

D2.1. NATIONAL REPORT ON POLICIES THAT PROMOTE GENDER EMPOWERMENT

SHORT SUMMARY DELIVERABLE

Objectives

To contribute to a more holistic and situated understanding of Spanish policies on gender equality and empowerment, including both policy “ends” and policy “means” on different levels.

Main findings

In Spain, there has been a steady trend to overcome the gender gap in all social areas through policies and regulations to turn the official equality between women and men to an effective right.

However, the Spanish model of social protection relies heavily on the family, specifically on women. Advances in gender empowerment and inclusion are endangered every time there is a crisis, as evidenced by the setbacks in 2008 global financial crisis and the Covid 19 health crisis, mainly affecting working-class and immigrant women.

Women are active members of CSO, with a widespread presence of across the country. However, regional inequalities persist due to opposite parties in power at any given time.

SHORT

SUMMARY

This report presents a thorough overview of gender policy in Spain from 2010 to the present with a special focus on women and girls with a migrant background, including specific laws, rules, and regulations on equality between women and men as well as aspects related to the status of women’s inclusion and empowerment in all key public policy areas. An extensive list of examples of related CSOs is also provided.

The report also outlines the burning issues and public debates related to them in the policy areas reviewed.

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National report on policies that promote gender empowerment

1. GENERAL CONTEXT

Spain enjoys one of the best positions in the world in many of the standard indicators used to assess the situation of women due to a long period of social-democratic governments since the recovery of democracy that made the feminist agenda one of their landmark political objectives, beginning with the creation of the Women's Institute in 1983. A strong, organized feminist movement is present throughout the country, which has been demanding progress in equality and trying to stop attempts of legislative setbacks (for example, in the issue of abortion, not assumed by the conservatives until 2014).

Prior to 2010, and after the recovery of the divorce and abortion laws (although in practice the free Abortion Act in force does not actually guarantee this right in various provinces within the Public Health Service), it is worth mentioning two very important laws: **the 2004 Comprehensive Act (Ley integral) against Gender-based Violence** and the **2007 Equality Act between Women and Men**), which were later replicated in all the Autonomous Communities, with political powers transferred but at very different speed depending on the political colour of each regional government (for example, with a conservative nationalist government, it took 4 years in Catalonia to replicate the Act against Gender-based Violence and 7 years to replicate the Equality Act; in contrast, Andalusia, also governed by the social democrats, replicated both acts much faster). They are the first two laws that refer explicitly to the concepts and the agenda on "**gender empowerment**" (in Spanish *agency capacity* is more frequently used) that also mention for the first time the concept of "**gender mainstreaming**" in all the areas of public policy, following the definitions of the political documents of the European Union (EIGE, 2023). This includes the obligation to carry out reports on "gender impact" prior to all bills proposed by governments both at the national or regional level, as well as "gender budgeting" after the adoption of new laws. In addition, in 2008 the Ministry of Equality was created, and the role of the Women's Institute was reinforced to monitor the implementation and results of equality policies, through new observatories and equality plans.

In **2011 Spain signed the Council of Europe Convention on preventing and combating Violence against Women and Domestic Violence (Istanbul Convention)**, the legally binding treaty that establishes the obligation of the signatory states to prevent and eradicate all forms of violence against women and domestic violence (original formulation) which clearly defines "gender" as oppression. And in **2017 the State Agreement Against Gender Violence** was approved, which endowed the 2004 Act with a budget of €1,000M.

However, these advances have also experienced risks and setbacks, among which it is necessary to highlight the general impact of the 2008 economic crisis, the worst scenario for developing the 2007 Equality Act, given the impoverishment of the population, the increase in unemployment and its specific impact on the living and working conditions of women, especially on immigrant women. In addition, the austerity orientation in the management of the crisis following the Troika precepts must be mentioned because it entailed a dramatic reduction in social benefits and the weakening of public services, which

affected the most vulnerable population. This scenario had started to recover when the Covid 19 health crisis broke out, which, on the other hand, revealed a greater dedication to 'essential tasks' for society among the immigrant population, especially among immigrant women.

In this context, it is basic to consider that Spain had become one of the main immigrant-receiving countries of the in-flows produced by the process of neoliberal globalization (Delgado Wise, 2015) and its global mobility regime (Glick-Schiller and Salazar, 2013) at the beginning of the 21st century, climbing to the second place in the world only behind the United States in 2005. Immigration laws and regulations since 2000 (Act 4/2000, of January 11, on the Rights and Freedoms of Foreigners/third country nationals in Spain and their Social Integration) from 2000 until the last reform of 2022, in Spain have been reflecting the periods of economic expansion and recession, with more restrictive interpretations of the same norms, but always with added difficulties in the case of women, both legally and socially. However, we must also point out the greater participation, often ignored, of immigrant women in organizations that fight against precariousness, such as in the Platform of People Affected by Mortgages and the Crisis, remarkably relevant in Spain (PAHC, Plataforma de Afectadas por la Hipoteca y la Crisis).

All the regions have powers to develop **social integration plans**, and, with some variations, there is a significant number of third sector organizations led by people with specific migrant backgrounds and/or with the participation of the immigrant population, which partly is a mirror of the high number of existing mainstream CSOs in Spanish society. Through social integration plans, later called social inclusion plans, the promotion of inclusion (usually defined more as participation than rights) of women of migrant origin has been an explicit part of these plans at all levels. That is, in political discourse, this is an issue accepted and repeated by all instances. However, the approach based on a model of diversity management that seeks to distance itself at the same time from assimilationist and multiculturalist models has not resolved common and specific basic problems that continue to threaten women and girls of with a migrant background as citizens with rights, in parallel to the persistence of often paternalistic and victimizing representations. The question remains as to how these declarations and written goals are turned into real measures and practices and how they are assessed.

Finally, it is worth mentioning that in the first months of 2023 and with a progressive coalition in government, two contradictory acts have been approved in relation to women's rights: first, a **Gender recognition Act** that questions the very meaning of the concept of women and, therefore, renders equality policies meaningless; second, the **Equal Representation Act between women and men**, which includes and expands one of the objectives of the aforementioned 2007 Equality Act, forcing the development and implementation of equality plans in all companies and organizations, public and private. The debate is open in 2023, a year where local, regional and general elections will take place.

2. GENDER VIOLENCE

2.1. Legal context

Last December 2017, the **Pacto de Estado contra la Violencia de Género** (2017 the State Agreement Against Gender Violence) was ratified with more than 200 measures and a budget of 1 billion euros. Since the entry into democracy, Spain has experienced a process of awareness of the magnitude of the

problem of gender violence that has made it go from being considered a private matter to a social problem. It should be borne in mind that until 1975 "the Civil Code maintained the marital power that authorized the husband to correct the wife and obliged her to obey him, thus establishing both the prevalence of the man and his right to correct her"(Fiol & Pérez, 2000:14).

The 2017 State Agreement would not be understood without the **Ley orgánica 2004 de medidas de protección integral contra la Violencia de Género** (the 2004 Comprehensive Act (Ley integral) against Gender-based Violence) and the **ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres** (2007 Equality Act (between women and men)), pioneering laws in Europe. The 2004 law was especially important for its diagnosis of violence as a structural problem of gender inequality that public authorities must solve with comprehensive measures (Bustelo et al 2007). Years later, Organic Law 8/2015 modified the 2004 law to include women's minor children and minors under their guardianship as victims of gender-based violence as well.

Since 2010, one of the European documents that have marked the agenda on equality measures and against gender violence is the **Istanbul Convention, approved in 2011 and ratified in Spain in 2014**. The big difference between the Istanbul Convention and the Spanish legislation until then is that the latter focused on violence that took place in the context of the partner or ex-partner, while the Istanbul Convention includes any form of violence against women such as sexual harassment, rape, forced marriage, genital mutilation or crimes committed allegedly in the name of "honor".

The influence of the Istanbul Convention can be seen in **the Ratification of the 2021 State Pact against Gender Violence**, which includes for the first-time funding for feminist organizations working with victims of all types of violence against women, beyond those who suffer it within the couple (sexual exploitation, sexual violence, forced marriages...).

La Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual (The 2022 Act on the comprehensive guarantee of sexual freedom), better known as the **ley del 'solo sí es sí'** ('only yes is yes' law), also introduces regulations to incorporate the perspective of the Istanbul Convention. Law that was born as a response to gang rapes since 2017 and that following the Istanbul Convention focuses on consent and wants to end the difference between aggression and abuse with which any act without consent will be considered sexual aggression. Before this law it was necessary to prove violence or intimidation for the crime to be considered sexual assault and not abuse. In addition, victims of sexual violence, sexual exploitation and trafficking for the purpose of sexual exploitation are recognized as victims of gender-based violence. Female genital mutilation (FMG) and forced marriages also fall under this concept of violence

With regard to prostitution, the law limits itself to consider advertising of prostitution as illegal and to say that it will implement campaigns to discourage the demand for any activity related to sexual exploitation, prostitution or pornography.

This law has been highly questioned because despite a willingness to broaden what is understood by sexual assault, it has an "anti-punitive" approach that has resulted in reduced sentences. A reform proposed by the PSOE has been approved which continues to consider all sexual crimes in which there is no consent as aggression but introduces the aggravating factor of violence or intimidation so that penalties cannot be lowered.

Legislation and migrant women

The 2004 Act and the 2007 Act, referred to above, specify that there can be no discrimination based on immigrant status or administrative situation, in addition to clarifying that the immigrant population at greater risk of gender-based violence must be considered. Example: “En las actuaciones previstas en este artículo se considerará de forma especial la situación de las mujeres que, por sus circunstancias personales y sociales puedan tener mayor riesgo de sufrir la violencia de género o mayores dificultades para acceder a los servicios previstos en esta Ley, tales como las pertenecientes a minorías, las inmigrantes, las que se encuentran en situación de exclusión social o las mujeres con discapacidad” (In the actions foreseen in this article, special consideration will be given to the situation of women who, due to their personal and social circumstances, may be at greater risk of suffering gender-based violence or have greater difficulties in accessing the services foreseen in this Law, such as those belonging to minorities, **immigrants**, those who are in a situation of social exclusion or women with disabilities. (Law 1/2004, art. 32.4))

El Real Decreto 557/2011, de 20 de abril 14 (Reglamento de Extranjería) Royal Decree 557/2011, of April 20, 2011 ("Alien Regulation"), regulates the authorization of residence and independent work for the spouse who is a victim of gender violence. Until then, the situation of migrant women in an irregular situation was particularly vulnerable since the law on aliens stipulated that such authorization could only be granted if the reunited spouse had sufficient economic means. This legislative change does not yet reach migrant women who suffer sexual violence outside the couple's sphere.

The 2022 Act speaks of the need for an intersectional approach but also fails to develop clear regulations to address the different sexual violence to which migrant women are most exposed.

Legislation on violence and minors:

Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia (2021 Act, of June 4, on the comprehensive protection of children and adolescents against violence): law for the protection of children and adolescents against violence that broadens the definition of violence, makes it mandatory to report any attack, prosecutes crimes through the Internet, creates specialized units, a welfare coordinator in schools and extends the statute of limitations for sexual crimes

2.2. Practices and implementation (local, regional, national)

- On July 26, **2007**, **VioGen System**, Sistema de Seguimiento Integral en los casos de Violencia de Género de la Secretaría de Estado de Seguridad del Ministerio del Interior (the Integral Monitoring System for Gender Violence Cases of the Secretary of State for Security of Home Office), came into operation.

Its objective is to facilitate compliance with the provisions of Ley Organica 1/2004. The problem is that the VioGén system is only activated when the case is reported, and if it is not, women are left out of its resources. In addition, the lack of resources has meant that it has not been possible to carry out long-term follow-ups. Furthermore, the VioGen system has focused on how gender-based violence is understood in La Ley Organica 1/2004 and does not delve into other forms of gender-based violence that

are included in the Istanbul Convention, such as sexual aggression, and to which migrant women are more exposed due to the multiple forms of discrimination they experience (Tutistar, 2021). Likewise, and also in contrast to the requirements of the Istanbul Convention, there is a lack of measures that include girls. It seems that the new Ley 10/2022 (Ley del solo sí es sí) wants to solve some of these shortcomings, but it remains to be seen how it will be implemented and developed. For the moment, despite the promise to consider all femicides to speak of victims of gender violence, it is still not being done. The feminist movement does, and the figures are doubled when victims without a partner or ex-partner relationship with the aggressor are included

➤ **Overrepresentation of foreign women as victims of gender violence.**

In 2021 43 women were murdered at the hands of their partners or ex-partners, of which 19 were foreigners, 44.2% of the total number of victims when migrant women account for 11% of the female population in Spain. [1]. In 2022, according to data from the Government Delegation against Gender Violence it was 32.65%, still a figure that shows an overrepresentation of foreign women.

➤ **Overrepresentation of migrant women but not overrepresentation of migrant perpetrators.**

Example: "the statistics of calls to 016, the hotline for victims of gender-based violence, show that of the total number of calls made between 2008 and 2017, 95% of the Spanish women who called said they were being assaulted by Spanish men; while the percentage of aggression referred to by foreign women in the calls, according to the origin of the aggressor, is distributed in 61% of foreigners (generally of the same nationality) and 39% of Spanish men." (Retamozo, 2020: 27)

➤ **Barriers to reporting:**

An Act on foreigners that makes it difficult to access a residence permit favours migrant women not to report for fear of being deported.

Furthermore, despite the fact that both the Act on foreigners and the regulations establish protectionist measures to prevent the situation of irregularity from dissuading migrant women from reporting, the interpretation of this measure in the foreigners' offices has on many occasions led to situations of discrimination (Tutistar, 2021)

➤ **Regardless of the overrepresentation of migrant women, there is less impact of police and judicial protection.**

"According to the X Report of the State Observatory of Violence against Women, of the total number of fatal victims of gender violence during the years 2006 and 2016, 25% had reported; if we disaggregate this data by origin, we have that this percentage rises to 38% in the case of foreign women"(....) "On the other hand, the telematic protection program for victims of gender violence (through emergency mobiles) ATENPRO states that in 2017, of the total number of women benefited 86% were Spanish and 14% foreigners, despite the fact that the victimization figures in the latter is above 30%. Similar proportions we find in the data on the application of the telematic monitoring system by means of bracelets." (Retamozo, 2020: 26)

➤ **Not enough training in gender perspective and even less from an intersectional approach.**

There is staff trained in gender perspective and gender-based violence in the different police forces. However, the resources and schedules of these professionals are scarce, which often leads to dependence on untrained professionals or those with very limited training. In addition, even if there is staff trained in gender perspective they may not be trained in the laws on foreigners and may not advise adequately. There is a lack of an intersectional perspective in practice. Another shortcoming is the lack of sufficient interpreters and cultural mediators.

➤ **Other barriers:**

- Barriers to registration/access to public health care. In 2012 (see section 5) the conservative government limited access to free healthcare for the migrant population in an irregular situation. Despite the fact that some regional governments did not abide by the decree and that from 2018 free and universal healthcare is back, there are still cases of people who do not register. This may be because they are unaware of this right, or because of the obstacles they may face in different municipalities if they do not have a person who certifies that they live with them. Access to public health care is key to detect cases of gender violence or to provide the necessary support. It is important to take into account the differences according to the regional governments, or that, for example, in places such as Ceuta and Melilla, registration is still required for access to public health care.

- Other barriers that place them in a more vulnerable situation are, for example, suffering economic violence, depending financially on the aggressor; difficulties to open a bank account; difficulties to rent an apartment; difficulties to homologate or validate studies, or the time slots to access the services to which they are entitled to access. It is not contemplated that many women work as interns or in schedules that coincide with the opening hours of these services or have limitations of movement because they can only go when their partner is not at home (Tutistar, 2021).

2.3. Political discourse

The 2017 State Agreement Against Gender Violence with no votes against before the arrival of the far-right party VOX shows the unanimity there is in the political discourse regarding the importance of eradicating gender violence from our society. However, there are differences in the political discourse of the social democratic party and the conservative party. The PP, without denying gender violence, has had a discourse that weakens a comprehensive approach to gender violence by speaking more of 'domestic violence' than of 'gender violence'. In this way it puts the emphasis on the place where violence occurs and not on the structural causes or on the actors who carry out the violence (Lombardo and León, 2014:30).

In 2022, with the extreme right-wing party already in parliament, this unanimity is broken when this one denies the existence of gender violence and stays out of the renewal of the 2017 Agreement. Vox is the only party that denies gender violence with statements such as "violence has no gender". Its strategy is to minimize the data, distort them and accuse feminism of treating women as victims and promoting a war against men.

However, their denialist position on gender violence does not prevent them from connecting it to immigration, reinforcing their anti-immigration discourse. A position that the Popular Party can also adopt, especially during election campaigns.

Another burning issue is the role conferred on consent in the "only yes is yes" Act (2022 Act). Although the political discourse that supports it presents it as a progressive advance, it is problematic due to the unequal power relations at all levels between women and men.

There are also very opposing discourses on sexual exploitation and human trafficking for sexual exploitation. While the feminist movement calls for the inclusion of these as extreme forms of violence against women and girls with proposals such as the abolitionist proposal on the prostitution system in December 2020, other discourses and political forces move between inaction or open support for a regulative position on the issue of prostitution. The 2022 Act chose to mention victims of sexual exploitation and trafficking for the purpose of sexual exploitation as victims of gender violence, but without developing it and without entering to legislate on prostitution to avoid the lack of agreements among the different political forces on the subject. Spain is the first country in Europe and third in the world in prostitution consumption and it is estimated that 90% of women in prostitution are also victims of trafficking. In this context, not legislating on prostitution is in fact taking a political stance on the issue; a stance that especially harms migrant women, who are mostly vulnerable to sexual exploitation and trafficking. Other political forces, some of them progressive, but with a clear liberal discourse on this issue, defend the legal regulation of prostitution as a possible source of income for migrant women without other resources; an approach defended, for example, by the Barcelona City Council, qualifying prostitution as sex work and gender empowerment.

3. LABOUR MARKET POLICY

The main problems of the Spanish labour market, compared to other European countries, are unemployment, chronic seasonality and the underground economy. The year 2022 closed with an unemployment rate in Spain of 12.87%, according to Eurostat (Labour Force Survey), far from the EU average rate of 6%.

The population most affected by these problems are young people (with an unemployment rate of 32%) and women (with an unemployment rate of 14.61%), and those with the lowest qualifications. Precariousness, temporality and informality affect mainly migrant women, the group that works most in the black economy and in a precarious situation.

The most important development in recent years has been the **labour reform carried out recently in 2022** and the **increase in the minimum wage** (which in 2018 stood at 735.9 euros per month, in 2019 increased to 900 euros and then a final increase was set at 1080 euros). According to reports from the majority trade unions, these measures mainly benefited disadvantaged people, including migrants. Similarly, the obligatory nature of the Equality Plans and the ratification of ILO Convention 189 for decent home service (also implemented in 2022) are important measures to reduce inequality between men and women, which in turn benefited the migrant population. In particular, the increase in the minimum wage has helped to reduce the gender pay gap, as women have a lower contribution rate. However, there is a consensus among trade unions, government, CSOs and social movements that it is still a priority to reduce the wage gap and combat what is known as the "glass ceiling" and "sticky floor" affecting women.

Legal context and practice

Equality Act 2007

La *Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres* (Equality Act) is the most significant legal framework affecting the labour market. The law establishes measures to promote equal opportunities between men and women in different areas, such as employment, education, social and political spheres. In the labour sphere, one of the most important aspects of the law is that it promotes equality in collective bargaining and employment contracts and makes it compulsory for companies with more than 250 employees to draw up and implement an equality plan.

Equality Plans: these are plans that must be drawn up and implemented by companies through a Negotiating Committee together with the legal representation of workers. Equality plans establish professional classifications; promotion and training of workers; working conditions, including a gender pay audit; measures to reconcile personal, family and working life; female under-representation and pay and the prevention of sexual harassment. In addition, a system for the monitoring and evaluation of the objectives set must be established.

In 2019, Real Decreto-ley 6/2019, de 1 de marzo, de medidas urgentes para garantizar la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación (Royal Decree-Law 6/2019, of 1 March, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation), was approved, and a deadline was established for companies between 50 and 249 to also promote equality plans. This deadline expired on 22 March 2022.

The Labour Reform (2022)

As already mentioned, the transcendental legal framework that has also been important for equality between men and women, insofar as it aimed to curb the precariousness of the Spanish labour market, was Royal Decree-Law 32/2021 of 28 December on urgent measures for labour reform, the guarantee of employment stability and the transformation of the labour market (the "Labour Reform"). The Labour Reform was the result of a broad social and political agreement to improve the quality of employment, put an end to fraud and put a stop to temporary and precarious contracts, which were structural elements of the Spanish labour model. The Labour Reform came into force in 2022 and according to recent reports by the majority trade unions, it has had an impact on reducing the wage gap and female precariousness, as it reduced female temporary employment from 22.6% to 17.1% between 2021 and 2022.

Social Security and the pension system

Spain has a centuries-old history of working-class insurance, but it was in 1966, during the late Franco regime, that the General Law on Social Security was created. When democracy was restored, the 1978 constitution introduced the right to social security in article 41 and established that the public authorities would maintain a public social security system for all citizens that would guarantee sufficient assistance and social benefits in situations of need, especially in the case of unemployment, indicating that assistance and complementary benefits would be free. Regarding pensions, the historic milestone was

the signing of the so-called Toledo Pact in 1995, with the support of all political and social forces, which ensured financial stability and future benefits of Social Security. From the 1990s to date, important changes have been introduced, some of them related to gender inequality and the protection of women, such as non-contributory benefits (including widows' and orphans' pensions), and a better match between the benefits received and the contribution exemption previously made.

Although pensions have always been the subject of some controversy, it is in recent years that the debate has been reopened and a working commission has been set up to renew the Toledo Pact. Very recently, in March 2023, the Spanish government approved the pension reform to increase pensions, but it is not yet clear whether it will have an impact on reducing the gender gap in pensions.

In terms of Social Security affiliations, in 2022 there has been a record of female affiliation to Social Security. According to government and trade union reports, women's employment continues to increase at a higher rate than men's (3.1% female employment compared to 2.4% male employment), although the affiliated population is still largely male, 53% compared to 47% female.

Despite the progress made and the increase in female affiliation to the SS, the gap between men and women in the pension system is still high, and its origin lies in the precariousness of the labour market. Lower contribution bases and interrupted working lives due to an unequal distribution of family care have as a direct impact on women's receiving lower pensions in old age. To give an example, throughout 2019, 59,446 leave of absence permits for family care have been registered, of which 86.96% (52,889) correspond to women.

Convention 189

Another new development that positively affects women and especially migrant women is the approval of the **Convention on Domestic Workers, 2011 (No. 189), known as ILO Convention 189**, after more than a decade of demands from the domestic workers' organizations. Convention 189 expands labour rights for domestic workers, a group of some 600,000 people, 97% of whom are women and the vast majority of whom are of migrant origin, mainly from Latin America, Romania, Bulgaria, Morocco, the Philippines and African countries. Convention 189 was adopted at the 100th Geneva Convention in 2011 with the aim of promoting a series of recommendations and labour standards such as: minimum interprofessional wage, 24 hours of rest, choice of place of residence and holidays, information on working conditions in writing, creation of a standard contract, presence times recognised as working hours, overtime compensation, specific measures for night work with adequate economic compensation, guarantee of safety and health in the workplace, respect for privacy in the case of overnight stays, prevention of occupational risks, labour inspections, protection against abuses by recruitment agencies and additional measures for the protection of migrant workers.

Although domestic service in Spain is regulated by **Royal Decree 1620/2011**, which in 2011 already incorporated some of the recommendations of Convention 189, since ratification other rights have been incorporated, such as, for example, the annulment of dismissal for withdrawal (or "free dismissal") and the Prevention of Occupational Risks. But the most important novelty for the sector was the approval of the unemployment benefit ("derecho al paro"), a measure also from 2022, which is still in procedure.

Organisations in the domestic workers' sector and trade unions consider the adoption of Convention 189 and the right to unemployment to be very significant advances. However, it should not be forgotten that the recognition of collective bargaining and the solution to the impossibility of carrying out labour inspections at home are still pending. On the other hand, this is a sector where, despite the progress made, it is extremely difficult to combat informality and irregularity, as it is an activity that is carried out in the home. It is worth noting that this is the sector with the highest rate of informality, which according to the ILO is 30%. One of the main problems is that migrant women in an irregular situation are employed in domestic service and perform live-in care work for the elderly, or as they say in Spain, 24 hours a day or 24/7.

4. EDUCATION POLICY

Although there are national education laws and regulations, education policy in Spain is completely decentralized, and actual powers almost exclusively belong to regional governments (with almost no municipal responsibilities in education policy). By the end of 2020 the last reform of the **Education Act (known as LOM/LOU)** was passed establishing easier ways to graduate from compulsory education (ages 16 through 18) and navigate across vocational and academic tracks in upper secondary education, among other innovations to struggle against one of the major education problems in the country, namely ELET rates.

Education has been one of the most controversial political battlegrounds in Spain and with every change of government an educational reform is carried out, especially since the late 1990s when the social democratic government passed an Education Act inspired by a comprehensive approach extended the stages of compulsory education from 3 to 16 years of age. However, the conservatives won the elections following the approval of this unprecedented reform and the planned financial resources allocated to implement it were derived to help finance the private education sector. Therefore, the number of state-funded private-owned schools exponentially grew, and a double school network was consolidated. The core approach to education made an emphasis on “quality” and “effort” rather than comprehensiveness and inclusion that practically turned out to introduce more selective practices based on testing and performance, and lower budget to support diversity-based needs or curricular diversification programmes.

This process ran parallel in time with massive new arrivals of migrant flows and eased the way for native families, including middle class and even working-class families, to fly away from public schools in their neighbourhoods. Some state-funded private schools use paralegal strategies to make families pay some fees and have been allowed for long to apply their own recruitment rules, which has resulted in social and ethnic segregation. Although segregation is also found in public schools, on average students with a migrant background are over-represented in them. This situation has not changed since 2010.

The deep economic and health crises before and after 2010 have also marked the context and conditions of integration (Crul & Schneider, 2010; Carrasco, Pàmies & Narciso, 2012) of the children of immigrants across the country due to high reductions in the budgets of public education and the availability of resources and provisions to support students with an immigrant background in schools. The management

of the financial crisis at the dictate of the neoliberal austerity policies of the conservative governments in Spain and in the European Union included cuts of up to 40% in public education (Bonal & Verger, 2017), much higher than that affecting privately-owned, state-funded schools. In addition, in-service teacher education related to improving care for immigrant students was cut short, and language and curricular support for immigrant students was no longer funded and virtually disappeared from schools' services. The dismantling of these specific provisions was justified on the claim that there were no longer arrivals of immigrant students.

Participation in ECEC in Spain is high, but the academic performance of Spanish students remains low in relation to neighbouring countries. Even though girls outperform boys in all the education stages, recent reports show they are less confident in their abilities as early as age 6. There are currently national and regional programs to promote the girls' participation in STEM related careers and, because of school lockdowns that revealed the unequal preparation of schools for online teaching and the availability of infrastructure to do so adequately, a **national strategy to increase digital competencies** has been launched. It is also worth mentioning the recently introduced approach to promote competency-based learning, specifically in relation to **improving VET itineraries and programs**, where working-class students and students with a migrant background are overrepresented.

However, as mentioned above, the worst indicator of education in Spain is that the average ELET in the country is still one of the highest in the EU and also one of the most polarized by gender and immigrant status: native boys leave education and training earlier (around 20%) than girls (around 10%) and although the ELET rate is very high for second generation girls (around 30%), that of second generation boys is even higher (around 40%). Regional variation in ELET rates is high, from almost 30% in the islands, the cities in Northern Africa, Murcia or Andalusia, through lower than 10% in the Basque Country, partly due to diverse productive sectors and labour market demands across the country. The problem was masked for a while by a strong demand for low-skilled labour where boys who were early school leavers found relatively well-paid jobs (Carrasco, Narciso, Beltran, 2015). The dynamics of early school leaving of girls was easily naturalised and remain largely unexplored.

Education as the key to social integration has been the mantra at the core of the political discourse. The focus of action has been put on language learning and (failed) attempts both to reduce segregation between schools and promote the performance of working class, immigrant students.

But despite discourses celebrating uncritical, reifying notions of cultural diversity and in schools as if they could prevent racism, actual immigrant students have been represented by deficit views, low expectations, and compensatory approaches. Clear frameworks for intervention regarding controversial topics specifically affecting girls from certain migrant groups such as debates around dress codes, exemption from physical education activities, barriers to remain in education after compulsory stages, etc., are still absent from the education policies. Thus, decision making with respect to girls' full participation in education resides with local school management teams.

Despite the former remarks, Spain has a strong tradition in education for equality. In Spain Coeducation is regarded as a tool to achieve women's emancipation, far beyond gathering girls and boys in the same classrooms and exposed to the same curriculum. It is worth mentioning the *Women's Legacy: Our Cultural Heritage for Equity* Erasmus+ project led by Spanish scholars commissioned by the Department of Education in Valencia, to analyse the persistence of androcentric curricular contents and the low presence of women's contributions and experiences in the contents of compulsory education. In

recent years “coeducation” is being implemented as a mandatory area with a special focus on sex-education to prevent gender-based violence against women and girls, which has grown in the last years (see corresponding section on). However, the feminist movement has claimed that the contents taught do not respond to its original goals since the label Coeducation is used to introduce gender identity ideology rather than focusing on overcoming gender-based oppression.

5. HEALTH POLICY

5.1. Legal context

Universal Health Care

Spain has a universal healthcare system for the entire population registered in Spanish territory, including the undocumented migrant population (in an irregular situation), although there have been some changes in recent decades. Since the approval of the Spanish Constitution in 1978 and 14/1986 Act, of April 25, 1986, General Health Law, the universality and public nature of healthcare in Spain has been central to its healthcare system.

- 16/2003 Act, of 28 May, on cohesion and quality of the National Health System establishes universal and public insurance by the State.
- In 2012 the Popular Party introduced a reform with Royal Decree 16/2012 that restricted access to the migrant population in an irregular situation.
- In 2018 the social democratic government recovered the universality of health care in Spain, with Royal Decree 7/ 2018 that rectified the 2012 health exclusion measures.

However, beyond regulation at the national level, the health system in Spain is the responsibility of the regional governments. So, despite the national Law, the migrant population may face different access barriers depending on which regional governments they are in. On the other hand, Royal Decree 7/ 2018 has received criticism from different organizations involved in the defence of universal access to healthcare for presenting certain ambiguities that can lead to restrictive interpretations of the law from the different regional governments.

Other health issues in Spanish legislation:

Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres (3/2007 Act, of March 22, 2007, for the effective equality of women and men).

In the field of health, the law emphasizes that women and men must be cared for and that an equal right to health must be guaranteed, avoiding discrimination due to biological differences, social stereotypes... The need for data segregated by sex is stated.

On voluntary termination of pregnancy (VTP):

Ley Orgánica 2/2010, de 3 de marzo, de la salud sexual y reproductiva y de la interrupción voluntaria del embarazo (2/2010 Act, of March 3, on sexual and reproductive health and voluntary interruption of pregnancy).

Since this law, abortion is freely available until the 14th week of gestation and, after that and up to the 21st week, what is known as a therapeutic abortion can be performed, that is, an interruption for medical reasons, such as foetal malformation or danger to the mother's life.

Ley Orgánica 11/2015, de 21 de septiembre, para reforzar la protección de las menores y mujeres con capacidad modificada judicialmente en la interrupción voluntaria del embarazo (1/2015 Act, of September 21, to strengthen the protection of minors and women with judicially modified capacity in the voluntary termination of pregnancy). Law approved by the conservative party PP that introduces changes to the previous law establishing that for voluntary terminations of pregnancy (IVE) of minors and women with judicially modified capacity, in addition to their manifestation of will, the express consent of their legal representatives is necessary.

Ley Orgánica 1/2023, de 28 de febrero, por la que se modifica la Ley Orgánica 2/2010, de 3 de marzo, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo (1/2023 Act, of February 28, which amends 2/2010 Act, of March 3, on sexual and reproductive health and voluntary termination of pregnancy). Law approved by the coalition government of PSOE and Podemos. The objective of this new reform is:

- To guarantee the **right to abortion in public hospitals**, that each regional government, which are the ones with competences in health matters, organize their resources to ensure that women can interrupt their pregnancy in a public centre, at least in the provincial capitals.
- To restore the **right of 16- and 17-year-old girls to decide to terminate their pregnancies** without the authorization of their parents.
- To eliminate the obligation to previously provide the pregnant woman with information on maternity assistance and to abolish the three days of reflection that until now were mandatory.
- A **register of conscientious objectors** will be set up in each autonomous region. Professionals who wish to register must do so in advance and in writing. If they declare themselves conscientious objectors, they will be so for both the public and private spheres.
- Regarding **menstrual health**: Up to five days leave may be granted for painful periods, which may even lead to temporary incapacity.
- It also approves **paid leave in the last month of pregnancy**, from the 36th week until the moment of birth.
- It establishes **protocols against forced abortion, contraception and sterilization**, paying special attention to women with disabilities.
- Regarding **surrogate wombs**: The draft alludes to surrogacy as one of the forms of violence against women. However, the possible persecution of couples wishing to rent wombs outside Spain was left out. Agreements with the Ministry of Justice were necessary, but they were not reached. It does include the prohibition of advertising of agencies offering this type of services, with sanctions for the media that include their advertisements.

Assisted Reproduction Regulations

The current Spanish law in force is the **Ley 14/2006, de 26 de mayo, sobre técnicas de reproducción humana asistida** (14/2006 Act, of May 26, on assisted human reproduction techniques).

This law requires women to be over 18 years old and under 40 years old and men to be over 18 years old and under 55 years old at the time of the beginning of the sterility study. They also have to be persons without any previous, healthy children. In addition, the woman must not present any type of pathology in

which pregnancy could entail a serious and uncontrollable risk, both for her health and for that of her possible offspring ^[2]

In 2013, the Ministry of Health during the PP government restricted assisted reproduction treatments to couples composed of a man and a woman.

However, some regional governments such as Andalusian, Valencian or Catalan governments, among others- decided not to comply with this veto in their territory.

Since 2019 (PSOE government) these treatments are no longer vetoed in the public health system for single women and lesbians.

5.2. Practices and implementation (local, regional, national)

Health of the migrant population and access to health care

Different studies have highlighted that the **health of the immigrant population is usually better than that of the local population to start but worse over time**. Probably related to poor living conditions in the country of reception, their exposure to health risks, etc. There is a lack of research about it (Domínguez-Rodríguez and González-Rábago, 2022a). However, migrant women have worse health than migrant men, with some exceptions (Domínguez-Rodríguez and González-Rábago, 2022b). In general, the migrant population has greater problems of access to all health services even when controlling for socioeconomic differences.

Research is needed to know how "issues such as administrative status or cultural differences in the conceptualization of health and the way it is attended to would be important for estimating and understanding access to health services by the migrant population" (Domínguez-Rodríguez and González-Rábago, 2022b).

Example of barriers to access to prevention practices in the field of health: a study published in 2021 that analysed data from 2010 and 2012 shows lower participation of immigrant women in cervical cancer screening than women of Spanish nationality but an even greater difference with the performance of mammograms, 20.5% difference in 2010 and 24.1% in 2012. The study points to difficulties of the migrant population such as, for example, difficulties in requesting time to attend a medical appointment due to precarious work situations or having an easily accessible permanent place of residence when screening is done by mail (Barrera-Castillo, Fernández-Peña, Valle-Gómez, 2021)

Sexual and reproductive health

➤ Regarding sexual education among young people

Qualitative study on sexual health in young people (Ministry of Health, 2019) warns about how the consumption of pornography among the youngest profiles "may involve the assumption of sexist and domination-centered sexual practices" and points out the need to strengthen public policies on sex education (Ministerio de Igualdad, 2021).

- **Regarding harassment situations in clinics where voluntary terminations of pregnancy are performed**

In April 2022, the **Ley Orgánica 4/2022, de 12 de abril, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, para penalizar el acoso a las mujeres que acuden a clínicas para la interrupción voluntaria del embarazo** (4/2022 Act, of April 12, which amends Organic Law 10/1995, of November 23, 1995, of the Penal Code, to penalize the harassment of women who go to clinics for the voluntary termination of pregnancy) came into force. However, months later, the Association of Accredited Clinics for the Termination of Pregnancy (ACAI) reported that 'pro-life' groups continue to mobilize and harass women who wish to terminate their pregnancies at the entrance of the clinics (Martín, 2023).

- **Obstacles that hinder the guarantee of accessibility, free access and territorial equity with regard to voluntary interruption of pregnancy.**

A report published in 2019 by the Ministry of Health highlights that 87.14 % of the VTPs were performed outside the public system, of which 79.02 % were in private centers (Ministerio de Igualdad, 2021) In addition, from 2011 to 2020 eleven provinces (plus Ceuta and Melilla) did not report any voluntary termination of pregnancy (Martín, 2022).

- **Situation of migrant women regarding VTP:**

There are not only great inequalities in access to VTP according to regions if not also according to population profile. After the 2012 PP health reform and even after the entry into force of Royal Decree 7/2018 to recover universal healthcare, problems persist in the application of the law due to cracks left in the system. In Catalonia, the Catalan law 9/2017 on the universalization of healthcare grants access to healthcare "to those people who accredit their roots in Catalonia through the criteria that are deployed by regulation", but there have been situations in which women without registration have had greater difficulty accessing free healthcare depending on the local requirements to demonstrate the roots (López-Tomás, 2020).

5.3. Political discourse

- **Debates regarding abortion**

In general, the 2010 Act, which establishes that abortion is freely available until the 14th week, is accepted by almost all political forces, including the PP. There is a more conservative sector of the PP that is against it, but its leader does not question the Act (Lucas-Torres and De la Hoz, 2022). Vox, the extreme right-wing party, does adopt a unanimous position against the 2010 law, rejecting the voluntary termination of pregnancy in all cases ^[1]. In February of this year, Vox presented in Congress a non-legislative proposal to repeal the abortion law of 2010 and replace it with "public policies that protect pregnant women and the unborn child", which includes the extension to all of Spain of "those promoted by the Junta de Castilla y León". Vox has proposed in Castilla y León, where they are partners in government, a protocol of care for women who decide to have an abortion under which they would be offered to listen to the foetal heartbeat and undergo an ultrasound scan. However, this protocol is not being applied because their partner in the Community (PP) has refused to apply it .

An aspect with less political consensus is that of abortion for minors without the need for parental permission, which is not supported by the PP.

➤ **Debate regarding obstetric treatment**

"Obstetric violence is defined as gender-based violence, it passes through women's bodies and involves lack of information and consent and the impossibility of deciding on their reproductive processes". Aspects that are being questioned regarding how deliveries are carried out are, for example, that the schedules in health services condition deliveries or the impossibility for women to make their own decisions, partly because of the little information they are given (Rigol, 2018). This debate is beginning to influence health professionals, and some of them are beginning to change their attitudes. It has also influenced the political discourse which has led to the inclusion in 1/2023 Act of "the Protection and guarantee of sexual and reproductive rights in the gynaecological and obstetric field" (Chapter II).

➤ **Debate regarding the lack of a gender perspective in medical science and care:**

Despite the fact that since the 2007 Act, the need to incorporate the gender perspective in the health field has begun to be recognized, it is still pending the generalization of research work to differentiate data by sex, to include women in the work and to pay sufficient attention to differential morbidity, chronic pathologies and deficiencies that are predominant among women.

Some consequences of the lack of a gender perspective are not diagnosing women correctly and, for example, attributing to anxiety or depression ailments that have other causes. In addition, double workdays (home and work) imply an increase in the adrenaline, noradrenaline and cortisol's hormones, which can produce tachycardia and hypertension and alter the rhythm of sleep. But gender stereotypes lead to undervaluing women and not assisting them, but believing it necessary to control them, hence the overmedicalization they suffer (Niebla, 2020).

In the case of migrant women, with their domestic and care work and the working conditions to which they are exposed (see section 3), there is even more overmedicalization.

➤ **Migration and use of the Health System**

One of the most heated debates moved by the conservative sectors is the one that connects the problems of the health system with the overuse of it by the immigrant population. However, numerous studies show that, on the contrary, the immigrant population makes less use of public health care. Moreover, these discourses ignore how this population contributes to Spanish tax revenues.

6. FAMILY POLICY

Spain has a weak welfare state, like that of other Southern European countries. The poor development of family policy has been associated with two of the main characteristics of the so-called "Mediterranean welfare model" (Moreno, 2007): the high participation of the civil society organizations (mainly NGOs) in the provision of social services, that have been regularly receiving public and private funding, and especially, the centrality of family networks as the main units of social intervention.

In parallel to a context of profound changes in the family structure, with the pluralisation of the forms of organisation of family life, the decrease in marriage, the ageing of the population, the low birth rate, the decrease in the number of members per household unit, among others, different measures have been

developed that have consolidated a process of democratisation and Europeanisation in this area, through the following:

- Income/financial support to families, with measures conditional on family income: direct aid (for vulnerable population) or mainly through tax treatment of families with descendants under 25 years of age.
- Care and support services for family carers
- Childcare service provisions
- Parental leave rights

6.1. Legal context

The first decade of the 21st century has seen significant progress in Spain in terms of family policy aimed at reconciling work and family life and promoting gender equality. The legislation to be highlighted is as follows.

Ley 39/2006, de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia (**Law 39/2006, of 14 December, on the Promotion of Personal Autonomy and Care for Dependent Persons**) in Spain, better known as the "Dependency Law". Conceived as the fourth pillar of the Welfare State. It sets the basic conditions for the promotion of personal autonomy and deploys care measures for dependent persons.

The Ley de Igualdad de Género, Ley Orgánica 3/2007 Ley de Igualdad de Género para la Igualdad de Mujeres y Hombres (**Law for Equality between Men and Women**) involved a reform of the Spanish parental leave system and the extension of paternity leave to 16 weeks in 2020. The law for the first time guarantees parents an individualized right financed by the social welfare system. The law also provides flexible options for reduction of work time to care for children from one eighth to half of the parent's work time, extending this right until the child turns 8 (or 12 in the public sector, where the cut-off age was previously 6) and to care of a dependent family member.

Family Support Plan (2015-2017) (Plan Integral de Apoyo a la Familia (2015-2017))

This is an instrument to improve the protection of families in all policies and in a cross-cutting manner. The more than 225 measures included in the plan entail an increase in public spending in areas such as health, education, housing and dependency, thus moving away from previous austerity policies. The plan refers to a specific purpose of supporting families with special needs, mentioning different groups among which "immigrant families" are explicitly mentioned.

Family Law (Ley de familia) approved on 28 March 2023 and not yet published. The draft bill recognises families as an essential social institution and aims to fully recognise the diversity of family models, seeking their social and economic protection. It will apply to all families domiciled in Spanish territory regardless of the nationality of their members (Article 2). Among some of the most important measures are the extension of the existing economic benefit for the 100 euros per month for each child under 3 years of age (Article 10) which is currently limited to the concept of "women with children under three years of age...". It includes the improvement of support services for the care and attention of family members, it aims to extend the offer of public places in ECEC, progressively tending towards free of charge.

6.2. Practices and implementation (local, regional, national)

In Spain, there has been a process of change towards a greater social coverage of family policy, with increasing services and advances in measures towards parity, related to divergent forms of party competition, public opinion and developments in female employment (Jurado-Guerrero and Naldini, 2018). Some authors refer to a model transition in a clear process of development and modernisation of the social protection structure since the responses to the 2008 crisis, but the welfare model remains weak. The most significant example is that in 2020 Spain has a rate of public spending on families and children of 1.19% of GDP, while the OECD average is 2.11 (OECD, 2021).

Several authors have identified the first attempt to break with the family welfare model during the first period of Zapatero's social democratic government (2004-08), through the development of work-family reconciliation policies, and the reversal of measures to deregulate childcare services that had been introduced by the previous conservative government in the early 2000s. The 2008 crisis and the austerity measures imposed by the EU led to the reduction or abolition of various family allowances that had been promoted by the same ruling party, and the extension of paternity leave that was being considered was put on hold (Bürgisser, 2022).

It was not until the entry of the social democratic government in coalition with the left that the impulse in social policy and equity became more significant, accompanied by an EU social investment policy in response to the COVID-19 crisis.

But income measures or financial support for families are currently the lowest in Europe and this means having the highest rates of child poverty or maintaining the feminisation of poverty. Reconciliation measures, such as childcare services and paid leaves to care for children have experienced notable improvements, although they remain underfunded (Jurado-Guerrero and Naldini, 2018), fail to eradicate the asymmetry in care work and have less impact on the most vulnerable families and single-parent households headed by women (Moreno-Minguez and Ortaga-Gaspar, 2022).

It should be noted that the social protection system in Spain is characterised by its decentralisation of services to the regional and local level, while only aid and tax benefits are the responsibility of the state, so that we find territorial diversity in social policy.

6.3. Political discourse

PPiNA (Equal and Nontransferable Leaves)- PETRA (Transferable Leaves) debate

During the process of progressive extension of paternity leave, there has been a debate between different models of childcare leaves within the Spanish feminist movement, a debate that has been marked by mutual accusations of "anti-feminism". Pro-PPiNA positions denounce PETRA's alleged essentialism that would place women back in the space of domesticity. For its part, PETRA openly criticises the patriarchal reform for extending fathers' rights while maintaining short leave periods, insufficient even to comply with the recommendations of the World Health Organisation of six months of exclusive breastfeeding and preventing the transferability of the other parent's rights.

7. GENDER REPRESENTATION IN POLITICAL, ECONOMIC AND SOCIAL ELITES

7.1. Legal context

On March 7, 2023, the Spanish government approved the **Anteproyecto de Ley Orgánica de Representación Paritaria de Mujeres y Hombres en los Órganos de Decisión** (2023 Equal Representation Act between women and men), which aims to guarantee equality on electoral lists, the state public sector, listed companies, large companies and professional associations.

The basis for this act dates back to the beginnings of democracy in Spain. The **Spanish Constitution of 1978** laid the foundations for legislation against sex discrimination and for granting the public authorities the responsibility of promoting the conditions for the freedom and equality of the individual and of the groups in which he or she is integrated to be real and effective. **In 1983, el Instituto de la Mujer** (the Women's Institute) was created (agency for the fight against gender inequality at the national level) and in **January 5, 1984. Ratification in Spain of The Committee on the Elimination of Discrimination against Women (CEDAW).**

- **Between 2002 and 2005 four regional governments modified their electoral acts to impose parity** in elections to their Legislative Assemblies.

Balearic Islands, Castilla-La Mancha, Basque Country and Andalusia.

- **2007 Equality Act**

The 2007 Equality Act is the most important predecessor to the 2023 Draft Bill. It incorporated European regulations regarding the principle of balanced representation between women and men. It promoted parity (40/60) in the electoral lists of political parties and in the executive committees of companies.

- **Creation of the Ministry of Equality in 2008**

Ministry to propose and execute equality policies, not only based on gender, but with special attention to ensure equal treatment and opportunities between women and men and the promotion of women's social and political participation.

From 2010:

As mentioned for other areas, the consequences of the **2008 crisis led to the suppression or loss of status of Equality institutions.**

Recovery of the feminist agenda from 2018.

Since the return of the social democratic party to power in 2018 (in coalition with the left-wing party Unidas Podemos since 2020) and because of the strong pressure from the feminist movement in recent years, the feminist agenda is again put at the center of current policies at least at the discursive level.

- **Real Decreto-ley 6/2019, de 1 de marzo, de medidas urgentes para garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación** (Decree RD 6/2019 in March 2019).

It develops and details aspects of the 2007 Equality Act. It extends the obligation to approve equality plans to all companies and institutions with more than 50 employees (previously >250 employees).

- **Real Decreto 901/2020, de 13 de octubre, por el que se regulan los planes de igualdad.** (Decree RD 901/2020 on the regulation and registration of Gender Equality Plans (GEPs)).

It develops and details aspects of the Organic Law for Effective Equality (3/2007). It establishes the deadlines for companies and institutions with at least 50 employees to approve and implement their GEPs. (Eige, 2022)

- **2023 Equal Representation Act between women and men**

Listed companies must ensure that their boards of directors have at least 40% female directors by July 1, 2024. The new regulation will also apply to large unlisted companies, which are those with more than 250 employees or an annual turnover of more than 50 million euros. These companies will have an additional deadline, until July 2026, to comply with the rule. The principle of balanced representation will also have to be complied with in the governing boards of professional associations and in tribunals, award juries or public recognitions. At the political level, electoral candidacies will have to have a parity composition by means of zipper lists, candidacies integrated by persons of one and the other sex alternatively ordered. The Government will also have to be governed by the principle of a balanced presence of women and men, and no sex will have a presence of less than 40% in the Council of Ministers. (La Moncloa, 2023).

This act is based on the United Nations Agenda 2030 goal based on guaranteeing women and girls the same opportunities as men and boys in employment, leadership and decision-making at all levels. In addition, it transposes Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on a better gender balance among directors of listed companies and related measures (2023, Ministerio de la Presidencia)

7.2. Practices and implementation (local, regional, national)

- **Impact of the 2007 Equality Act and the 2008 crisis**

The 2007 Equality Act was key to establish the representation of women in political, economic and social spaces as a political objective and to lay the regulatory foundations to guarantee this representation. In addition, it set the principle of gender mainstreaming in public policies, and established gender units as structures within each ministry that would be in charge of applying it (Lombardo and León, 2014:20).

After the 2008 crisis, the "austerity" policies and with the change of government in 2011, from the social democratic PSOE party to the conservative PP party, the ideal conditions for the implementation of the 2007 Equality Act did not exist with the consequent decrease in budget items and loss of visibility.

For example, the Ministry of Equality was abolished in 2010 by the same party (PSOE) that created it. It became a lower-ranking body (Secretary of State) located within the Ministry of Health, Social Policy and

Equality. At the regional level, the equality institutions were downgraded or eliminated in Galicia, Murcia and Madrid. With the change of government in 2011 there is again a restructuring of the ministries that has a negative impact on the rank of the equality institutions (Lombardo and León, 2014:27).

➤ **Current political representation**

However, in terms of political representation, there has been an increase in the presence of women in elected office since 2007. The Spanish Congress became in May 2019 the most equal in Europe, with 47.4% of the lower house, ahead of Nordic countries such as Sweden and Finland. Right now, that proportion has decreased: there are 200 deputies (57.3%) and 149 female deputies (42.7%), according to the latest data from Congress. The proportion in the upper house is 159 male senators (60%) and 106 female senators (40%). (Marcos, 2023)

With the 2023 Equal Representation Act between women and men, the current government wants to go further, based on the model of zipper system already promoted in different regional governments. In Autonomous Communities such as the Balearic Islands, Castilla la Mancha, the Basque Country and Andalusia this system was already legislated at the beginning of 2000. Other regional governments have also taken steps in the same direction. In Catalonia, the Statute of Autonomy of Catalonia (2006) introduced similar changes (Araujo, 2011:320). However, Catalonia is still today the only regional governments without an electoral act, which makes the requirements of the Statute legally unenforceable.

➤ **Parity representation in the different parties**

Although parity representation models have been promoted or adopted by centre-left parties, an increase in the presence of women has also been observed in centre-right parties.

The extreme right-wing party remains outside this trend. It is not surprising that the only regional government of which it forms part together with the Partido Popular, that of Castilla y León, is the least parity government in all of Spain, with nine men and three women in the highest positions of responsibility.

➤ **Parity representation in the economic area**

As far as the economic world is concerned, according to the 2021 report of the Comisión Nacional del Mercado de Valores (CNMV) (National Securities Market Commission), women are gaining more and more presence in the management bodies of listed companies. The female presence on boards experienced an increase to 29.3% (26.1% in 2020), which reached 34.2% in the Ibex 35. In 2021, this increase occurred in all categories, although it was more significant for independent female directors. Executive female directors also increased to 6.4% (5.6% in 2020). Thus, although there has been an improvement, the goal of parity is still far from being achieved (Marcos, 2023). In senior management positions, the presence of women on boards is still below 20% (La Moncloa, 2023). The new act aims to correct this.

➤ **Parity representation in other social areas**

In other social spaces, such as science, the report of the la Unidad de Mujeres y Ciencia (Ministerio de Ciencia e Innovación) "científicas en cifras" (2023) (Women and Science Unit, Ministry of Science and Innovation) "women scientists in figures" (2023)) also reflects progress: women are 42% of the researchers in our country (in 2015 it was 40%), above the value of the EU as a whole. However, in the business sector it is still lower and female researchers represent 31%.

The progress is still slow, and the report also observes that gender gaps have persisted and even increased in some cases. There are fewer students in STEM areas (especially engineering and technology), women drop out of their scientific careers more frequently than men, and women's careers progress more slowly than those of their men colleagues. Women researchers receive less research funding and have a lower success rate in research calls. There is a lack of inclusion of the gender dimension in research and innovation projects. Also, despite regulatory advances, not all universities and public research bodies have equality units, GEPs and protocols for the prevention of sexual and sexist harassment (EIGE, 2022).

➤ **Equal representation in precarious jobs**

Serious doubts arise when we think about how the objectives of the new act are going to be transferred to the economic sectors most overrepresented by migrant women, that of household and care work. They are not mentioned in the act. On the other hand, it would be necessary to combine parity acts with a public policy on care from the perspective of co-responsibility and not to continue with the familialist tradition that relegates household and care work to women. In Spain, the family-based model has had great weight since the Franco regime, but it has also persisted once democracy was established. Today it coexists with an approach that commoditizes care in a global world and that makes this work supported by migrant women. As we have seen in previous sections (see Labour Market), the 2000 Foreigners Act and other structural barriers place migrant women in very vulnerable situations both in terms of access to other labour sectors and in terms of claiming any rights.

7.3. Political discourse

➤ **Party discourses on gender representation**

The acts that have been promoted to promote equal representation (all with PSOE government but also supported by other forces of the left) try to correct the lack of women in the political, economic and social space: "If women represent half of society, half of the political and economic power has to belong to women," said Prime Minister Pedro Sanchez in an event in which the Socialists commemorated the March the 8th, claiming the legacy of their governments in the progress of women. (Guzmán, 2023).

In general, centre-left parties consider the lack of female presence as a structural problem based on social inequality and hold public authorities responsible for its solution through the promotion of active equality policies (Lombardo and León, 2014).

However, parity representation has been questioned from conservative and liberal sectors. Since in the first decade of the 2000s the PSOE began to introduce regulations to support balanced representation (40/60) in the 2007 act or in regional parity laws, the PP has shown its rejection. For example, with different appeals to various laws of unconstitutionality. However, the Constitutional Court has dismissed the appeals filed by the PP, concluding that these laws not only were they not unconstitutional, but that on the contrary "it is, in short, a formally neutral legislative measure aimed at correcting the minority nature of the presence of women in the field of political representation and at achieving material equality between men and women" (Ministerio de la Presidencia, 2023).

Another argument against parity representation is that it goes against meritocracy. This position is adopted by all the centre-right parties, although it is especially wielded by the centre-liberal Ciudadanos

party, which opposes parity to meritocracy and equality of conditions. This type of discourse can also be observed among groups of professional women who face the questioning of their worth if they have access to their jobs through quotas. For example, in view of the legislative change of the Catalan regional government that has implemented an affirmative action measure to force parity, some women firefighters in Barcelona expressed their dissatisfaction because of the impact of this measure, "as if we could not pass the opposition by ourselves, having to justify that we are always apt" (Bomberos de Barcelona, 2023).

The far right has above all a family-based approach, although it also appeals to meritocracy and considers that parity laws infringe on the freedom of companies and are in fact discriminatory against men.

8. Migration and minority policy

8.1. Legal context

The Spanish migration model is mainly governed by the ***Ley Orgánica de Extranjería 7/1985 de los Derechos y Libertades de los Extranjeros en España*** (Organic Law on Foreigners 7/1985 on the Rights and Freedoms of Foreigners in Spain), popularly known as the Foreigner's Act. This Law was passed in 1985 with the entry of Spain into the European Union and had three important reforms in the last decades in addition to the reforms of its regulations, which were numerous. It is a partly restrictive framework (for example, in terms of access to regularization) but also guarantees rights in relation to access to registration, health, labor rights and family reunification.

The most decisive and controversial aspect of this Law is the access to the regularization of migrants, i.e. the work and residence permit, popularly known in Spain as "Los papeles" ("the papers"). Since the implementation of the Foreigner's Act, the requirements for access to regularization have been changing over the years according to the socio-political context and the needs and dynamics of the labor market. Since 2009, the most common figure to access regularization has been that of "arraigo social" (social rooting) which can be accessed with 3 years of continuous registration in Spain and with a work contract of 40 hours per week (full-time). These requirements made access to regularization very difficult, especially during the recession, since few people could access a full-time contract.

For migrant women, the easy way to obtain "papers" is with a contract in domestic service, especially caring for the elderly. This implies that women must first work for three years in the black economy with a family and wait for this family to be willing to give them an employment contract.

In 2022, a major reform of the regulations of the Foreigner's Act was carried out with the aim of correcting some general shortcomings in terms of the management of migratory flows, access to regularization (for example, through self-employment contracts or contracts at origin), the residence of unaccompanied minors and family reunification. These aspects were important claims for years by social movements and CSOs. In 2020, the Minister of Inclusion, Social Security and Migration, José Luis Escrivá, pointed out the need for a reform of the Immigration Law to overcome the "regulatory complexity" and "bureaucratic rigidity". The reform maintained the requirement of 3 years of registration in the social roots, but other figures have been incorporated, while a Processing Unit has been created which seeks to expedite the

files (although it is still too early to see it in practice and check its effectiveness). As a novelty, a figure that was incorporated and which could benefit migrant women, is the figure of "roots against abuse", which allows a one-year authorization for those who have been working in an irregular situation.

Another important aspect of the Immigration Law that directly affects migrant women is family reunification, which was incorporated as a right in 2000. At the time, this right was incorporated with the regrouping of "accompanying women" and minor children in mind, but in practice it was the migrant women themselves who made most use of this right for the regrouping of husbands and children. In the last reform of the regulations of the Foreigner's Law, the flexibility of family reunification was made considering the reality of the feminization of migration, a phenomenon that is a primary one in Spain due to the labor market and the high demand for domestic workers.

Asylum Right and International Protection

In Spain, international protection is regulated by Law 12/2009 of October 30, known as the Asylum Law. The right of asylum is a competence of the central government and is global at the level of the whole country. It is a competence that is shared between the Ministry of Interior and the Ministry of Inclusion, through the Office of Asylum and Refuge (OAR) responsible for international protection applications, processing, managing places, among other roles. In 2022, Royal Decree 220/2022, of March 29, approving the Regulations governing the reception system for international protection was approved.

In 2014 the Asylum Law was reformed and incorporated the concept of subsidiary protection. This is international protection that recognizes persons from Third Countries and stateless persons who do not qualify for recognition of refugee status but who it is considered that there are reasonable grounds to believe that if they return to their country of origin or habitual residence, they would face a risk of serious harm.

It should be pointed out that the Asylum Law provides for persecution based on gender or sexual orientation as a ground for asylum and specific consideration of persons in vulnerable situations, including pregnant women, persons who have suffered torture, rape, physical or psychological violence, and victims of trafficking. In 2014, the possibility of extending international protection status to family members, or requesting family reunification, was also incorporated. This was an important claim to address the international humanitarian crisis, but at the same time it proved insufficient according to reports from various CSOs and social movements. Among the main shortcomings of the Asylum Law claimed by CSOs in the sector, the disappearance of the right to request asylum in Spanish embassies stands out.

In summary, the Spanish migration model lacks agility in its capacity to respond to the challenges of the labor market and migratory flows, as well as to the needs of asylum and international protection. At the same time, it is still ineffective in dealing with the informal economy to which most newly arrived migrants and refugees are relegated, a situation that has high human, economic and social costs.

Access to nationality and the right to vote

Access to nationality, and with it to full citizenship, is regulated in the Civil Code, which has been reformed several times in recent years. In Spain, nationality can be obtained by residence, by letter of nature, by option, by simple presumption and Spanish of origin.

- **By residence**

Among migrant population the most common is to opt for nationality by residence. The requirement in Spain is 10 years of legal and continuous residence (Spain is the country of EU that requires more years). However, there is an exception for the countries of the ex-Hispanic colonies of Latin America, the Philippines, Equatorial Guinea, Andorra and Portugal, for whom 2 years are required. So, migrants from Latin America can quickly opt for access to nationality, but in practice the process takes more than two or three years, and the bureaucracy makes it difficult. If to this is added the difficulties to first gain access to residency (minimum requirement of 3 years), the average access to citizenship is between 6 and 10 years for migrants originating from these countries. For the rest of the countries, such as Morocco, Pakistan and other African and Asian countries, the average time to obtain citizenship is more than 15 years, or maybe 20 years. This situation mainly affects young people from Africa or Asia, even though they migrated as children, who do not obtain full citizenship until they are 20 or 25 years old.

In the case of persons with refugee status, they may access nationality with 5 years of residence, and spouses of Spaniards and those born in Spain may apply for nationality with 1 year of residence.

- **By simple presumption**

Spanish law is governed by *Ius Sanguinis* attributing Spanish nationality to all children of Spaniards regardless of if they are born in Spain or outside Spain, and in principle is not governed by *Ius Soli*. But there is an exception (art 17 of the Civil Code) by which Spain grants Spanish nationality to the children of foreigners born in Spanish territory called "**simple presunción**" (simple presumption). In the event that the National Law of the parents is not governed by *Ius Sanguinis* (i.e., does not automatically attribute nationality to them) and therefore, the children are born stateless, Spain recognizes the nationality of the minor by Simple Presumption. This has been the case for the majority of Latin American families who have had their children in Spain. However, some Latin American countries (such as Venezuela, Honduras, El Salvador and Ecuador after 2008) changed their nationality laws and migrant families could not avail themselves of this option. The greatest difficulty is for families from Morocco, Pakistan and other African and Asian countries who cannot avail themselves of this option.

- **Voting rights**

Although the right to vote is guaranteed from access to citizenship, Spain has bilateral agreements with other countries outside the EU, whose citizens may choose to apply for the right to vote in local elections. These countries are Bolivia, Cape Verde, Chile, Colombia, Korea, Ecuador, Iceland, Norway, New Zealand, Paraguay, Peru, United Kingdom and Trinidad and Tobago.

The requirements are 5 years of residence and registration. However, in practice, the number of migrants adhering to this possibility is not significant in comparison to the total number of migrants on the registry.

2. **Practices and implementation (local, regional, national)**

In practice, the asylum and reception system in Spain has shortcomings and problems of all kinds, from the political approach to issues related to people's daily lives. The time periods of the established phases are very short (with 18 months it is very difficult to start a new life in another country), and the system for assigning places is somewhat limited. This is especially detrimental to women, as it is more difficult to consolidate the emancipation phase. Another difficulty with the asylum system in Spain is that, as it

depends on the central government, asylum places are assigned in different provinces. Asylum seekers are forced to move from cities such as Madrid or Barcelona to a smaller city where there is a place and often lose networks and ties, and do not get a job. As a result, many asylum seekers give up their places. The lack of networks is particularly detrimental to migrant women who are single-parent mothers.

However, at a practical and daily life level, the main legal framework that affects the lives of migrant women is the foreigner's Act; at a regional level, the Autonomous Communities have their own laws and/or agencies that regulate or guarantee the reception and social integration of migrants and refugees, which includes access to reception courses, learning the native language, etc. In the case of Catalonia, for example, there is a reception law that regulates the programs of access to social integration and also the teaching of Catalan (the language of the region) to obtain the "integration certificate", a requirement for regularization.

At the local level, the main difficulty is that of the **“empadronamiento”** (registration in the local council). The municipal register of inhabitants is the administrative record of the residents of a municipality. Its data constitute proof of residence in the municipality and of habitual residence. Based on Law 7/1985, the municipal councils are competent to carry out the tasks of formation, maintenance, revision and custody of the municipal register, and must undertake the actions and operations necessary to keep their registers up to date, so that the data contained therein is consistent with reality. The local register grants the status of “legal neighbour” and can be described as a “meta-rights” (according to the Ombudsman's Office of Barcelona), because it is the gateway to another set of human rights -civil, political, economic, social and cultural- such as the fundamental right to universal suffrage, the right to access health care, education or the right to obtain certain benefits.

Normally, all persons register at the address where they live, but it happens that there are many newly arrived migrants who have difficulty registering, either because the owner of the dwelling does not allow it or charges for it (which is illegal), because there are too many people in the dwelling, or because the person has no fixed address or lives in shacks, premises, squatted centres or substandard housing. One solution to this situation is the figure of **“empadronamiento sin domicilio fijo”** (registration without a fixed address) also contemplated in the Law, by means of which people can also register in their municipality. However, in practice, this figure is not used because many large cities do not accept it. For example, cities such as Barcelona do accept the registration of registered persons with no fixed address, but other neighbouring cities in the metropolitan area such as L'Hospitalet, Badalona or Cornellà do not, and, therefore, many people are not registered and do not have access to basic rights. In recent years this has been one of the main problems of newly arrived migrant families and a situation highly denounced by CSOs and social movements. Many social CSOs such as Caritas, FICAT Foundation or ECAS receive daily reports of vulnerable population that cannot be registered. The *Ficat Foundation* and the coordinator *Obrim Fronteres* carried out reports and campaigns to accompany people who are prevented or delayed by municipalities from registering.

8.2. Political discourse

Important topics: refugees support, access to welfare benefits, special needs and public services

In 2010 the political discourse on immigration changed dramatically because of the economic crisis that broke out in 2008. In 2010 the Spanish government promoted the "Voluntary Return Plan", which offered unemployed foreigners to return to their countries of origin by paying them unemployment benefits in one lump sum, but in exchange for losing their residency status. This plan was a failure since only 10,000

people adhered to it in the whole country, but it generated the public discourse based on the "immigrant Kleenex" (throwaway paper) that predominated during the recession years. The focus of the immigration issue ceased to be "the illegal immigrant" as it was in previous years and became "the unemployed immigrant" and therefore "returnable" (De Genova, 2012). At the same time, the integration and reception plans that predominated in previous years were no longer promoted.

Advancing the years of recession, in 2013 and 2014 the media focus and political discourse was placed on the southern border. First, from the sinking of a boat with 700 people off the coast of the Italian island of Lampedusa and then with the death by rubber bullets of 15 people on the Tarajal beach in Ceuta (border with Morocco), in February 2014. After these events the public debate focused on the controversy over **devoluciones en caliente** ("hot returns") at the border, starting with a video promoted by the NGO PRODEIN in Melilla. Since 2015, with the so-called "refugee crisis" -which had its peak with the circulation of the photo of the Kurdish boy Aylan dead on a Greek beach- the debate on international migrations focused on international protection policies at the European level and reception models at the local level. While migration policies remained restrictive and asylum policies had not quite been deployed, social movements, CSOs and much of public opinion organized around a discourse of "we want to welcome". Specifically in Barcelona in 2016, the platform **Casa nostra, casa vostra** was organized with great economic and media support, which organized a massive demonstration (the largest and most massive in all of Europe) to demand the reception of refugees.

The focus on the southern border, the Mediterranean Sea and the Syrian war as the main cause of the "refugee crisis" generated a social imaginary of the Syrian refugee and a paternalistic climate around the concept of reception, especially of Syrian women and families. The stereotype of Syrian women as "refugees to be welcomed" prevailed. However, the migration reality was very different. Since 2014, the majority of refugees and asylum seekers arriving in Spain preceded from Ukraine and Latin American countries such as Colombia, Venezuela and Central American countries. These migratory flows remained invisible in the social imaginary and in the political discourse. They were also highly feminized flows, especially from Honduras, with a 70% feminization rate in the city of Barcelona.

In 2018 another situation took place that tarnished this discourse of "we want to welcome". It was the massive arrival of unaccompanied minors in the main cities of Spain. Migrant children and young people arriving in Spain unaccompanied by their families come mostly from Morocco (80%) and also from Sub-Saharan African countries. Although this is a highly masculinized group, it should not be forgotten that there are also unaccompanied minor girls, totally invisible in public opinion and political discourse. They are mostly girls from Morocco, Romania or Nigeria who are victims of trafficking.

9. OTHER IMPORTANT POLICY AREAS – IF RELEVANT TO NATIONAL OR LOCAL CONTEXT

No other relevant policy areas.

10. ROLE AND POSITION OF CIVIL SOCIETY IN GENDER EMPOWERMENT AND INCLUSION

- 10.1. Role of women CSOs in the political system / addressing the gaps, family, education, equal pay, managerial positions, political positions (local – regional- central level) - CSOs dedicated to women's situation (national, women-immigrants)

In Spain there is a wide range of CSOs, social companies, non-profit organisations and social movements that play a fundamental role in the inclusion of migrant women and girls, on the one hand because the system of reception, asylum and other services to migrants is largely outsourced, and on the other hand because in Spain there is a strong tradition of social movements and associations that carry out social advocacy. In terms of services to migrant populations and inclusion work, both Autonomous Communities and local governments delegate actions to CSOs, either through subsidies or contracts.

Within this broad spectrum, CSOs could be classified according to their legal nature and their role as social action complementary to welfare, as service providers, as groups representing migrant groups or as organised groups that carry out political advocacy for "a cause", such as feminist groups or refugee reception.

Some CSOs have an international character and others are linked to the Catholic Church (e.g. Caritas, Mujeres Latinas Sin Fronteras, Adoratrices (dedicated to trafficking throughout Spain), although they operate independently. Others were formed from civil society, according to the origin and needs of the beneficiary population, such as Ibn Battuta, an association founded by Moroccan immigrants that has been working for more than 25 years in reception and inclusion, and in 2013 became a Foundation that works in Barcelona, Madrid and the Balearic Islands.

To understand this large variety, they could be classified as follows:

Institutional organisations

Organisations or councils promoted by institutions, but in which civil society participates in an organised way. They have a consultative, advisory or advocacy role in public policy. For example, in Catalonia there is the **Consell Català de les Dones**, and in the city of Barcelona there is the **Consell Municipal d'inmigración**, which brings together more than 50 reception and migrant organisations, in which migrant women participate. In other cities or regions, consultative boards acting as bridging instances between governing bodies and the civil society are also set up as spaces for dialogue between civil society and governments.

International CSOs

Well-known international organisations (NGOs) with international funding and partners, such as Save the Children, Red Cross, and others are linked to the Catholic Church such as Caritas. These wide-ranging NGOs carry out different types of work and programmes for migrants, and in many cases have programmes specifically aimed at migrant women and/or girls. They also carry out awareness-raising and research work.

NGDOS

Non-governmental organisations that are dedicated to development cooperation and education for global citizenship. There is a network of more than 70 development organisations throughout Spain. Among this typology is for example InteRED, a NGDO promoted by the Teresian Association, which is committed to transformative education, gender equality and inclusion. <https://intered.org/es/conocenos/mision-vision-valores-e-identidad>

Foundations and local grassroots organisations

NGOs, cooperatives, foundations and non-profit organisations that are grouped around a social objective or cause, or to support vulnerable groups, such as refugee reception, support migrant women, etc. and have different lines of action and approaches: social action, coexistence, interculturality, reception, recreational, sporting, cultural and so on.

Many of these organisations provide services and are contracted by regional or local governments through tenders or subsidies. They operate autonomously, but in coordination with local governments. In recent years, there has been a proliferation of social cooperatives, promoted by local governments, which have grown by providing services and function as labour insertion for professionals in the social field, including migrants and in particular migrant women. Many of these grassroots organisations also raise funds on their own through certain activities such as stalls, merchandising, handicrafts from the countries of origin or made by migrant women, food catering, etc. For example, many migrant women's organisations organise catering, selling food at fundraising events. Some also practice and/or reproduce specific forms of "ethnic economy" of mutual economic support. (Estapé-Dubreuil, & Torreguitart-Mirada, 2014).

CSOs focused on whistleblowing and political advocacy

As mentioned in the introduction, Spain has also been characterised by having a strong, organised feminist movement throughout the country, and also a strong network of organisations focused on the reception of migrants and refugees, racism, denunciations of rights violations at the border, against male violence, against trafficking and forced marriages, among other examples.

Many of these CSOs have a long tradition as a social movement and were founded in the 1980s, such as SOS Racism, which also belongs to a European network (although they work independently). Others were created recently based on a campaign or specific objectives, such as, for example, the campaign for the closure of the **Centros de Internamiento de Extranjeros** (CIEs) (Detention Centres for Foreigners) <https://ciesno.wordpress.com/>, the platform **RegularizaciónYa** which campaigns for the regularisation of migrants. <https://regularizacionya.com/> or the **Asociación Valientes y Acompañadas** which fights against forced marriages.

Campaigns for the reception of refugees, such as **Refugees Welcome** and numerous local organisations in small and medium-sized cities, have also had a high impact in recent years. In Catalonia, the network of organisations for the reception of refugees usually has the name of the city followed by the verb "acull" which means to welcome.

On the other hand, there are platforms that include organisations, political parties and individual members that take the form of a social movement. For example, in Catalonia in 2012, UCFR was created to fight

against racism and the extreme right. It is the largest united platform in the country against fascism and racism, which also campaigns against Islamophobia and anti-Gypsyism.

Some platforms denouncing violations of migrants' rights have focused on advocacy on issues specific to women and/or girls of migrant origin. For example, the organisation PRODEIN on the southern border denounced the situation of unaccompanied minor girls as potential victims of trafficking; and the platform CIES NO specifically denounced the situation of undocumented women in the **Aluche CIE** in Madrid, many of whom are victims of trafficking.

Feminist organizations

The large number of long-established feminist organisations and platforms throughout the country do not make a difference between demands and needs of women in relation to their immigrant background and adopt an active secular perspective to inclusion and empowerment of all women.

During the various periods of social democratic government, feminist platforms and organisations that were semi-institutional were promoted by the public administration, especially since the 2007 Equality Act in force, among which the following stand out for their political influence and advocacy: the CEDAW shadow platform, made up of all the feminist organisations that request it and which carries out the annual prescriptive UN Women report on the development and deficits of the government's equality policies; the Forum for Feminist Politics, present in 10 large cities (in others, alternative centres and spaces were created, such as Ca la Dona, or Women's House, in Barcelona), which participates in and helps organise for the annual calendar of feminist demands and mobilisations together with the rest of the feminist movement (8 March, 25 November, etc.), and the Federation of Progressive Women, which is very close to the PSOE. Many women's organisations in medium-sized and small towns across the country that are still active also emerged during these periods.

There are also state-level organisations and platforms specifically dedicated to claiming key issues on the feminist agenda, such as PAP-OOMM (Plataforma Abolición Prostitución, for the Abolition of Sexual Exploitation, Feminicidio.net and Plataforma 7N (against violence against women), Confluencia Movimiento Feminista (against the erasure of women due to gender identity laws), CIAMS (Spanish branch of the International Coalition for the Abolition of Surrogate Motherhood); or those that focus on thematic and professional areas, such as DoFemCo (Docentes Feministas por la Coeducación, teachers of all education stages), AMIT (Asociación de mujeres investigadoras y tecnólogas), the association of progressive women lawyers THEMIS, and many others.

One specific feature of the Spanish feminist movement is the international articulation with international platforms, with specific connections to Latin American women's organisations, both at the government level and at the grass-roots level.

10.2. Examples of CSOs active in gender empowerment and inclusion field

In terms of organisations focused on gender empowerment and inclusion, it is worth mentioning a large proliferation of organisations founded by migrant women or of a mixed nature (founded by local and migrant women), which have empowerment or inclusion as their focus, either explicitly or transversally.

Some of them have been organised based on or supported by the feminist movement, such as *Athe-le* (an organisation of women domestic workers in Bilbao created in the 1980s) which originated under the auspices of *Emakunde*, the Basque women's institute.

Most migrant women's associations are grouped by ethnic origin, they are linked to networks of regional and local migrant organisations, and the issues they cover are varied and numerous. For example, Latin American migrant women in Catalonia formed the association **Diáspora Solidaria**, which works for women's rights in their countries of origin and to defend the rights of Latin American migrant women in Europe, with special emphasis on situations of political, social and male chauvinist violence. Another example is the numerous Moroccan women's organisations, especially in small and medium-sized cities in the Metropolitan Area of Barcelona, such as Cornellà, Castelldefels, Sant Joan Despí, etc. Many of them were formed because they did not see themselves represented in the strongly masculinised Moroccan or Muslim migrant organisations.

On the other hand, in the last decade, many migrant women from Latin America and elsewhere have organised in all the country's major cities to fight for the rights of domestic and care workers. Most of them also participate in networks throughout the country, although there are also many splits and differentiations according to the type of work, approach or affinities. All these organisations have empowerment as a central issue, either explicitly in their objectives or in a cross-cutting way, or they carry out projects for inclusion and empowerment.

The most relevant are, by cities.

Madrid:

- **SEDOAC: Servicio doméstico Activo:** Founded by Latin American migrant women in 2005 to fight for the rights of domestic workers. It is based on four pillars: empowerment, networking, awareness-raising and advocacy. It is worth noting that SEDOAC states that its mission is: To empower domestic and care workers to be the architects of the dignification of the sector and the improvement of their working conditions. SEDOAC website <https://sedoac.org/quienes-somos/> It has governmental support and funding, although it has encountered many difficulties with the changes of regional and local governments in Madrid.
- **Territorio doméstico:** Defines itself as a space for struggle, meeting and empowerment of migrant women from different origins. It is made up of Dominican, Colombian, Salvadorian, Ecuadorian, Romanian, Spanish, Senegalese, Nicaraguan, Bangladeshi, Bolivian and Moroccan women. <https://www.facebook.com/territoriodomestico/>
- Jeanneth Beltrán Observatory
- Rights in Household and Care Employment and Women who create from Madrid

Barcelona

- **SINDILLAR:** Union of domestic workers. Founded in 2011 from migrant women from other associations and with strong links to the "Sin papeles" movement. (Papers per tothom). It is based at the Bonnemaison Centre in Barcelona.
- **Mujeres palante:** founded by women from Colombia and Ecuador, it has strong roots in Barcelona and the city of L'Hospitalet. They work on various projects with a clear focus on

empowerment. It defines itself as a space for accompaniment. <http://www.mujirespalante.org/> and they have also a cooperative and catering service.

- **Mujeres Unidas entre Tierras:** founded by migrant women in 2020, it is a spin-off of Mujeres palante. In addition to being an organisation for the rights of domestic workers, they fight against sexist violence and discrimination. On their Twitter they define themselves as "an association of women who accompany each other in the process of empowerment as domestic workers in Catalonia".
- **Mujeres Migrantes Diversas (MMD):** Founded by Honduran women in 2017, it mainly provides accompaniment, although in recent years it has had some splits.
- **Amb Cura:** founded in 2022 by a split from MMD, to claim the rights of care workers and provide shelter. It has support from social movements in Catalonia that focus on human rights.
- **Colectivo Micaela:** founded as a spin-off from Sindillar by women living in the Maresme area (north of Barcelona), mainly from Peru, with an activist and denouncing focus, especially in social networks.

Zaragoza (Aragon)

Association of domestic workers in Zaragoza, bringing together Latin American women, mainly from Ecuador, Chile, Peru, El Salvador, Honduras, Nicaragua and Mexico.

Valencia (Valencia)

Intercultural Association of Domestic and Care Workers.

Santiago de Compostela (Galicia)

Emprego Do Fogar Xiara of Santiago de Compostela (Galicia).

Bilbao

ATHE-ELE: It is the oldest association of domestic workers in the country. Although it was founded by local women in 1986, migrant women now participate, and its focus is on advocacy, legal attention and empowerment.

ATHE_ELE has had some splits and some women founded other associations with an activist and vindictive approach, such as Brujas y Diversas, Trabajadoras no domesticadas - Etxekotu gabeko emakume langileak de Bilbo, organisations of feminist women mostly migrant domestic workers, but also of women who have been militating for several decades for the defence of domestic workers' rights.

Sevilla

Asociación de Trabajadoras y trabajadores del Hogar de Sevilla (Association of Domestic Workers of Seville).

Granada

- Asociación Sociocultural Nosotras por los cuidados y el empleo de hogar Granada.
- Platform of domestic workers in Granada

10.3. Financial situation: change (improving-worsening) over time (2010-2022)

Before 2010 there was a significant proliferation and growth of CSOs throughout Spain that received funding. With the recession, as funding was reduced, many CSOs were forced to reduce their structure and staff, and even to disappear, especially the medium-sized CSOs. Only large CSOs or CSOs with stable agreements, or those that were not dependent on public funding, remained. After the recession, there was again a proliferation of CSOs and above all of cooperatives, as a form of organisation, service provision and as a form of employment for professionals in the social field. Some large organisations that had partly reduced their structure began to contract small or medium-sized NGOs for other services or projects. For example, a large part of the budget of European funds or of the Gender Pact is dedicated to financing NGO projects whose beneficiary population are migrant women.

11. SUMMARY

Recent evolutions and future trends in gender empowerment and inclusion policies. From the laws against Gender-based Violence (2004) and for the Equality between Women and Men (2007) to the latest laws of the current social democratic government, such as the 2021 Labour Reform of the 2023 Equal Representation Act between women and men, there has been a steady trend to prevent the gender gap in all public policies and to develop regulations that take the struggle against gender discrimination from a formal right recognised in the 1978 Spanish Constitution to an effective right.

However, the Spanish model of social protection is a part of the ‘Mediterranean’ approach. This means that it relies heavily on the family, specifically on women, and little on the public system. One consequence of this approach is that advances in gender empowerment and inclusion are endangered every time there is a crisis, as evidenced by the setbacks in this area with the economic crisis of 2008 and the Covid 19 health crisis.

The fact that governance is quasi-federal in Spain and actual powers are mostly transferred to the regional governments (17 autonomous communities and 2 cities in Northern Africa) means that there can be inequalities in the scope of some policy trends depending on the territory and the diverse parties in power at any given time.

Even though there have been advances consolidated by both conservatives and parties on the left, in recent years the far right has entered the political and social arena with a discourse that is clearly contrary to many advances in the two areas under the focus of this project: an increasing denial of inequalities between women and men and what they call “gender ideology”, a demonization of feminism, and the widespread double discourse against immigration, openly racist. The influence of these ideas can further weaken achievements that seemed to have been consolidated in Spain, such as free access to abortion or universal access to healthcare, as well as pushing public opinion towards biased views on biased views on crime, welfare state resources or gender-based violence. Blaming immigration, however, is well beyond the far right, for example when analysing the average student performance by origin and the bad

position of Spain in comparison to other EU countries, for example in the ELET rates, where students with an immigrant background are dramatically overrepresented.

Part of the weakness of the welfare state has been eased through the action of third sector CSOs which have proliferated enormously throughout Spain. Although the issue of Gender Empowerment and Inclusion appears to be key within these organisations' proposals for action and there is a clear tendency to include the voices of migrant women, this model can also lead to clear regional inequalities. Finally, although CSOs have often denounced and made visible situations of vulnerability that have been later the object of legislative changes, it must also be kept in mind that it is difficult to evaluate the actual impact of their interventions and that these are not free from the influence of paternalistic and victimising representations of migrant girls and women.

Acronyms & Abbreviations

CSO	Civil social organisation
NGO	Non-governmental Organisation
IVE	voluntary terminations of pregnancy
CIE	Centro Internamiento de Extranjeros (Detention centre for foreigners)
CCAA	Comunidades Autónomas (Autonomous Communities)
PSOE	Partido Socialista Obrero Español (socialist Party)
PP	Partido Popular (Right and conservative Party)

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