



# The EU Mutual Learning Programme in Gender Equality

**Women in political  
decision-making**  
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Comments Paper – Spain



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# Women in political decision-making in Spain

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## 1. Introduction and relevant country context

Generally speaking, Spain ranks slightly above the average among European Union (EU) Member States regarding women's access to political decision-making. The main exception to this general pattern is the judiciary, because the presence of women among members of the high courts is very modest.

Let me present some statistics to illustrate these general points. After the 2014 European elections, the proportion of women among Spanish members of the European Parliament is 41 %, which is four points higher than the average of the EU (37 %) (Instituto Nacional de Estadística 2016). Regarding the Spanish central-state, the proportion of women in the low chamber of parliament (40 % in 2016) is the third highest among EU Member States (after Sweden with 44 % and Finland with 42 %) (Interparliamentary Union 2016). In 2016, women accounted for 29 % of members of the Executive (Instituto de la Mujer y para la Igualdad de Oportunidades 2016).

With respect to the regional level of government, in 2015, the proportion of women in regional parliaments was 45 % (Instituto de la Mujer y para la Igualdad de Oportunidades 2016). In 2015, women accounted for 21 % of Presidents of regions and 44 % of regional ministers (Instituto de la Mujer y para la Igualdad de Oportunidades 2016).

As regards the local level, in 2015, the proportion of women in local assemblies was 36 % (Instituto de la Mujer y para la Igualdad de Oportunidades 2016). Women were nearly one in five mayors (19 %) (Instituto de la Mujer y para la Igualdad de Oportunidades 2016).

In respect of the Supreme Court (Tribunal Supremo), the president is a man while women are 11 % of magistrates (author's calculation based on data from Tribunal Supremo 2014; 31 December 2013 data). As for the Constitutional Court (Tribunal Constitucional), the president and 8 magistrates are men while the vice-president and a magistrate are women. Seen from another perspective, women are 18 % of members of the Constitutional Court (Tribunal Constitucional de España 2016; 20 May 2016 data).

The approval and implementation of women's quotas is the main causal factor that explains the feminisation of the current Spanish political decision-making system. The main policy to promote the balanced participation of women and men in political decision making is the 2007 gender equality law (organic law 3/2007, of March 22, 2007). Among other provisions, the law mandates parties to incorporate in all electoral lists no less than 40 % and no more than 60 % of candidates of each sex. This proportion has to be respected within each list every five positions. This mandate is in fact a 40 % women's quota. Electoral authorities withdraw any list

which does not fulfil these criteria. This should be considered a hard sanction. The law was passed under the rule of the centre-left Spanish Socialist Workers' Party (Partido Socialista Obrero Español, PSOE), which governed the country between 2004 and 2011. The 2007 mandatory women's quota was preceded by voluntary quotas adopted by left-wing parties mainly from the late 1980s on. After the 2011 national election, the conservative People's Party (Partido Popular, PP) reached power, where it has remained ever since. The PP had never adopted voluntary women's quotas. But the voluntary quotas of the left-wing parties had a contagion effect on the conservative PP, which thereafter increased the proportion of women among their candidates and policy-makers. The PP strongly opposed the 2007 mandatory women's quota and lodged an appeal to the Constitutional Court on the ground that mandatory quotas are unconstitutional. However, the Constitutional Court rejected the appeal later on (Kenny and Verge 2012; Valiente 2012; Verge 2012; 2013; Verge and de la Fuente 2014).

## 2. Policy Debate

In Spain, the feminisation of the political elite due to voluntary and mandatory quotas has to some extent raised awareness about the gender imbalance of decision-making in economic arenas. However, generally speaking, mandatory quotas (efficiently designed and associated with strong sanctions for non-compliance) hardly exist in economic decision making.

If Spain ranks comparatively high regarding the presence of women among political decision-makers (excluding the judiciary), the same cannot be affirmed as regards economic-decision-making. The presence of women in highly-ranked positions of the top 35 firms publicly quoted on the national stock exchange is still modest. For instance, as concerns the corporate boards of the aforementioned 35 firms, women account for 9 % of their presidents, 7 % of their vice-presidents and 21 % of their members (Instituto de la Mujer y para la Igualdad de Oportunidades 2016; 2014 data).

As in the case of women's access to political decision-making, both supply and demand factors are cited in public and academic debates on women's access to economic decision-making. Demand explanations focus on the discrimination that women encounter when trying to reach decision-making positions. It is important to note that discrimination is not always overt and direct but also subtle, indirect and caused through informal mechanisms. Supply hypotheses argue that in comparison with men, women have less of the resources, experiences and attitudes that facilitate access to the decision-making elite.

Supply factors have been more used in public debates on women's presence in decision making of private companies than in political decision making. Perhaps more surprisingly, the prevalence of supply-side arguments has not significantly diminished in recent years in public debates on women and decision-making within private companies. Thus, in public deliberations, women's weak presence among highly-ranked decision makers in private companies is usually (but not always) explained by the fact that considerably less women than men have the necessary training, professional experience and ambition to reach the highest ranks of this type of decision-making (González and Martínez 2012; Verge and Lombardo 2014).

The 2007 gender equality law not only established the mandatory woman's quota of 40 % in all elections, but also set the target for companies to reach the proportion of

40/60 % of members of corporate boards by 2015. It is important to remember that the 40 % mandatory women's quota in elections was associated with a harsh penalty for non-compliance, since electoral authorities reject lists that do not fulfil the 40/60 % proportion. The opposite is the case regarding corporate boards. Companies which have not fulfilled the 40/60 proportion will receive lower preference in granting of government contracts. This is a weak penalty in comparison with the withdrawal of non-compliant electoral lists (González and Martínez 2012; Verge and Lombardo 2014).

As explained above, the 2007 gender equality law was approved when the centre-left PSOE was in power. PSOE politicians defended the necessity of the law to increase women's access to decision making in private companies using demand-size arguments. PSOE politicians affirmed that women were very often discriminated against when trying to reach the highest ranks of decision-making in private companies (González and Martínez, 2012; Verge and Lombardo, 2014).

After the approval of the 2007 general equality law, the proportion of women among highly-ranked decision makers in top private companies has increased to some extent. If in 2007 women were 7 % of corporate board members of the top 35 firms publicly quoted on the national stock exchange, this proportion reached the level of 21 % in 2014 (Instituto de la Mujer y para la Igualdad de Oportunidades 2016).

### 3. Transferability aspects

The Slovenian good practice described in the discussion paper consists of a 40 % mandatory quota for political decision-making positions with hard sanctions (Antic Gaber 2016). As explained above, such a policy already exists in Spain since 2007. Thus, the Slovenian good practice cannot be transferred to the Spanish political system, because it is already in place. On the other hand, in my view, the practice described in the French comments paper (the 2000 gender quota in elections) should not be considered a good practice (Haut-conseil à l'Égalité entre les femmes et les hommes 2016). A financial penalty is applied to parties which do not comply with the quota. This is a soft penalty since parties without the required quota may still compete in elections. This is one reason (among others) that explains the under-representation of women in political decision making positions in France.

But the essence of the Slovenian good practice (a mandatory 40 % gender quota with hard sanctions) could be transferred to Spain regarding economic decision-making. It is hard to foresee now whether this transferability will be difficult, very difficult or impossible. Two factors may facilitate this transferability. On the one hand, and as shown above, since the approval of the 2007 gender equality law, there has already been some progress regarding women's access to economic decision making positions. This means that men on top of Spanish private firms have already made some efforts to appoint women in top positions of their firms, and presumably can make some additional efforts in this direction. On the other hand, while some female employers' organisations were initially against quotas, they changed this position recently and favour women's quotas now. In contrast, other factors are clearly barriers against women's quotas in economic decision making. On the whole, employers' organisations are strongly against women's quotas and, as explained above, so is the conservative party (Verge and Lombardo 2014).

The balance between factors for and against the establishment of gender quotas in economic decision making is an open question because of political uncertainty. The

conservative party won the December 2015 general election but did not obtain the majority of the vote. Subsequently, no government was formed. The repetition of the general election is due on 26 June 2016. As of this writing, opinion polls show that most votes will be divided among four parties/coalitions: the PP, the PSOE, Citizens (Ciudadanos) and We Can (Podemos) – this time in coalition with the United Left (Izquierda Unida). Since Citizens and We Can competed in a general election for the first time in December 2015, it is difficult to foresee what would be their position regarding women's quotas in economic decision making, which is not a main issue in public debate.

## 4. Conclusions and recommendations

As the Slovenia good practice (and many other similar practices) show, legislative quotas work. Less progress has taken place regarding the Executive. On the other hand, in many countries, the proportion of women in top economic decision making is lower than in top political decision making. Thus, mandatory requirements to increase the presence of women in the Executive and in economic decision making could be established in EU Member States. For these mandatory requirements to work, these should be accompanied by strong sanctions. According to the French comments paper, a 2011 Act established “an objective of reaching by 2017 a minimum membership of 40 % representatives of one sex to the Board of Directors and supervisory Board of listed companies, or companies employing more than 500 persons and whose turnover is over 50M Euro” (Haut-conseil à l'Égalité entre les femmes et les hommes 2016, 3). Since the French comments paper does not provide information about sanctions for non-compliance, there is not enough information to assess whether this 2011 Act is or is not a good practice.

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