



The EU Mutual Learning Programme in Gender Equality


Gender mainstreaming and gender budgeting in the ESIF and national budgets

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Comments paper - Spain



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Gender budgeting in Spain

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Abstract

If the aim is to advance in the transformation of society through public policy, it would be strategic to use the public budget insofar as it is the instrument that includes the set of public policies of the administration and permeates the administrative structure in all its layers. Working on the public budget implies entering into transformations in all the areas through which, at one time or another, our lives pass.

1. Relevant country context

The Spanish Parliament and Government, as well as the respective bodies of some Autonomous Communities, have clearly defined the will that all public policies should aim at eliminating the current situation of discrimination in access to opportunities and well-being of women with respect to men in Spain. This aim is in line with the obligation of the Member States of the European Union to promote cross-cutting policies in public management as a determining factor for equal opportunities, and to provide tools to address this disparity in accessing public life and quality of life.

The commitment to equality also leads to economic efficiency gains and is an important foundation for equality. Article 9.2 of the Spanish Constitution assigns to public authorities, including the Administration, the duty of promoting the conditions for the freedom and equality of individuals – and the groups in which they are integrated – to be real and effective.

In compliance with the foregoing, the Spanish Parliament approved Law 30/2003, of 13 October, on measures to incorporate gender impact assessment into the regulatory provisions prepared by the Government. As of its enactment, all draft laws and government regulations must include a report on the gender impact of the measures established therein.

Subsequently, article 15 of Organic Law 3/2007 of 22 March 2007 on effective equality between women and men established the principle of gender mainstreaming, stating that

"The principle of equal treatment and opportunities between women and men shall inform, on a cross-cutting basis, the actions of all public authorities. Public Administrations shall actively integrate it in the adoption and execution of their regulatory provisions, in the definition and budgeting of public policies in all areas and in the development of all their activities as a whole".

Community Funds (ERDF, ESF) are a powerful instrument for financing public policies, insofar as:

- They represent over a third of the EU budget.
- They focus on various fields of action, all of which are considered strategic for the achievement of the European Union's long-term objectives: research, technological development, innovation, information society, social inclusion, employment, equal opportunities, energy efficiency, environment, education, training, etc. Equal opportunities between women and men can be applied in all of these areas.
- They are far-reaching, as they are implemented in partnership with Member State governments, regional and local authorities, social partners and other institutions representing civil society.

1.1 Gender budgeting in Spain

Article 15 of the LOIMH (Law on Gender Equality) takes a great step forward in terms of demanding gender mainstreaming in public policies in Spain. It explicitly refers to gender mainstreaming in public policy budgeting and links this requirement to all levels of territorial organisation. This means that the budgets of the State, of the 17 Autonomous Communities and of all Spanish municipalities must incorporate gender perspective.

The gender impact report is used in Spain for budgets with a gender perspective. The report is the key tool in applying mainstreaming to public policies and, consequently, in gender budgeting.

Article 19 of the LOIMH stipulates that:

"draft provisions of a general nature and plans of particular economic, social, cultural and artistic importance which are submitted to the Council of Ministers for approval must include a report on their gender impact"

This mandate only applies to general provisions and plans of special relevance at the state level, not at the regional and local levels.

In the case of the requirement of the gender impact report with respect to the autonomous community provisions, the autonomous equality laws have established whether or not it is necessary. As for local regulations, there is no direct requirement, since the law does not mention them. Another question is how to comply with the mandate of mainstreaming without the preparation of the gender impact report, which seems methodologically impossible.

Consequently, the principle of gender mainstreaming in Spain, applied to expenditure and revenue policies and to budget policies, requires that expenditure, revenue and budget regulations incorporate the objective of equal opportunities and avoid gender-based discrimination, bearing in mind the impact that their actions must have on gender.

Notwithstanding the legal mandates referred to with regard to respect for the principle of gender mainstreaming, there is no question of general compliance by the public authorities, but rather the opposite. It is necessary, however, to highlight the gender impact evaluation reports of the Andalusian Autonomous Community Budget, which have been produced since 2006, as well as the gender impact reports presented by the State that accompany the General State Budget Law, and which have been incorporated into the annual budgetary documentation as of 2009. Budgets with a gender perspective are beginning to be imposed progressively at the municipal level, as has occurred in Barcelona, Castellon, Donostia, Madrid, Malaga and Murcia.

1.2 The European Structural and Investment Funds (ESIF): the European Social Fund (ESF) and the European Regional Development Fund (ERDF)

Given the considerable size and scope of the European Regional Development Fund (ERDF) and European Social Fund (ESF) in our country, as well as their great capacity for action and transformation, the promotion of gender equality in the Community regulations governing the Funds as a cross-cutting principle, the Institute for Women and Equal Opportunities of the Ministry of the Presidency and Relations with Parliament in Spain has a double function:

- As the national body responsible for ensuring compliance with the cross-cutting principle of equal opportunities between women and men in interventions co-financed by the Funds, it has set up the Network on Policies for Equality between Women and Men, for the real and effective application of gender perspective to these interventions.
- As a manager of actions aimed at promoting equality between men and women.

2. Policy debate

With regard to the policy debate about the internal challenges at the gender budgeting in Spain within administrations, we can highlight the following:

- To go beyond the pilot phase, since short-term results are required from a process that requires medium- to long-term planning, and whose first results are often changes in budget processes and organisational structures, which needs time for training, capacity building and changes in organisational culture.
- Need for co-leadership: these processes of change require complicity between the bodies responsible for getting equality policies up and running and adjusting the departments or areas of finance in each administration. This is a challenge for both bodies, as it implies a willingness to share and exchange knowledge and technical training for policy transformation (in the areas of equality and budgeting). This would enable progress in strengthening investment in equality by the various departments.

- Need to combine the budget process and the gender impact report: Incorporating the gender perspective in the budget process is a complex process that requires learning and structural changes in the administrations. Therefore, it is questionable to limit this process to the prior gender impact report and the proposal is that there should be some reflection on the role that the report plays in the policy transformation process. In some administrations, these limits are being overcome, with an awareness that the report is a tool; but the process must cover the whole budget cycle.
- Usefulness of this process for internal accountability within departments: the role of gender impact reports and the recommendations for change they incorporate is highlighted for accountability to the various services/directorates in administrative departments. It is a tool for collective learning, making visible the links between the measures taken, their impact on the quality of life of women and men, and raising awareness of the need for better planning and implementation of policies, since there is a need to be accountable for what is done (and not done). When things are done well and explained properly, this process of internal comparison serves to enhance prestige and make the work done more valuable.

As the necessary improvements detected in the gender budgeting processes analysed in Spain we can point out:

- Improvement of computer applications and indicators, incorporating the gender perspective and selecting the most appropriate ones.
- Staff training: compulsory, progressive, adapted to the jobs and valued within the administration. Training must be aimed at public officials, technical staff and equality units.
- For continuous training, it is appropriate to set up Virtual Equality Schools in the administrations.
- Subcontracting: it is necessary to continue to examine in depth the potential and limits of the new Public Procurement Law.
- Improvement of budgeting technique: these processes require better elaboration of programme budgets (many shortcomings have been identified), which should perhaps be linked to results-based budgets, as well as improvements in the indicators attached to them. There is also a great need to establish and systematise processes of transparency, democratisation, and internal and external audits of public policies. In short, give the public sector the importance it deserves.
- Improve communication both within the administration and with the civil society in the area of accountability.
- Need for job stability for equality personnel: overcome job insecurity.
- There is a need to analyse the costs of the services, who finances them, and how much money the administration has to manage directly. It has been reported that

a large part of public resources are channelled to the private sector without sufficient accountability.

3. Transferability aspects

Doing a brief comparison of Spain's situation with the practices from Austria, Slovakia and Czech Republic, we can say that Spain compared to Austria, does not have an explicit gender equality strategy. We emphasised that the existence of an active and structured collaboration of public administrations (including parliaments) with the feminist movement and public universities is essential.

In Spain, as well as in Austria, despite being obliged legally to strive for gender equality in budgeting, subnational levels of government (regions and municipalities) up to now have only partially and reluctantly followed the reforms implemented on the federal level. Some Regions (Andalusia in particular) have been practising, based on a relatively comprehensive approach, gender budgeting for some time now. However, there is no coordinated approach aiming at the introduction of a coherent framework for gender budgeting on all governmental levels.

It seems that there is no gender budgeting process in Slovakia and in Czech Republic.

In Slovakia, even if the horizontal principle of non-discrimination and equality between men and women (HP) remains relevant and obligatory for all programmes and projects supported via ESIF in the current programming period.

In Czech Republic seems to be the same, by implementing the project "Reflection of the impact of ESIF programmes on the equality of men and women in the labour market" with the support of the Cohesion Fund through the Operational Programme Technical Assistance.

4. Conclusions and recommendations

We consider that the challenges to be undertaken should be done so at national and European level as they are closely related to society. Thus, it seems necessary to promote social participation if progress is to be made in socio-economic and political transformation.

We consider as well the need to improve communication with civil society by the administration. This implies changes in the organisational culture, in the mechanisms of planning and budgeting, in the strategies designed and in the elaboration of proposals for policy changes included in public budgets, as well as in the accountability of budget results.

In this process some institutions play an important role:

- The role of parliaments in monitoring the executive and the policies it implements is emphasised.

- The link that should exist between the administrations and the public universities is highlighted.
- The role of the feminist movement as a promoter of change and the need for its participation in the budgetary cycle is reflected upon.

In sum, we consider that it is necessary to situate GB as the key to feminist alternatives. We are talking about public budgets and therefore community money, so it is essential to track the money and co-plan its use together with the administrations. That is, to advance in the construction of feminist participatory budgets.

Thus, if the aim is to advance in the transformation of reality through public policy, it would be strategic to influence the public budget insofar as it is the instrument that includes the set of public policies of an administration and permeates the administrative structure in all its layers. Thus, working on the public budget implies entering into transformations in all the areas through which, at one time or another, our lives pass.

To articulate equality policies with the necessary redistribution of resources allows addressing social inequalities, in which gender relations must be taken into account as one of the main axes of inequality.

It is needed to adapt the lessons learned from practices carried out over time in the various territories to the different realities to share experiences and methodologies in order to adapt them to each specific reality.