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Emakunde: The Gender Equality Institution in the Basque Country

1 Introduction

Equality and human rights institutions act as mechanisms to monitor and safeguard the rights and equality of opportunity of the citizens of the countries in which they operate. In some instances, bodies specifically dealing with gender equality have been established to work towards equality between women and men.

In the context of the review of arms-length bodies Northern Ireland, equality and human rights institutions are under scrutiny¹. This paper builds on the review of equality arrangements² by looking broadly at gender equality structures in Spain, focussing on the example of Emakunde in the Basque Country.

¹ For example, in meetings of the Committee of the Office of the First Minister and Deputy First Minister 1 June, 15 June and 29 June 2011.

² See the Research and Information Service Briefing Paper NIAR-325-011, *Equality and Human Rights Institutions*, 24 June 2011: <http://www.niassembly.gov.uk/researchandlibrary/2011/7611.pdf>.

2 Gender Equality Institutions in Spain

The emergence of a gender institution in the Basque Country³ has its origins in the general development of measures to address sex discrimination in Spain and the particular circumstances of the Basque region⁴. Both of these trends evolved from the transition to democracy in Spain and in particular, the 1978 Constitution⁵.

The Constitution guarantees equality and bans discrimination on the grounds of race, sex, religion, opinion and any other conditions or circumstances, personal or social⁶. With the understanding that equality in many areas was starting from a low base, certain positive measures were initiated to make the constitutional aspiration a reality. Consequently, an institution for the promotion of gender equality, the Instituto de la Mujer⁷, was established in 1983.

The Instituto is an autonomous body established by legislation⁸ and appointed by the Minister for Health, Social Policy and Equality, via the Secretary of State for Equality. The functions of the institution are as follows⁹:

- Research the position of women in legal, educational, cultural, health and socio-cultural spheres
- Compile information and documentation relating to women
- Recommend and promote measures to address discrimination against women
- Pursue the enforcement of regulations relevant to the competences of the Instituto
- Advise the government on how to achieve the equality goals set out in legislation
- Co-ordinate the development of work in the relevant ministries on matters relating to women
- Administer the means to achieve the purposes described above
- Establish relationships with non-governmental organisations and formulate links with international organisations
- Develop relationships with international organisations on matters of interest to the Instituto

³ País Vasco in Spanish, Euskadi in Basque.

⁴ Officially, the administrative region of the Basque Country comprises Vazcaya, Guípuzcoa and Alava, but the 'Basque region' is often indicated to include Navarra and part of the Pyrénées-Atlantique region of France, the Pays Basque Français.

⁵ La Constitución Española de 1978: http://noticias.juridicas.com/base_datos/Admin/constitucion.html.

⁶ Article 14: "Las españoles son iguales ante la Ley, sin que pueda prevalecer discriminación alguna por razón de nacimiento, raza, sexo, religion, opinion o cualquier otra condición o circunstancia personal o social".

⁷ Website of the Instituto de la Mujer: http://www.inmujer.es/ss/Satellite?pagename=InstitutoMujer%2FPPage%2FIMUJ_Home.

⁸ Ley 16/1983, de 24 de octubre, de creación del organismo autónomo Instituto de la Mujer: http://noticias.juridicas.com/extras/print.php?doc=../base_datos/Admin/16-1983.html.

⁹ Article 2 of the Ley 16/1983.

- Establish relationships with relevant institutions at the regional level
- Promote services for women, particularly in areas of specialist advice
- Receive, compile and channel allegations of discrimination or violation of rights on the grounds of sex
- Undertake activities required to achieve the stated aims of the Instituto within the bounds of the founding legislation

In addition, the Instituto can:

- Give assistance to victims in relation to claims of discrimination
- Carry out studies relating to discrimination
- Publish information and formulate recommendations relating to discrimination

Observers have noted that Spain maintains a unitary approach to equality, looking at grounds separately, with gender at the top of this hierarchy, but have criticised this approach as being out of step with processes in the rest of Europe which are increasingly taking a more intersectional approach, looking at relationships between multiple equality strands¹⁰.

The other impact of the Constitution was the political decentralisation of the country and the recognition of national rights, which emerged as part of the process of negotiating disparate regional and national priorities in the transition to democracy¹¹. This resulted in the creation of seventeen autonomous communities (comunidades autónomas) within an indivisible Spanish nation state, each with its own institutions and competences¹². Included in this arrangement is the devolution of equality responsibilities.

Gender equality at the regional level is generally handled through a regional government department, where there is a specific structure for women. In some areas, gender equality is part of a wider department, such as dealing with women, children and families (such as in La Rioja) or a general equality department (such as in Valencia).

¹⁰ María Bustello, 'Intersectionality Faces the Strong Gender Norm' in *International Feminist Journal of Politics* 11:4 December 2009.

¹¹ John Loughlin, 'New contexts for Political Solutions: Redefining Minority Nationalisms in Northern Ireland, the Basque Country and Corsica' in John Darby and Roger MacGinty (eds) *Contemporary Peacemaking: Conflict, Peace Processes and Post-War Reconstruction* (2008), p.46.

¹² Daniele Conversi, *The Basques and the Catalans in Spain: Alternative Routes to Nationalist Mobilisation* (1997), p.143-4.

3 Gender Equality in the Basque Country: Emakunde

The Basque Country is one of the most economically advanced and has the greatest amount of financial and political autonomy of all the regions, having its own healthcare, education, planning, social services, public services and police force¹³. The gender institute in the region, Emakunde¹⁴, is the most established of all the regional equivalents.

Emakunde was established in 1988 as an autonomous body appointed by the President of the region¹⁵. The current structure was fixed by decree in 2006¹⁶. The role of Emakunde is to work towards the aim of real and effective equality between women and men in every aspect of political, economic, social and cultural life in the Basque Autonomous Community. The key reference point for the current work of the institution is the 2005 legislation on equality between women and men¹⁷.

The management of the institution originates in the Board of Management, which comprises the following:

- President: President of the Basque Autonomous Community
- Vice-President: Director of Emakunde
- 24 members drawn from government departments (education, employment, health, industry, culture and social affairs), relevant statutory bodies, municipal bodies, commission relevant to gender equality and the regional parliament
- Secretary: Secretary-General of Emakunde

The functions of Emakunde are as follows:

- Prepare guides associated with the aims of the institution and promote their application in the various competences of the Autonomous Community
- Monitor equality legislation and policy for adequacy in relation to the principle of equality between women and men
- Prepare proposals for legislative reform to address barriers to the achievement of equality between the sexes as well as propose regulations for the development of the 2005 law on equality between women and men
- Issue reports on the standards and procedures of the regional government and, where necessary, make recommendations for improvement
- Issue reports on the plans for equality between women and men by regional government departments, statutory bodies and other local entities

¹³ Scott Bollens, *Cities, Nationalism and Democratisation* (2007), pp.23, 142.

¹⁴ Emakunde website: <http://www.emakunde.euskadi.net/u72-home/es>.

¹⁵ Ley 2/1988 de 5 de Febrero: http://www.euskadi.net/cgi-bin_k54/bopv_20?c&f=19880304&a=198800484.

¹⁶ Decreto 214/2006 de 31 Octubre: http://www.euskadi.net/cgi-bin_k54/bopv_20?c&f=20061117&a=200605737.

¹⁷ Ley 4/2005 de 18 de Febrero: http://www.euskadi.net/cgi-bin_k54/bopv_20?c&f=20050302&a=200500982.

- Design and promote methods for the integration of a gender perspective in all policy areas and propose guidance on assessing the impact of policies on women and men
- Propose minimum basic standards for those involved in public administration in carrying out their functions and for staff training and matters regarding equality between women and men
- Promote actions to, advise and collaborate with public bodies on matters of equality, and in particular, the design of plans on matters of equality between women and men, including those relating to preventing violence against women
- Promote and co-ordinate the tasks of the Interdepartmental Commission for Equality between Women and Men and the Inter-institutional Commission for Equality between Women and Men, as well as promote the co-ordination of programme by public bodies in relation to the situation of women and equality between women and men
- Research the different conditions, needs and interests of women and men as well as inequalities in the political, economic, cultural and social life and carry out studies into methods of action
- Prepare a Strategy for Equality between Women and Men and evaluate its implementation
- Evaluate the effectiveness and extent of services and programmes in the region relating to violence against women
- Advise and assist businesses and organisation in the development of plans, programmes and activities regarding equality between women and men
- Propose to relevant bodies minimum basic standards in equality in the provision of services
- Promote rights of access to services for women suffering multiple discrimination
- Promote the provision and adequacy of services favouring the balance between personal, family and work life
- Raise awareness of the significance and importance of equality between women and men and the necessity to work towards the empowerment of women
- Establish relationships with other organisations and groups with common aims and objectives with Emakunde
- Establish relationships with international and national organisations and institutions

- Receive complaints of discrimination or the violation of rights on the grounds of sex
- Exercise the authority derived from the 2005 equality law

The equality law of 2005 brought about significant changes in the position of women in the Basque Country. Key among these has been the political representation of women, where party lists have to have at least 50% women candidates and at least 40% of either sex must be in the government¹⁸. Consequently, 35 of the 75 members of the Basque Parliament¹⁹ are women²⁰. The 2005 mandate was majority female.

¹⁸ Article 83.

¹⁹ Basque Parliament website: <http://www.parlamentovasco.euskolegebiltzarra.org/es>.

²⁰ The list of members is at: http://www.parlamento.euskadi.net/compara/c_compara_alf_ACT.html.