gender violence—as defined in the Comprehensive Act—harassment, and genital mutilation.)

The most important development was the approval by all the groups in Parliament of Organic Act 1/2004, of 28 December, for Comprehensive Measures to Protect against Gender Violence, aimed at eradicating one of the most common forms of violence inflicted on women by their present or former husbands or partners. Under this law, gender violence is defined as any act of physical or psychological violence, including aggressions against sexual freedom, threats, coercion or the arbitrary privation of freedom, exercised by men against women who are or have been spouses or partners, whether or not they are cohabiting.

Similar laws against such violence have been approved in the Spanish Autonomous Communities: **Andalusia** (Act 13/2007, of 26 November, on Measures for Comprehensive Protection and Prevention of Gender Violence); **Cantabria** (Act 1/2004, of 1 April, Comprehensive Law for the Prevention of Violence against Women and for the Protection of Victims), **Galicia** (Act 11/2007, of 27 July, for Prevention of and a Comprehensive Approach to Gender Violence), **Madrid** (Act 5/2005, of 20 December, Comprehensive Law against Gender Violence), **Aragon** (Act 4/2007, of 22 March, on Prevention of Violence against Women and Comprehensive Protection for Victims), **Catalonia** (Act 5/2008, of 24 April, on Women's Right to Eradicate Male Sexist Violence) and **Murcia** (Act 7/2007, of 4 April, for Equality between Men and Women, and for Protection against Gender Violence).

The Comprehensive Act makes a global, coordinated response, involving public administrations at all levels; it establishes measures for comprehensive protection aimed at preventing, punishing and eradicating this form of violence, and attending to its victims, irrespective of their origin, religion or any other personal or social condition or circumstance.

Outstanding among these measures are:



- The strengthening of awareness-raising measures in education, welfare, healthcare, publicity and the media.
- The recognition of a number of subjective rights ensuring quick, transparent and effective access to social services.
- The strengthening and coordination of social services to provide victims with information, welfare and emergency services, and support, and to enable their full recovery.
- Establishing various rights under labour and civil service law to enable the harmonization of workplace obligations and specific personal circumstances.
- Recognition of economic rights, in order to facilitate the social integration of victims.
- Creation of the **Governmental Office on Gender Violence** and of the **National Observatory on Violence against Women**, in order to coordinate and promote public policies. The creation of the **Public Prosecutor for Violence against Women** and of **Gender Violence Courts**.
- Strengthening of the criminal and procedural framework.
- Promoting collaboration and participation by agencies, associations and organizations.
- Promoting the specialization of the professional bodies involved in the process of providing victims with information, attention and protection.

Concerning the increased severity of the sentence imposed when the aggressor is a man, note the confirmation by the Constitutional Court in its Judgement 59/2008, of 14 May.

In July 2008 (three years after the full entry into force of the Comprehensive Act), the Government, in collaboration with the Autonomous Communities, published an **Evaluation Report** on the effects of the implementation of this Act in combating gender violence. The Report emphasises the commitment made under the Comprehensive Act with respect to citizens, institutions, the different professional bodies involved and, in particular, the victims of this violence. In this regard, a description is made of the measures taken during this period by the competent administrations, at all levels, including the Bank of Spain, the Autonomous Communities, the Autonomous Cities of Ceuta and Melilla, the Public Prosecution Service and the judicial authorities.

In December 2006, the **National Plan for Awareness and Prevention of Gender Violence** was approved, with a budget of 14.68 million euros, and including 102 measures implemented via 12 action



areas:

1. Preparation of a protocol for improved legal assistance.
2. Promotion of innovative local and regional projects ensuring the right to comprehensive social assistance, taking into account the situation of women who are disabled, immigrants, elderly, rural dwellers or belonging to ethnic minorities. They also address the question of attention to children and young people.
3. Setting up work groups in Educational Inspection to review the content of textbooks and educational materials.
4. Carrying out ongoing information and awareness-raising campaigns, as well as campaigns specifically aimed at women who are disabled or living in a rural environment.
5. Actions aimed at media professionals.
6. Protocols for local and regional coordination
7. Annual evaluation.
8. Setting up a nationwide free telephone line, guaranteeing specialized assistance 24 hours a day.
9. Subscription to cooperation agreements with companies to promote the hiring of women who have been victims of gender violence.
10. Approving a common protocol for healthcare actions in response to gender violence.
11. Setting up a Risk Evaluation Protocol to contribute to determining what vigilance and protection measures should be adopted for each specific situation.
12. Sending all town and city councils with populations of 5000 or more informative materials on protection measures and the rights of women who are victims of gender violence.

In each Regional Delegation, the Government has set up a Coordination Unit to Combat Violence against Women and, in every Provincial Delegation, a Unit to Combat Violence against Women. The aim of these actions is to ensure the monitoring and coordination of actions taken concerning gender violence. These Units began functioning in March 2007 within the framework of the National Plan for Awareness and Prevention of Gender Violence, in fulfilment of the commitment made by the Spanish Central Administration to promote measures enabling women to better respond to any violence they might be subjected to.



In September 2007, the **'016' 24-hour telephone advisory and information service on legal issues** began operations.

A Plan for Awareness and Prevention of Gender Violence among the Immigrant Population (2009-2012), intended to create appropriate conditions for addressing the problem of gender violence taking into account the specific circumstances of the foreign population and thus improve attention and prevention facilities from an all-inclusive standpoint. For this purpose, the initiatives in question seek to correct two fundamental factors, namely cultural bias—addressed through information and awareness-raising—and also external support, through assistance, advice and other measures to bolster women's rights. The measures developed, moreover, will enable a better response to be made to violence and will facilitate the integration of the foreign population on a basis of reference points for peaceful coexistence.

Among the campaigns promoted in the media, of particular interest is the one bearing the slogans "Before", reflecting the process of different phases of domestic violence, and "In the face of mistreatment, the law wins".

In 2005 and 2006, and in collaboration with the Professional Football League, various awareness-raising campaigns featuring outstanding footballers were launched.

The exhibition "18 Seconds", staged by the Women's Institute, highlighted 18 women from the worlds of culture, sport and art, who had agreed to allow their image to be used to represent the social dimension of violence against women. The Government Delegation on Gender Violence, in collaboration with the General Foundation of Alcalá University, has organized the exhibition "Let's Live without Gender Violence", seeking the involvement of prominent cartoonists in raising public awareness of the question.

Sexual harassment

The ***Organic Act on Effective Equality*** (LOIE) introduced the definitions of sexual harassment and gender harassment (derived from EU Directives) into the Spanish legal code, making it explicit that they shall always constitute gender discrimination, as shall conditioning a right or the expectation of a right on a situation of sexual harassment or gender harassment,. Furthermore, the new law established that the duty to negotiate both equality plans and the measures to be adopted by SMEs should include the



negotiation of specific measures to prevent sexual harassment in the workplace. The Central State Administration must publish an Action Protocol in order to prevent these forms of harassment.

As to **female genital mutilation**, Organic Act 11/2003, of 29 September, on Specific Measures regarding Public Safety, Domestic Violence and the Social Integration of Foreigners, made genital mutilation, in any form, a criminal offence. Organic Act 3/2005, of 8 July, on the modification of Organic Act 6/1985, of 1 July, on Judicial Powers, approved the extraterritorial prosecution of the practice of female genital mutilation.

- **Women and the economy**

Unfavourable rates of economic activity, employment and unemployment, wage discrimination and professional segregation, both horizontal and vertical, continue to characterize the participation by women in the job market. For this reason, the workplace remains one of the key fields for government action, as made clear in the Spanish National Reform Plan of 2005 and in the creation of the Directorate General for Women's Employment, as part of the Ministry of Equality.

Since 2004, the **rate of economic activity among women** has risen progressively, year on year, from 45.79% to 51.38% in 2008. **Women in employment** constituted 39.13% of the female population in 2004, rising to 43.6% by 2008. With respect to **the unemployed**, the female unemployment rate decreased until 2007, and then gradually increased during 2008 to a value of 15.14%, similar to the level measured in 2001. Although the rise in male unemployment was greater during this period, it is currently 2.18 points lower than that for women.

As concerns employment contracts signed, according to Ministry of Labour data, the only category in which more women than men were hired was that of part-time work.

		2004	2008
Women Absolute	TOTAL	16,350,784	16,601,237
	Indefinite Contracts	1,419,718	1,759,885
	Temporary Contracts	14,931,066	16,618,652



	FULL-TIME WORK	12,629,622	12,349,602
	Indefinite Contracts	1,034,217	1,337,506
	Temporary Contracts	11,595,405	12,932,116
	PART-TIME WORK	3,721,162	4,108,915
	Indefinite Contracts	385,501	422,379
	Temporary Contracts	3,335,661	3,686,536
	TOTAL	44.43	47.09
	Indefinite Contracts	45.37	46.41
	Temporary Contracts	44.34	41.65
	% Women	FULL-TIME WORK	38.28
Indefinite Contracts		38.60	39.91
Temporary Contracts		38.25	34.56
PART-TIME WORK		65.30	66.58
Indefinite Contracts		63.53	67.00
Temporary Contracts		65.51	66.53

Source: Compiled by the Women's Institute from data supplied by the Ministry of Labour and Immigration

One of the outstanding phenomena during this period has been the increase in the numbers of immigrants, who now constitute 10% of those contributing to the Spanish Social Security service. Although by 2006 immigrant women constituted 46.54% of all foreigners registered as resident in Spain, they only represented 39.41% of foreigners enrolled in the Social Security service.

There continues to be **horizontal segregation**, in the sense that women are mainly found in the services sector, and especially in certain economic activities (Administration, Education, Healthcare, Social Services, Catering and Personal Assistance).

On the other hand, Spain is the European country with the highest proportion of women in its armed forces, according to data provided by the Women's Institute in 2006. That year, the Spanish armed forces had 121,781 service personnel, of whom 11.92% were women. The following reflects the evolving presence of women in the armed forces:

Presence of women in the Spanish armed forces



Year	1991	1995	2000	2005	2006
%	0.1	0.7	8.9	11.5	11.92

Source: Observatory of Women in the Armed Forces

The distribution of women in the three Services and the Common Corps is as follows:

Distribution of women in the three Services and the Common Corps

	Army	Navy	Air Force	Common Corps
Absolute Data	79,977	20,044	21,599	3,535
% Women	12.0	10.8	12.2	17.9

Source: Observatory of Women in the Armed Forces

The **LOIE** pays special attention to redressing inequality in the specific area of labour relations. The right to equality of opportunities incorporates measures to guarantee equality between women and men regarding access to employment, to training and to professional promotion, and conditions in the workplace. The Act is intended to promote the adoption of specific measures favouring equality within companies, placing them in the framework of collective bargaining.

Priority goals of the employment policy include improving women's training and employability and enhancing their permanence in the job market. A notable feature is the recognition of the right to the harmonization of personal, family and occupational responsibilities, as well as the promotion of greater co-responsibility between women and men in undertaking family obligations. To this end, a number of improvements to the work timetable, leave of absence and paid leave have been recognized. In this respect, the principal novelty is the recognition of 13 days' paternity leave, independent of that granted to the mother, on childbirth, adoption or fostering, and this year, the period has been extended to two weeks.



The LOIE also establishes the obligation of companies to respect the equality of opportunities and of treatment, as well as to negotiate with staff representatives on **equality plans** in the workplace in companies with over 250 employees. SMEs may adopt measures for positive action in questions of equality, which should also be negotiated.

The LOIE defines an equality plan as a set of measures, agreed following a diagnosis, aimed at achieving equality within the firm. To favour the adoption of both equality plans and measures, the Administration favours companies that are most egalitarian, awarding a business equality logotype to those outstanding in this respect.

This Act also includes the voluntary performance of actions of **social responsibility** by companies, consisting of economic, commercial, personnel, and other types of measures aimed at promoting conditions of equality between women and men in the company or within its social context, informing workers' representatives about this and about their possible participation. Moreover, it regulates the participation of women in the Boards of Directors of trading companies, establishing a period of eight years for a balanced male/female presence within all companies compelled to present profit and loss accounts.

In addition, it sets out that in contracts with the Central State Administration, the contracting bodies may establish, within the corresponding administrative clauses, a preference in the allocation of contracts for proposals presented by companies that comply with the requirements for promoting effective equality between women and men. Likewise, public administrations shall determine the contexts within which, in view of a situation of non-equality of opportunities between women and men, the regulations for the corresponding financial subsidies may include giving priority to applicants that have effectively attained equality in the workplace.

The LOIE also defines **infringements and sanctions**, together with control mechanisms with respect to non-fulfilment of provisions regarding non-discrimination, and reinforces the role of the Work and Social Security Inspectorate. In this context, a novel aspect is the possibility of discharging accessory sanctions through the establishment of equality plans.



MINISTRY
OF EQUALITY

SECRETARIAT-GENERAL
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OFFICE OF INTERNATIONAL
RELATIONS



- **Women & Decision-Making**

As mentioned before, the LOIE defines the balanced presence of men and women as the percentage of participation in which neither of the genders is less than 40% or higher than 60%. The Act makes it mandatory for lists of candidates to be presented respecting this proportion and for candidatures to be annulled if this is not the case.

After the last general elections, held in 2008, neither House of Parliament respects this balance. In the case of the Lower House, the percentage of women is 36.29%, 3.71 percentage points below the minimum set out to achieve this balance. In the case of the Senate, the deficit is even greater: with 28.24% of women, it falls short by 11.76 percentage points.

Nevertheless, this is an enormous improvement on 2004, when the percentage of women in the Congress of Deputies was 28.29% and in the Senate 24.32%. The percentage of women has increased the most in Regional Assemblies where the percentage aggregated 41.67%, vis-à-vis 35.97% in 2004. Out of the 19 Autonomous Communities, seven have not reached the 40% mark, and two have exceeded 50%, namely, Castile-La Mancha and the Basque Country.

In the case of Local Corporations, the number of women has also increased over this period. Women only held 12.56% of the posts in Town Councils in 2004, and currently they occupy 14.60%. After the municipal elections held on 27th May 2007, the three Autonomous Communities with the highest number of Lady Mayors were the Basque Country (19.92%), Madrid (19.55%) and Navarre (17.70%). On the other hand, the Autonomous Communities with the lowest percentage of women are Galicia (7.96%), the Balearic Islands (8.96%) and La Rioja (10.34%). Out of all of these, Madrid, with a growth of 17.35 points, is the Autonomous Community with the largest rise over this period. The low percentage, despite the entry into force of the LOIE, shows that municipal electoral lists are still headed largely by men.

The report issued by the Ministry of the Interior, called “Elecciones locales 2007, impacto de la Ley Orgánica 3/2007” (2007 Local Elections, the Impact of Organic Act 3/2007), focused on Town Councils with over 5,000 inhabitants, in which a comparative study of the results obtained in the last election compared to those in 2003, shows that female councillors have increased by more than 7 points, attaining



39.49% nationally. Similarly, it can be observed that 12 out of the 19 Autonomous Communities and Cities have reached that minimum of 40% required under the Act and none reaches a mark below 36%. Galicia, with a growth exceeding 14 percentage points, is the one that, proportionally, followed by the Basque Country (11.80 points) and the Balearic Islands (8.90 points) shows the greatest increase. Aragon, on the contrary, presents a lower growth rate (3.30 percentage points) having, together with Catalonia, the lowest percentage of female councillors (36%).

As pointed out above, the Cabinet had a female composition of 50% in 2004. After the last general elections, in 2008, the proportion is 52.94.

Between 2004 and 2008, the percentage of women who were senior officials of the General State Administration rose from 22.28% to 32.11%. On a post- by- post basis, and not taking into consideration ministers, the most significant increase was in the case of Under Secretaries, where the percentage of women increased from their occupying 12% of such posts in 2004, to 33.33% in 2008. Concerning the Judiciary, the most significant datum was the increase in the number of women in the Supreme Court, going from 1.03% in 2004 to 7.23% in 2008.

As far as economic power is concerned, women still have a marginal role. Taking the companies included in the IBEX-35 Stock Market Index as a reference, in 2007, only 6.43% of women are on their boards of directors. Furthermore, this scant presence is even less in Chairpersonships (2.94%) and Deputy Chairpersonships (3.92%). Article 75 of the LOIE makes it obligatory for the presence of women to be balanced on the boards of directors of companies that are obliged to submit non-abbreviated profit and loss accounts within a period of eight years. This may explain why the percentage of women has increased by three points in the last year.

The scant female participation in the management and administration of companies is also shown by them having hardly any access to the presidency of Official Chambers of Commerce, Industry and Shipping, in which the percentage of women was only 4.65% in 2007, despite having doubled since 2003.

Women's participation in what we could call "cultural power" is in a clear minority, if we consider, for example, the number of females who are full academicians of the Spanish Royal Academies. In 2008, out



of the 502 people who hold the title of academician in these institutions, only 31 are women, 6.18%. However, this low percentage has involved a slight increase compared with 2005, when they only represented 4.85%. Some Academies, such as the Royal Academy of Doctors and the Royal Academy of Pharmacy, have slightly higher percentages, 10.7% and 11.4%, respectively, whilst others, such as the Royal Academy of Political and Moral Sciences or the Academy of Jurisprudence and Legislation, do not have any female academicians. In the university sector, according to 2007 figures, only four women held the post of vice-chancellor compared with 69 men.



- **Women and the Media**

As the media and advertising exert a social influence when transmitting roles, attitudes and values, people need to realise that a stereotyped and sexist representation placing women and femininity in positions of inferiority with limited and undervalued responsibilities, which legislation is trying to overcome, causes a male chauvinistic mentality to persist in society. The Image Observatory has been operating since 1994, managed by the Women's Institute, which, via the complaints it receives, monitors and analyses advertising and media contents that discriminate against women. This analysis results in information on the roles they are attributed and, if they are sexist, actions are taken which help to suppress the illicit contents.

Special attention is given at the Observatory to those adverts that seriously damage women's dignity, have an impact on practices that may affect their physical or mental health, or establish a clear separation of roles between genders. The awareness work the Observatory performs is helping to modify the communication strategies of some advertisers, mainly of products related to the home, in which men are gradually starting to participate, although not always with the most suitable strategy. However, it has also been noted that the exploitation of the female body as an object has persisted and even increased. The dissemination of some campaigns in which the male body also appears as a way of attracting attention cannot be compared either quantitatively (the percentage of the latter is small in comparison with those that show women) or qualitatively (since in many of them women are offered as a clear sexual attraction). Women still appear very seldom performing other tasks or activities or as experts or people with authority.

The Observatory's main responsibilities are:

- Analysis and classification of contents the object of complaint in order to obtain an overview of the current treatment of the image of women in advertising and the media;
- Action against the disseminators of discriminatory messages, requesting the most stereotyped or degrading campaigns for women to be modified or removed, or demanding a change in attitude in future campaigns;



- Dissemination of the information obtained to continue promoting the rejection of discriminatory treatment in advertising and the media towards women;
- Participation in activities that provide media professionals with information and raise awareness on the influence that discriminatory treatment has on inequality.

The *Ley de Medidas de Protección Integral contra la Violencia de Género* (Act on Comprehensive Protection Measures against Gender-Based Violence, 2004) modified the *Ley General de Publicidad* (General Advertising Act) specifying that those advertisements that "...represent women in a humiliating manner, either using their body or parts of it specifically and directly as a mere object unconnected with the product that is to be promoted, or their image associated with stereotyped behaviours..." are unlawful. As from this Act, it has been noted that the advertising self-regulatory body AUTOCONTROL has advanced better criteria to allow and solve complaints about advertisements due to discrimination. Although the percentage of complaints and resolutions on this issue is still minimal, the number of valuations has increased with regard to the previous wording of the *Ley General de Publicidad*.

The enactment of the LOIE is another step in the right direction, since its Title III establishes measures to promote equality in the social media for both the public and private sector.

The obligation of publicly owned media to ensure compliance with legislation on equality stands out, promoting the transmission of a non-stereotyped and multi-faceted image of men and women.

It also establishes that the private media must respect equality between genders and urges the Public Administrations to promote self-regulation agreements that help to prevent any type of discrimination between men and women.

Article 41, on equality and advertising, establishes that illicit advertising is that which "involves discriminatory conduct pursuant to this Act and provisions in general legislation on advertising and institutional communication".

These Acts form the legal basis of the responsibilities exercised by the Women's Institute to protect



women's dignity against any illicit use of their image by the media and advertising.

Within this framework, the Women's Institute established the Advisory Committee on Women's Image in the Media and Advertising in April 2007⁴.

The Strategic Plan for Equality of Opportunities (2008-2011) also includes five specific objectives for gender equality in the media: showing women as active subjects in social construction, contributing to the dissemination of non-sexist images in the media and advertising, promoting equality models which involve the main social agents, and ensuring that both the public and private media meet the objectives set out by the *Ley de Igualdad* (Equality Act).

Furthermore, Objective 5 of the "political and social participation" focus aims to: "increase the participation of women in positions of responsibility and management in the media". It proposes the following actions to achieve this:

5.1 Implementation and monitoring of Article 37.2 and Article 38.2 of the LOIE.

5.2 Drawing up Specific Equality Plans in RTVE (the Spanish State Television) and EFE (the Spanish News Agency), which include training and the promotion of women to managerial positions.

5.3 Instigating a balanced representation of men and women in media managerial positions and proposing the inclusion of this objective in the framework of self-regulation agreements that are drawn up by the media to encourage equality between men and women.

All these measures highlight the need to extend the gender perspective to the communication sector, establishing the necessary instruments to make broadcasting companies aware of their social responsibility in the eradication of gender discrimination, offering a more real representation of women and one in equality with men.

⁴ See Part Three: Institutional Mechanisms



- **Women and the Environment**

In connection with environmental policy, let us note that in the present Parliament (from March 2008) and the previous one (2004-2008), the Ministry that addresses these issues has been headed by women.

As far as the policies initiated are concerned, in November 2007, the Cabinet approved the "Spanish Strategy for Sustainable Development", aimed at attaining a more coherent society in the rational use of its resources, and socially more equal. This Strategy includes the gender-based perspective in a crosscutting manner, with indicators broken down by gender and age.

The measures in the 2003–2006 4th Plan for Equal Opportunities between Men and Women (PIOM, in Spanish) to foster the recruitment, permanence and promotion of women in the job market included giving training courses for women in the new employment sectors (environment, sustainable development, new technologies, quality, communication, etc.), especially for young women, women over 45 and disabled women.

In addition, to encourage the entrepreneurial spirit and business activity of women, it proposed supporting the start-up of business projects, worker-owned companies and cooperatives of women, prioritising innovative projects in emerging sectors. The environment is one of the emerging sectors. Also proposed was the goal of promoting business activity among rural women by means of specific programmes that prevent depopulation of the countryside and contribute towards sustainable development.

The PIOM also included a measure to support programmes promoted by NGOs for women, especially those in the rural sector, concerning the defence of the environment and of sustainable development.

The objective of Act 45/2007 on the Sustainable Development of the Rural Environment, dated 13th December, an initiative of the Ministry of Agriculture, Fisheries and Food, is to maintain the rural population and improve their living conditions and income. The Act places special emphasis on the development of groups considered a priority, fostering the recruitment of young rural people that make it



possible to maintain the population, whilst encouraging equality and the promotion of women.

With regard to the rural sector, the Plan to Foster Equality between Men and Women in the Rural Environment (2007 - 2013) was approved on 27 September 2007.

To obtain better results in combating poverty and a higher quality cooperation in both areas, Spanish International Development Cooperation drew up its Sectoral Strategy for the Environment and Sustainable Development and the Gender Strategy in Development. The aim of these strategies is to work with a cross-cutting approach, planning actions for all actors involved in Spanish Cooperation concerning identification, raising awareness, training, research and capacity building, with a focus on gender and respect for cultural diversity in environmental actions.

Spanish Cooperation grants the highest priority to gender-based and environmental actions, highlighting the empowerment of women in decision-making areas of public environmental policies in developing countries. The projects subsidised include the management and conservation project of forest resources in the Maasa Mau area (CONIFORM), with funding from the UNEP and Wangari Maathai's organisation in Kenya. Furthermore, Spain has made voluntary contributions to the UNEP, and supports compliance with the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention to Combat Desertification (UNCOD). The contributions to both the gender equality and the environment and climate change thematic windows in the MDG Fund are also worth noting.

A Universal Exhibition was held in Zaragoza from 14 June to 14 September 2008, whose central theme was water as an essential element for life, and whose aim and purpose was human development by means of an ethical commitment to sustainability. One of the Exhibition's main pillars was fairness and equality between genders and generations.



➤ **Part Three: Institutional Development**

As previously stated, the Government that came to power after the elections in March 2008 passed Royal Decree 438/2008 of 14 April, which approved the basic organic structure of the Ministries, creating the **Ministry of Equality** for the first time. The new General Secretariat of Equality Policies, in addition to continuing its prior functions, it has taken on others, with the creation of two new Directorates General: The Directorate General for Equality in Employment and the Directorate General against Discrimination.

Royal Decree 1135/2008, dated 4 July, develops the organic structure, granting it a series of responsibilities that can be summarised as the promotion and coordination of General State Administration's policies concerning equal treatment and opportunities and the elimination of all types of discrimination against persons due to their gender, racial or ethnic origin, religion or ideology, sexual orientation, age or any other condition or personal or social circumstance, as well as the implementation of cooperation policies with the Administrations of the Autonomous Communities and Local Corporations, within their areas of responsibility.

The institutional network of equality policies between men and women in Spain has been discussed throughout this paper; the most important organisations in this respect are highlighted below:

Royal Decree 680/2008, dated 30 April, created the **Government's Delegate Committee for Equality Policy**, a body responsible for examining the general issues that affect various Ministries and which require the drawing up of a joint proposal, whether a resolution is needed from the Cabinet or not. The members of this Committee include the First Vice-President of the Government and Minister of the Presidency; the Second Vice-President of the Government and Minister of Economy and Finance; the Ministers of Justice; of Education, Social Policy and Sport; of Employment and Immigration; of Public Administrations; of Health and Consumer Affairs; and of Equality. The following also take part in this Committee: the Director of the Office of the Presidency of the Government; the Secretaries of State of Finance and the Budget; of Security; of Immigration; of Social Policy, Families and Dependence and Disability Service; of Telecommunications and the Information Society; of Constitutional and Parliamentary Affairs; of the Public Administration; and of Universities and Research.



The **Interministerial Committee of Equality between Men and Women**, a body that is responsible for coordinating policies and measures adopted by the Ministries to guarantee the right to equality between men and women, regulated by Royal Decree 1370/2007, dated 19 October, and Royal Decree 41/2009, dated 23 January. This Committee was established on 19 February 2009.

The **Equality Units**, created by the LOIE, as executive bodies within each Ministry, to be responsible for the implementation of duties concerning the principle of equality between men and women within their areas of responsibility, and, in particular, the following:

- Collecting statistical information produced by the Ministry's offices and advising them in connection with this;
- Producing studies to promote equality between men and women in the Ministry's activity areas.
- Advising the Ministry's competent bodies regarding their gender-impact report;
- Promoting awareness among Ministry staff of the scope and meaning of the principle of equality by drawing up training proposals;
- Ensuring compliance with the Act and the effective application of the principle of equality.

The **National Observatory on Violence against Women**, an interministerial body attached to the Ministry of Equality via the Government Delegation for Gender Violence, is responsible for providing advice, assessment, institutional collaboration, reports, studies and proposals for action concerning gender-based violence.

The **Council of Women's Participation**, a collegiate institution for providing consultancy and advisory services concerning equality between men and women whose structure shall guarantee, in all cases, the presence of all the Public Administrations and women's associations and organisations in the State. Its structure and operation will be approved in the near future.

The **Interministerial Coordination Group for the Comprehensive Plan to Combat Trafficking in Human Beings for Sexual Exploitation** approved by the Cabinet on 12 December 2008. Besides the Ministry of Equality, which chairs this group, representatives of the following ministries have also participated in its setting up: Foreign Affairs and Cooperation, Justice, Interior, Labour, Health and



Education.

The coordination work with the Autonomous Communities is continuing via the **Sectoral Conference on Equality** (formerly the Sectoral Conference on Women, it has existed since 1995). It is an organisation that brings people together for discussions, whose main aim is to achieve maximum coherence in determining and applying the equality policies defined by the national Government and those of the Autonomous Communities.

The **Observatory for Equal Opportunities between Men and Women** (Women's Institute).

The **Observatory against Domestic and Gender-Based Violence** of the General Council of the Judiciary is continuing its work.



The Women's Institute, created in 1983, was transferred to the Secretariat-General for Equality Policies of the Ministry of Equality, when the latter was created. Its organizational structure was also changed by the entry into force of the LOIE, which modified the **Act Creating the Women's Institute**, giving it new functions:

- a) providing assistance to victims of discrimination enabling them to present formal discrimination claims;
- b) conducting studies on discrimination;
- c) publishing reports and formulating recommendations on any issue involving discrimination.

The Institute also maintains those functions it had until now, basically, to promote and foster conditions enabling social equality between both sexes and, secondly, the participation of women in political, cultural, economic and social life.

The **Women's Health Observatory**, created in 2004 and under the aegis of the Ministry of Health and Consumer Affairs, is an inter-sectoral agency aimed at promoting the reduction of gender inequalities in the field of health. Its actions include information, research, communication and training, in a participative and collaborative manner.

The **Observatory for Women in the Armed Forces** was approved by the Cabinet on 4 March 2005, under the aegis of the Under-Secretariat for Defence of the Ministry of Defence, with the fundamental aim of analyzing the selection processes and the situations of incorporation and careers of women in the Armed Forces.

Creation of the post of **Special Ambassador for the Promotion of Gender Equality Policies**, responsible to the Ministry of Foreign Affairs and Cooperation, and operational since April 2007. Her main task is to achieve greater prominence for the incorporation of a gender-based approach into Spanish foreign policy.

In the Spanish Parliament, significant advances include the creation of the **Equality Committee**, which is comprised of two sub-Committees:

- Sub-Committee to study the Comprehensive Act against Gender Violence;



- Sub-Committee on implementing legislation on the voluntary termination of pregnancy.

Constitution of the **Inter-Ministerial Group to monitor the actions of the Spanish Government's National Action Plan for the application of Resolution 1325**, set up on 11 April 2008, and comprised of representatives of the Ministries involved in drafting the Plan. This group is also responsible for coordinating the activities to be carried out in conjunction with civil society.

Since 2007, the creation, within each Government Delegation, of a **Coordination Unit to Combat Violence against Women**; and within each Government sub-Delegation, an **Office for Violence against Women**, aimed at enabling follow-up and coordination of actions taken in the field of gender violence.

Creation of the Public Prosecutor's Office **to counter Violence against Women** and of **Gender Violence Courts**, as stipulated in Organic Act 1/2004, of 28 December, on Measures for Comprehensive Protection against Gender Violence.

Spanish Cooperation has a **Department for Sectoral and Gender Cooperation**, within the Directorate for Sectoral and Multilateral Cooperation of the Spanish Agency for International Development Cooperation (AECID).