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Gender Mainstreaming in Spain

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1. Introduction

Between the mid-1930s and 1975, Spain was governed by a right-wing authoritarian regime headed by General Francisco Franco, which severely undermined women's rights and status. Divorce was abolished. Civil law considered married women as minors. Motherhood was defined by policy-makers as women's main obligation toward the state and society. The role of mothering was perceived as incompatible with other activities, such as waged work. The state took measures to prevent women's labour outside the home. Examples of this were: the so-called marriage bans (prohibitions from working in some companies or sectors of the economy after marriage); the requirement that a married woman obtain her husband's permission before signing a labour contract and engaging in trade; or the ban against women performing certain jobs, especially in the field of law. In the area of reproductive rights and sexuality, public policies conformed to the Catholic doctrine, for example, by criminalizing abortion in all circumstances and prohibiting the selling and advertising of contraceptives (Morcillo 2000; Ruiz Franco 2007).

As shown next, generally speaking and in spite of the non-democratic past, current Spain offers a relatively favourable institutional context to transfer good practices on mainstreaming from other European Union (EU) countries. This is so for three reasons. (i) First, in post-authoritarian Spain, policy makers built a network of gender-equality institutions no later than in other EU member states. Gender equality institutions are important because in many countries these provide other state units with support while implementing mainstreaming. (ii) Second, at least in theory, the principle of "transversality" informed Spanish gender-equality policy-making at the central state level since the 1980s. "Transversality" means that gender equality policies are adopted not only by gender equality institutions but also by other state units. The participation of state units different from gender equality institutions in the erosion of inequalities between women and men is indispensable in mainstreaming. (iii) Third, in the twenty-first century, "mainstreaming" was (on paper) explicitly adopted as a guiding principle in Spanish policy-making.

- (i) Regarding the establishment of gender-equality institutions, in post-authoritarian Spain, this was a process that happened at the same time as in other EU member states. Already in 1977, the first gender equality institution of post-Franco Spain was created: the General Subdirectorate of the Feminine Condition (*Subdirección General de la Condición Femenina*) within the Ministry of Culture. It was staffed in part with activists from the women's movement. In 1983, the Women's Institute (*Instituto de la Mujer*) was founded and has remained in place ever since. The mandate, financial and human resources of the Women's Institute is comparable to gender equality institutions of countries surrounding Spain (Valiente 2007).¹ In 2004, a General Secretariat on [Gender] Equality Policies (*Secretaría General de Políticas de Igualdad*) was created. In 2008, the Ministry of Equality (*Ministerio de Igualdad*) was established.²

¹ Later on, gender-equality policy institutions were established at the regional and local levels (Bustelo and Orbals 2007).

² The Ministry of Equality disappeared as an independent Ministry in October 2010. Since then, gender equality is a competence of the Ministry of Health, Social Policy and Equality.

- (ii) With respect to gender-equality policy-making, after the dictatorship, the first task that policy-makers undertook was the removal of discriminatory legislation inherited from the past. Only later, more active gender-equality measures could be pursued. Already in the late 1980s, the principle of “transversality” (*transversalidad*) informed the formulation of gender equality policy at the central state level—at least in theory. In the Spanish policy context, “transversality” means that several units of the state pursue gender equality measures. At the central state level, a series of gender-equality plans were promoted by the Women’s Institute and adopted by the Spanish government. The first gender equality plan was implemented between 1988 and 1990. An equality plan is a compilation of gender-equality measures to be implemented by different ministries. Nonetheless, some ministries were much more active than others in this regard. In the next decades, regional and local governments were adopting their own gender equality plans (Bustelo and Orbals 2007; Valiente 2007; 2008).
- (iii) As regards “gender mainstreaming”, it was explicitly adopted as a guiding principle of the central state policy making in the twenty-first century. This is reflected in several pieces of legislation. For instance, in 2003, Act 30/2003 of 13 October (*Ley 30/2003, de 13 de octubre, sobre medidas para incorporar la valoración del impacto de género en las disposiciones normativas que elabore el gobierno*) stated that all legislative proposals should include a gender test.³ In 2007, the gender equality Act (*Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres*) mandates that gender units (*unidades de igualdad*) are established within Ministries (Article 77), and gender training is available to all public administration staff (Article 61) (Lombardo 2009)—for the implementation of these provisions, see below.

2. Transferability of good practices on gender mainstreaming from Belgium and Sweden to Spain

2.1. Transferability of the 2007 Belgian federal law on gender mainstreaming to Spain

In 2007 in Belgium, a federal law on gender mainstreaming was adopted (Wuiame 2011, 4). As said, In the twenty-first century, gender mainstreaming is (on paper) an organizing principle in Spanish policy making and this is present in several pieces of legislation. Thus, in Spain there is no need to adopt a gender mainstreaming law. In both Belgium and Spain, provisions for gender mainstreaming are in general adequate (on paper) but implementation of these provisions is slow and uneven (Lombardo 2009, 7; Wuiame 2011, 11). Important insights can be derived from analyzing the implementation of the Belgian federal law on gender mainstreaming. Insights from the Belgian case that are applicable to Spain refer to several issues including: (i) cultural barriers against gender mainstreaming; (ii) gender desegregated statistics; and (iii) gender tests and gender budgeting.

³ In this paper, “gender tests” and “gender impact assessments” are used interchangeably.

- (i) In respect of cultural barriers against gender mainstreaming, Wuiame states that:

“The evaluation of the pilot project on gender mainstreaming had made clear the importance of recognizing that the current situation between men and women is unequal, and therefore of working towards equality in practice. However, this recognition is still largely lacking, in both public opinion and political spheres in Belgium. Politicians are not opposed to equality as a value in itself but the fight against inequalities is generally limited to the interdiction of discrimination” (Wuiame 2011, 10).

These cultural barriers (in the population and among policy makers) also exist in Spain. Therefore, in Spain, resources and efforts should continue to be dedicated to raise awareness in the public opinion and within the political and administrative elite about the existence of inequalities between women and men (even in a context of absence of discrimination) and the necessity to erode inequalities between women and men. It is true that in Spain gender training has been increasing in the last years, but this training is not regularly and systematically offered to all administration staff. Some administration departments are particularly active in this regard, but this is not the case of other departments (Lombardo 2009, 7).

- (ii) With regard to gender desegregated statistics, Belgian “ministries generally have statistical data desegregated by sex” (Wuiame 2011, 7). Desegregating statistics by gender is a crucial step for gender awareness, because this process leads people to perceive how different (or similar) are women’s and men’s lives. In this regard, more should be done in Spain, since “gender desegregated statistical data are in process of development, and the Ministry of Equality, the Ministry of Public Administrations and the National Institute of Security and Hygiene at Work are making some progress in this direction” (Lombardo 2009, 7).

- (iii) As for gender tests and gender budgets, the 2007 Belgian federal law on gender mainstreaming mandates:

“A the evaluation of all bills and regulations prepared by the central authorities, in order to prevent and correct any deleterious effects on the situation of women and in order to take into consideration their specific needs (gender tests);

A ‘gender budgeting’ procedure implying that each draft of the general budget must be accompanied by a note showing each department’s financial contribution to actions supporting gender equality” (Wuiame 2011, 4).

However, the gender test format has not yet been elaborated (Wuiame 2011, 5). As for gender budgeting, Wuiame states that “gender budgeting requirements have been clarified in an administrative instrument (the circular of 29 April 2010) to all federal departments and institutions concerned by the implementation of the law, and should be applied from 2011 onwards” (Wuiame 2011, 5). In 2011, the Gender Institute, which is a gender equality institution, prepared a manual on gender budgeting (Wuiame 2011, 7). From this information, I infer that in Belgium, gender budgeting is starting to be adopted now. Thus, in Belgium, the implementation of gender tests and gender budgets should progress more intensively than in the past. The same can be recommended for Spain. In Spain, at the central state level, gender tests of some laws have been administered after the approval of the 2007 gender equality Act. A gender test of the national budget law was conducted for the first time in 2009. Some regional governments have

been pioneers in this matter. For instance, in the region of Andalusia, a gender test has been administered to the Andalusian budget since 2006 (Lombardo 2009, 7). Further steps should be taken for gender tests and gender budgets to be procedures routinely used (Lombardo 2006, 21; 2009, 7).

2.2. Transferability of good practices on gender mainstreaming from Sweden to Spain

In Sweden, mainstream is a guiding principle of policy-making since the 1990s (Alpkvist 2011, 2). Relevant knowledge can be derived from an analysis of Swedish experiences on mainstreaming. This knowledge is applicable to Spain, and concerns, among other issues, to: (i) awareness of gender equality; (ii) the role of academic institutions in support of gender mainstreaming; and (iii) the type of institutions which play a leading role on mainstreaming.

- (i) In regard to awareness of gender inequality, Sweden is at the vanguard of countries where important sectors of society and the political elite think that gender inequality exist, believe that gender inequality is a grave problem, and favor that the state actively attempts to erode gender hierarchies that subordinate women to men (Alpkvist 2011, 2). In 2004, “a plan for implementation of gender mainstreaming in all policy areas was adopted”. The plan had to be implemented till 2009 (Alpkvist 2011, 7). According to Alpkvist, “the most distinct result of the Government Offices Plan - after five years work - is that there is a growing awareness of a gender perspective” (Alpkvist 2011, 9). This growing awareness is outstanding in a country such as Sweden already characterized by a high level of gender awareness. This growing awareness is a result that should be pursued in other EU member states where gender awareness is more mild, including Spain.
- (ii) As concerns the role of academic institutions in support of gender mainstreaming, in Sweden in July 2008, the Government assigned a university the task “to support the efforts of government agencies to promote gender mainstreaming”. This is evaluated negatively by Alpkvist. In her own words: “Academic studies and research on gender mainstreaming are very important but a university is not the best place for developing practical methods on gender mainstreaming” (Alpkvist 2011, 11). In my view, from the Swedish experience one can learn that academic institutions can contribute to gender mainstreaming but only to a limited extent. Some scholars have a sophisticated knowledge of gender equality policy making and gender mainstreaming. This knowledge is valuable and could be used by politicians and administrators. But many scholars do not have a deep understanding of how the political and administrative world functions, although there are exceptions to this rule. Scholars, politicians and administrators use different types of language, and at times they find difficult to communicate with each other. Scholars, politicians and administrators have different working rhythms. For these and other reasons, and as the Swedish case shows, in general and with exceptions, universities are not the optimal unit to support state units in the development of practical tools and devises for mainstreaming.
- (iii) Regarding the type of institutions which play a leading role on mainstreaming, in December 2007, the Swedish government allocated a budget for the Swedish Association of Local Authorities and Regions (SALAR) “primarily for the purpose of ensuring that activities and services for citizens are the same whether you are a man or a woman” (Alpkvist 2011, 11). Alpkvist assesses SALAR’s performance of the task as successful for a variety of reasons (Alpkvist 2011, 12-14). It is important to stress that “SALAR is an important organization with a solid reputation

in Sweden and the local authorities and regions look upon SALAR with respect. Thus SALAR has a strong legitimacy among its members” (Alpkvist 2011, 13). The selection of an institution with prestige to lead the process of mainstreaming is a good practice that can be transferred to Spain and other EU member states. A solid reputation is always a crucial asset, and this is specially so in a context of economic crisis and financial constraints when mainstreaming should often progress without additional financial backing.

3. Policy debates in Spain

Gender mainstreaming is not one of the main topics of policy debate in Spain. Gender inequality is to some extent present in political debates, but less so than other issues such as the economic crisis, immigration, corruption, terrorism, the relationship between the central state and the regions, and elections—in some regions, local and regional elections will take place in May 2011, and a general election will take place in Spring 2012.⁴ Nonetheless, gender inequality is at times discussed in the political arena and in society. Violence against women is a topic particularly present in political and social debates. These usually contain the statement that violence against women is a problem of extreme gravity. Women are regularly portrayed as victims and male aggressors are perpetrators of crime (of violence against women). In these debates, the attribution of blame is clear: to male perpetrators of violence against women. But in the last years, it is also mentioned the case of women who falsely accuse men of violence against women in order to receive favourable treatment, for example, in cases of divorce. Quite recently, the mass media portrayed some male perpetrators of violence, including presumed murderers of their current or former wives or partners, in a less negative way than the usual one. It remains to be seen whether these trends are simply short-term developments without important consequences, or disturbing signals of deterioration of gender awareness in Spanish society and politics with subsequent fatal consequences.

⁴ This list of issues is not arranged by order of importance.

References

Alpkvist, Catharina. 2011. Gender mainstreaming in Sweden. Paper prepared for the Seminar "Exchange of good practices on gender equality--Implementation of gender mainstreaming", Brussels, Belgium, 17-18 May.

Bustelo, María, and Candice Ortals. 2007. The evolution of Spanish state feminism: A fragmented landscape. In *Changing state feminism* eds. Joyce Outshoorn, and Johanna Kantola, 201-23. Basingstoke: Palgrave Macmillan.

Lombardo, Emanuela. 2006. *Mainstreaming*, evaluación de impacto y presupuesto de género: Conceptos y criterios. In *Presupuestos locales en perspectiva de género* eds. María de la Fuente, and Laia Ortiz. Barcelona: Institut de Ciències Polítiques I socials.

Lombardo, Emanuela. 2009. Spanish policy on gender equality: Relevant current legislation and policies. Briefing note for the European Parliament, Directorate-General for Internal Policies, Policy Department C-Citizens's Rights and Constitutional Affairs.

Morcillo, Aurora G. 2000. *True Catholic womanhood: Gender ideology in Franco's Spain*. Dekalb: Northern Illinois University Press.

Ruiz Franco, Rosario. 2007. *¿Eternas menores? Las mujeres en el franquismo*. Madrid: Biblioteca Nueva.

Valiente, Celia. 2007. Are gender equality institutions the policy allies of the feminist movement? A contingent "yes" in the Spanish central state. *South European Society & Politics* 12 (3):315-34.

Valiente, Celia. 2008. Spain at the vanguard in European gender equality policies. In *Gender politics in the expanding European Union: Mobilization, inclusion, exclusion* ed. Silke Roth, 101-17. New York: Berghahn.

Wuiame, Nathalie. 2011. The Belgian federal law on gender mainstreaming. Paper prepared for the Seminar "Exchange of good practices on gender equality--Implementation of gender mainstreaming", Brussels, Belgium, 17-18 May.