

Distr.
GENERAL

CEDAW/C/5/Add.30
2 September 1985

ENGLISH
ORIGINAL: SPANISH

UN IIRP ADV

AUG 29 1989

UN/ISA COLLECTION

Committee on the Elimination of Discrimination
Against Women (CEDAW)
Sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

SPAIN

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PART I

1. Indicate as concisely as possible the general, social, economic, political and legal framework within which the State Party approaches the elimination of discrimination against women in all its forms, as defined in the Convention.

On 4 February 1984 Spain became a Party to the Convention on the Elimination of All Forms of Discrimination Against Women, which had been approved by the General Assembly of the United Nations in its resolution 34/180 of 18 December 1979. The instrument of ratification was deposited on 16 December 1983 and published in the Official State Gazette on 21 March 1984. At that time the equality of men and women was already constitutionally required (the Spanish Constitution of 1978 stipulates in article 14 that "Spaniards are equal before the law, to the exclusion of any discrimination for reasons of ... sex ..."), and Spain had already initiated some time before the appropriate reforms of those legal instruments found to be in violation of the Constitution. By 1984 the most important legislative reforms (Civil Code, Penal Code, Statute of Workers, etc.) had been completed and it is fair to say that the de jure equality of men and women had at that period been very nearly achieved. As a result, at the time of the ratification by Spain of the above-mentioned Agreement, the various branches of Spanish law had almost in their entirety been brought into harmony with the provisions of that document and the work of reforming those statutes that still contained discriminatory elements had already begun.

In the social arena, as will be made clear throughout this report, it is necessary to note that the changes in mentality and social structure that were prefigured under the Second Spanish Republic were cut short by the forty years of authoritarian rule, a period characterized by its defence of a conservative and traditional type of society that cultivated - even at the legal level - a wide range of classical stereotypes regarding the relationships of men and women and the role of the latter within society.

The advent of democracy has made it possible for broad sectors of the public to give expression to their changed mentality and to their desire for a structuring of social roles in harmony with the political principles which today inspire the Spanish State.

Nevertheless, it has to be recognized that ten years of democracy and of measures aimed at social change are not sufficient to transform the behavioural patterns of a whole society. Hence the continued existence within the society of population groups that defend the traditional roles of women, alongside the more conscious and progressive sectors that are fighting for women's total integration into contemporary social life and are advocating lines of action which, as will be explained below, pursue this objective.

An undeniably inhibiting effect on these activities has been exerted by the situation of crisis which, in the economic area, is affecting our nation, with clear and negative repercussions for the labour market, where, as discussed below, women job-seekers are hardest hit by the existing levels of unemployment.

2. Indicate any legal or other instruments adopted to implement the Convention or, if none, the absence of such measures, and indicate also any effects which the ratification of the Convention has had on the State Party's general, social, economic, political and legal framework since the entry into force of the Convention for the reporting State.

Since the ratification of the Convention by Spain there has been a continuation of the legislative reforms that were begun following the entry into

force of the Spanish Constitution of 1978 in the area of the equality of the sexes for the purpose not only of bringing our laws into alignment with the provisions of the Convention, but mainly of adjusting them to the constitutional mandate of equality.

It should be remembered that, as already mentioned, the most important legal reforms designed to achieve the desired parity of men and women had already been accomplished by 1984. For example:

In the area of civil law

- Law No. 11 of 13 May 1981 modifying the Civil Code in the area of filiation, parental authority and the economic arrangements of marriage (Document No. 4);
- Law No. 30 of 7 July 1981 modifying the Civil Code with regard to the regulation of marriage and laying down the procedure to be followed in annulment, separation and divorce proceedings (Document No. 5);
- Law No. 51 of 13 July 1982 modifying the articles of the Civil Code dealing with nationality (Document No. 6);
- Law No. 13 of 21 October 1983 amending the Civil Code in the area of guardianship (Document No. 7).

In the area of labour

The principal step towards the achievement of full legal parity was taken with the enactment of the Statute of Workers on 10 March 1980. Article 4.2 (c) protects workers against sexually motivated discrimination at the time they are hired and following employment. Article 17 of the same Statute requires that any regulatory provisions, clauses of collective agreements, individual contracts or unilateral decisions by management that contain elements of discrimination, whether favourable or unfavourable, for reasons, inter alia, of sex are to be regarded as invalid.

In the penal area

Organic Law No. 8 of 25 June 1983, enacted as part of the reform of the Penal Code, did away with the concept of aggravation on the basis of contempt of sex.

The formulation of legal norms pertaining to human rights continued in 1984. Specifically, the following enactments were designed to bring our law into harmony with the constitutionally required principle of the equality of the sexes and to promote this equality in an effective way:

- Spain's Instrument of Accession of 27 January 1984 to Agreement No. 6 of the International Commission on Civil Status (ICCS) regarding the regulation of the maternal filiation of children born out of wedlock (Brussels, 12 September 1962) (Document No. 9);
- Law of the Autonomous Community of Catalonia of 20 March 1984 on the amendment of the Catalan Civil Law Compilation for the purpose of adapting it to the requirements of the constitutional principle of equality (Document No. 10);
- Law No. 32 amending the Statute of Workers, article 17 of which refers to the subject with which we are concerned;
- Law No. 16 of 24 October 1983 establishing the Institute for Women's Affairs (Document No. 8).

One of the socially most controversial and important topics for women has to do with the regulation of punishment for abortion. The 1983 reform law, inspired, inter alia, by the unjust treatment of this offence in the existing Code and by the unsuccessful and unequal way in which the penal sanctions had been applied, and backed by the views of those circles calling for the limited depenalization of abortion, sought to incorporate in the Penal Code a new article 417 bis setting forth a limited number of circumstances that could be used to distinguish between abortions for various motives. As the reader may be aware, the heavy pressure exerted by conservative groups resulted in this provision's being removed from the urgent and partial reform law and handled as an ordinary bill, which, following the Constitutional Court's ruling of 11 April 1985, was resubmitted to the Cortes [Parliament] in order that its text might be modified as required by the High Court. Now that this has been done, all that remains is for it to be published in the Official State Gazette, so that it is believed that in the near future abortion will be depenalized in the case of three situations: danger to the life or to the physical or mental health of the pregnant woman, rape, and malformation of the foetus.

Among the questions that remain to be taken up, mention might be made, in the area of penal legislation, of the following:

- The need to make offences against the sexual liberty of others subject to prosecution on an automatic basis and not, as under the existing laws, only after a complaint has been lodged by the aggrieved party;
- The need to provide for more severe punishment in the case of crimes committed by family members, similar to the treatment for offences involving an abuse of confidence or superior status;
- The need to ensure that the pardoning of the aggrieved party should not have the legal consequences that persist to the present time in cases other than rape;
- The modification of certain age limits regarded as unsuitable for the treatment of offences, etc.

In another context, mention should also be made of the need for reform in the area of conjugal "abuse", since although this situation is explicitly dealt with in article 583, paragraph 2, of the Penal Code currently in effect, there is a need, because of the unfortunate frequency with which these cases still occur, for a specific statute that would enable the courts to properly evaluate these offences and to apply an appropriate sanction, which should under no circumstances be a monetary fine, but should involve the loss of liberty - the only punishment that has a genuinely correctional effect and will prevent the offender from meeting the terms of his conviction through the simple payment of a sum of money, which, in the overwhelming majority of cases, is withdrawn from the commonly held goods of the marriage.

Finally, reference should be made to those provisions of our Penal Code that deal with cases of the vexatious exploitation of one human being by another and which are particularly reflected in situations of severe social marginalization of women. In the specific area of prostitution, the Penal Code (article 452 bis (a), (b), (c), (d), (e) and (f), under the heading "Crimes Relating to Prostitution"), contemplates, as a measure designed to admonish offenders and to eradicate this phenomenon, a series of offences on the part of all who, in any way, promote, abet or facilitate prostitution.

Nevertheless, in the interest of the greater effectiveness of this law, it is believed that the punishments meted out for these offences should be more severe than those currently imposed and should, above all, extend to a degree of extreme harshness when the act of procuring - or exploitation - involves a person who has not yet attained his or her majority.

On the other hand, our criminal law does not regard as an offender a person engaged in prostitution on his or her own account, even though other statutes (specifically the Law on Social Dangerousness and Rehabilitation) do regard prostitution, if not as illicit conduct, certainly as "socially dangerous". Accordingly, under this Law, anyone practicing prostitution may be confined to a re-educational establishment (which, in certain instances, may imply actual imprisonment), thus entailing a genuine quasi-penal sanction. Hence the need for the total or partial derogation from this Law in conjunction with the reform of the Penal Code discussed above, the legal consequence of which would be the immunity from prosecution of persons practicing prostitution, coupled with the maximum aggravation of the punishments imposed on those who, by exploiting other human beings, make their living in this way.

In the area of civil law

It should be stressed that by virtue of the immediate application of the Constitution, as pointed out above, while in a formal sense a number of sexually motivated distinctions may linger on in the legal texts, such instances of discrimination, where they exist, are to be regarded as juridically non-existent and substantively annulled.

Nevertheless, as an important reservation, the following instances of precedence of the man over the woman in the Civil Code currently in force might be mentioned:

- The preference accorded to the husband's law when determining the law applicable under private international law to the spouses' personal relations (article 9.2);
- The same preference with respect to the determination of the law applicable to the property arrangements between the spouses (article 9.3);
- The precedence of the father's national law over the mother's with respect to the determination of the law applicable to the parent-children relationship (article 9.4);
- The preferential application of the husband's law when regulating a matter of joint adoption by the husband and wife (article 9.5).

It should be noted, with respect to the preceding four paragraphs, that while it is recognized that these are harmful norms that should not be allowed to stand, it is debatable whether in the end they are genuinely discriminatory against women. The norms of private international law are no more than reference standards, which do not directly regulate the subject in question, but merely indicate which is the substantive law applicable from among the different legal instruments that may be involved. It may happen, for example, that the woman benefits from the application of her husband's law rather than her own national law, if the former is more advantageous to her. Accordingly, these supposed instances of discrimination may be described as being of a merely formal nature.

In any case, the General Codification Commission has completed a draft amending the preliminary title of the Civil Code in which the rules discussed above appear. The proposed new legislation was submitted to the Minister of Justice in 1984.

- Article 14.4 of the Code when it stipulates that "the married woman shall follow the condition of her husband, and the unemancipated children that of their father and, in the latter's absence, that of their mother". This rule refers to the determination of the civil residence of Spaniards and contains a clear and two-fold discrimination against women that has been almost unanimously denounced by specialists in this area. Its elimination has also been proposed in the above-mentioned draft of the General Codification Commission.
- Article 1066, which discriminates in favour of the male in the assignment, as part of a property division, of an original title covering real estate made over to several joint heirs. This is an instance of minimal and insignificant discrimination, the need for the elimination of which has, however, been overlooked in the recent reforms.
- In some sense, article 1267 in that it requires that consideration be given to the sex of the individual when establishing a case of intimidation. This provision would seem to be based on the assumption of greater moral laxness on the part of women.

Finally, it should be noted that the existing compilations of civil, statutory or special law, especially those of Aragón and Navarra, contain many provisions relegating women to an unjustifiable second-class status. It should be remembered, however, that the modification of these codes lies outside the general competence of the State and that, in any case, whatever real discrimination may exist should be regarded as having been rendered substantively invalid by the Constitution.

Finally, this information would be incomplete were we to fail to mention the need for long-overdue legal reforms, with the reference here no longer to various areas of private law, but to juridical-administrative statutes.

For example, we cannot avoid alluding to the continued need for reforms in the area of labour law in order that those remaining regulations which, out of no longer meaningful protectionist motives, were originally intended to exempt women from certain forms of work thought to be harmful, may be replaced by the kind of labour legislation that is non-discriminatory and will in all circumstances (by such devices as increased maternity leave, the guaranteed retention of jobs by women absent for longer periods for reasons of childcare, etc.) protect women in their role as prospective mothers by regarding maternity as both a personal right and a social function.

Similarly there is a need for legal reform in: the area of the possible future involvement of women in national defence, given that the Constitution calls for legal treatment free of discrimination on the basis of sex; in the area of health, considering that the law must take into account the potential social impact (chiefly among the female population) implicit in the introduction of the new techniques of "artificial insemination"; in the area of advertising, in view of the image of women which that field propagates; etc.

It is precisely the long list of items that might be added following the "etc." in the paragraph above that reveals the path that remains to be travelled, within the purely legal area, if the principles enshrined in the Constitution are to become a tangible reality affecting the daily lives of women within Spanish society.

Summarizing then, in the face of this legal situation it is believed that once the legal reforms that are still pending and that are required both under our own Constitution and under the United Nations Convention of 18 December 1979 have been introduced into our legislation, the Spanish State will have at its disposal adequate legal instruments with which to ensure that the competent public authorities undertake or strengthen the positive actions that are required to bring about full de facto equality between men and women in all areas of our society.

3. Indicate whether there are any institutions or authorities which have as their task to ensure that the principle of equality between men and women is complied with in practice, and what remedies are available to women who have suffered discrimination.

As has already been pointed out, article 4 of the Spanish Constitution of 1978 lays down the principle of the equality of all persons before the law, thereby condemning, inter alia, discrimination on the basis of sex. Logically, remedies are available to deal with any violation of this requirement of equality.

The procedures followed in these cases are the following:

In addition to the legal remedies that may be available under the civil, criminal and labour laws and under the law governing the settlement of administrative disputes, there are two essential procedures that are designed to ensure the more effective protection of human rights, which include the right to non-discrimination on the grounds of sex.

(a) Law No. 62 of 26 December 1968, providing jurisdictional protection of the fundamental rights of the person, regulates an expeditious and preferential procedure that is to be applied in cases involving violations of fundamental rights.

This procedure, which offers maximum guarantees and reduces considerably the time spent before the court for the purpose of achieving the rapid restoration of a right violated, was established in pursuance of article 53.2 of the Constitution of 1978, according to which "All citizens shall have the right to the protection of the freedoms and rights recognized in article 14 and in Section 1 of Chapter 2 (which rights include the right in all cases to non-discrimination on the grounds of sex) before the ordinary courts and through a procedure based on the principles of preference and expedition".

(b) In addition to the procedure mentioned above, and for the purpose of ensuring an absolute guarantee and protection in respect of the exercise of fundamental rights, the Constitution of 1978, again in its article 53.2, provides for recourse to the Constitutional Court. This kind of recourse, which affords a highly effective means of protection, is regulated under articles 161.1.b and 162.1.b of the Constitution and, principally, under the Constitutional Court's Organic Law No. 2 of 3 October 1979. A number of rulings of this Court pertaining to questions of discrimination for reasons of sex (Documents Nos. 13-21) are appended at the end of these replies.

Judicial authorities responsible for hearing cases tried according to these procedures, and their jurisdiction

(a) The courts that administer the summary and preferential procedure established under Law No. 62/78, already mentioned, are the ordinary courts, and they exercise jurisdiction throughout the national territory.

(b) Under article 159 of the Constitution, the Constitutional Court consists of 12 justices appointed by the King. Of these, four are named by the Congress by a majority of three-fifths of its members, four by the Senate by an identical majority, two by the Government and two by the General Council of the Judiciary. The persons eligible for appointment may be magistrates and prosecutors, university professors, public officials and lawyers, but in any case jurists of recognized competence with more than 15 years of professional experience.

The Constitutional Court exercises its jurisdiction throughout the national territory.

(c) Finally, it is important to note that Spain is a member of the Council of Europe and that, as such, it is a Party to the European Agreement on the Protection of Human Rights, signed in Rome in 1950. The Spanish Government has recognized the competence of the European Court of Human Rights, so that it is also possible to seek remedy in the way laid down under article 25 of this Agreement in the event of any instance of discrimination on the basis of sex.

In addition, women are entitled to legal assistance in the event of any violation of their rights. Article 24.2 of the Constitution of 1978 establishes the right of every person to legal assistance in any judicial proceeding. The recent Organic Law No. 14 of 12 December 1983 amended articles 520 and 527 of the Criminal Proceedings Law with respect to the treatment of persons detained and arrested, and regulates in detail the above-mentioned right to legal assistance.

Institutions

The Cortes Generales of the present legislature has entrusted to a specific governmental agency, which it has created, the concrete task of removing all the obstacles that at the present time still prevent or hamper the genuine and effective implementation of the freedom and equality of Spanish women within today's national society.

There has thus been established the Institute for Women's Affairs under Law No. 16 of 24 October 1983, which in article 2 assigns to this Institute "as its primary objective, and in compliance with, and development of, constitutional principles, the promotion and encouragement of such conditions as will make possible the social equality of both sexes and the participation of women in political, cultural, economic and social life". Towards the achievement of this objective, the Law specifically makes the Institute responsible for the following functions:

1. To study the situation of Spanish women in the following fields: legal, educational, cultural and socio-cultural and in the area of health;
2. To collect information and documentation relating to women, and to establish a current data bank to serve as a basis for the development of the Institute's functions and areas of competence;
3. To prepare reports and promote measures that will contribute towards eliminating existing instances of discrimination against women in society;
4. To monitor the existing laws and their enforcement in areas within the competence of the Institute;
5. To advise and co-operate with the Government in order to achieve the aims laid down in this Law;

6. To co-ordinate the work to be performed by the various ministries and other agencies specifically concerned with women's affairs;
7. To administer whatever resources of any kind may be allocated to it for the accomplishment of its objectives;
8. To establish relationships with non-governmental organizations within the jurisdiction of the State and to develop ties between the Institute and the appropriate international organizations through the Ministry of External Affairs;
9. To promote relationships with international organizations working in similar fields or in areas that are of interest to the Institute, through the Ministry of External Affairs.
10. To establish relationships with similar institutions in the Autonomous Communities and local government;
11. To promote the provision of services on behalf of women and, in particular, such services as are intended for women with a special need for assistance;
12. To receive and channel, within the administrative system, complaints by women of specific cases of de facto or de jure discrimination on the grounds of sex;
13. To carry out such activities as may be required for the achievements of the objectives set out previously within the areas of competence granted under the Regulatory Legislation for Autonomous State Bodies and under the General Budgetary Law.

Having established these areas of competence for this new governmental agency, the Law provides it with the necessary structure, at the head of which, as the Institute's highest body, is the Board of Governors. In view of the interdisciplinary nature of the Institute's functions, which extend to almost all areas of social life, the Board of Governors consists of 12 representatives, all senior officials from those branches of government whose activities may be in some way related to the problems that are today facing broad sections of the Spanish female population. In addition to these 12 Board members, there are also six persons of recognized personal or professional reputation for their efforts on behalf of equal rights for both sexes. In addition to these persons, there is the Chairman of the Board in the person of the Minister of the Department of Culture (to which the Institute is subordinate) and the Director of the Institute, who performs such functions as are not expressly entrusted to the Board, directs the work of the Institute at the highest level, represents it and carries out whatever functions may be delegated to her by the Board.

As is customary in Spanish internal ordinances, the guidelines of the Law, as expressly required by the Law itself, were supplemented by regulatory enactments that provided this new body with the administrative structure it requires for the accomplishment of its assigned functions. These were Royal Decree No. 1456 of 1 August 1984, which lays down the rules for the organization of the Institute, and an order of 13 September 1984, which spells out its organic structure.

The first thing that will be noticed from all of the above is the "youth" of the new agency or, in other words, the short period of time that has elapsed since its establishment and subsequent organization until the present day. Nevertheless, the activities carried out by the Institute and its repercussions in increasingly broad sectors of the public have made themselves felt in a great many practical

accomplishments: studies; publications; the organization of women's rights drives; exposure in radio, television and the press; the organization of events dealing with specific problems affecting women; the creation and subsidizing of prizes to encourage women's involvement in scholarly research and artistic creativity; and many other achievements that would take too long to enumerate here. Finally, we should not fail to mention that this account would be incomplete were we to speak only of the establishment of the Institute for Women's Affairs within the central administration of the Spanish State. The fact is that the new Constitution, in its desire to go beyond the long established structure of central authority and, in this way, to bring both political decision-making and administrative operations closer to the daily reality of the entire citizenry, has introduced, following a trend already initiated in the Constitution of 1931, a new configuration to the territorial organization of the State. As a result of this innovation, alongside the central authority, the Cortes Generales of the State and the National Government, 17 Autonomous Communities have their own legislative authority and their own institutions of self-government, and have assumed, under the statute through which, as the fundamental institutional instrument of each Community, each of them is governed, a number of political and administrative powers that flow from the provisions of the Constitution according to the area of competence specific to each Community.

In this way, four of the 17 Autonomous Communities (Basque Country, Catalonia, Valencia and Navarra) enjoy exclusive competence in the area of the "advancement of women", while the 13 remaining Communities exercise their competence in this area to the degree that such powers can be derived from other attributions of authority in such areas as social affairs, education, health or community development in general. Accordingly, and prescinding from questions more properly dealt with in a legal analysis regarding the assumption of constitutionally contemplated powers, something that would be beyond the scope of this report, suffice it to say, very briefly, that at the present time, and without prejudice to possible future changes, these Communities are working politically and administratively on behalf of the equality of women. They perform this work in conjunction with the activities of the State, which are in any case carried out in co-ordination with those of the Autonomous Administrations so as to ensure that the actions taken in this area are as effective as they need to be.

To date, in the context of these activities, a number of Autonomous Communities, moved by the desire to bring about full compliance with the constitutional principles and now in a position to begin to implement these principles, have established a variety of institutions which, operating with the kind of purposefulness expected of a specialized agency with a juristic personality of its own, do in fact represent the practical embodiment of the desire to provide, within the territorial bounds of the Community, adequate attention to the problems still confronting women in respect of their achievement of full equality, de jure and de facto, with men. In this connection, mention should be made of the following institutional and legislative initiatives: the Interdepartmental Commission for Women, established under Decree No. 147 of 21 November 1983 within the administration of the Province of Valencia and subordinate to its Office of Culture; the Interdepartmental Commission established under Decree No. 162 of 10 August 1983 within the Autonomous Administration of Andalusia and subordinate to the Office of the President; the Decree of 15 December 1983 of the Autonomous Community of Madrid establishing a similar Commission for Women under the Office of the President; Decree No. 11 of 8 March 1984, which also established an Interdepartmental Commission for Women under the Office of Education, Culture and Sports of the Government of the Autonomous Community of La Rioja; and, finally, the existence, in the Autonomous Community of the Canary Islands, of an Advisory Office on Women's Affairs, attached to the Office of the President of the Autonomous Government.

As indicated in the respective laws under which they were established, the purpose of these bodies is to work towards real and effective equality of rights for both sexes within the territorial limits of each Community and to promote the full involvement of women in political, economic and social life.

In order to enable it to achieve this objective, the Interdepartmental Commission consists of senior officials of the autonomous departments whose administrative activities may be closely related to women's issues. The primary functions of the Commission - like those assigned to the Institute for Women's Affairs under the law establishing it - are to propose and urge the enactment of measures designed to eliminate discrimination against women, to monitor the actual enforcement of such measures, to distribute materials and information of interest to the cause of women's equality and to develop the provision of services - all of this within the confines of their respective territories.

For all of these reasons it is fair to say that women's issues are a genuine subject of thought and concern on the part of our politicians and administrators on the level of both the Central Government and the Autonomous Communities (to say nothing of the actions that are also taken in this area at the local administration level).

4. Indicate the means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental liberties in all areas on an equal footing with men.

In the legal area, the reforms that have been mentioned in previous replies were handled with urgency, enacted and put into effect within a brief period of time. The same is true of the remedies established to guarantee the effective respect of fundamental rights, including the right to equality.

Moreover, under point 3 above a description has been given of the functions entrusted to the Board of Governors of the Institute for Women's Affairs, and to the Institute itself, as the driving force and co-ordinating agency for the activities of the various sectors of the public administration that are working to ensure the development and advancement of women and to which we shall refer in commenting on the various articles of the Convention.

5. Indicate whether the provisions of the Convention can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities, or whether the provisions of the Convention have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

Article 1.5 of the Spanish Civil Code stipulates that "The legal norms contained in international treaties shall not be directly applicable in Spain until they have become a part of the country's internal laws through their publication in full in the Official State Gazette"; once they have been published in full, they become part of the internal system of laws. In addition, article 2.1 of the same Code provides that "The laws shall enter into force 20 days following their publication in full in the Official State Gazette, unless they contain a provision to the contrary".

The Convention to which we are referring, on the Elimination of All Forms of Discrimination Against Women, was published in the Official State Gazette on 21 March 1984, so that since that date its provisions have been a part of Spanish internal law and, as such, may be invoked before the courts and administrative authorities, and the latter may also directly enforce them, subject to no further conditions.

Should there exist any type of obstacle standing in the way of the principle of equality, such an impediment may be challenged before the courts. The latter will then directly apply the constitutional standard, which is at the head of our system of law and automatically annuls all other standards contrary to its provisions.

Nevertheless, as already pointed out, there still exist a number of legislative gaps to be filled and specific modifications to be made in the legal system so as to ensure the full de facto equality of women with men (since, in general terms, this may be said to have already been achieved de jure).

Regarding article 5 of the Convention

1. Under Spanish law maternity is effectively recognized as a social function, although this legal recognition does not necessarily have any effect on the understanding of this fact in terms of family education. 1/

For example:

Working women are entitled to a maternity-leave suspension of their work contract, with a guaranteed right to return to their job. The maximum duration of this leave period is 14 weeks, to be distributed as the woman sees fit. During this period, the woman receives a social security allowance. All this is laid down under the following norms:

- Articles 45.1.d and 51.d of the Statute of Workers;
- Part II, articles 8.1 and 8.2, of the European Social Charter;
- Articles 126.1, 127 and 128 (c) of the Social Security Law.

In addition, working women are also granted leave for nursing their children during the first nine months following childbirth (article 37.4 of the Statute of Workers, and Part II, article 8.3, of the European Social Charter).

Anyone who, under a legal guardianship arrangement, is directly responsible for a minor below the age of six years or for a physically or mentally disabled person who is not performing a remunerated activity, is entitled to a reduction of the working day, with a proportional reduction in wages or salary (article 37.5 of the Statute of Workers).

A system similar to the one described above is also in effect for civil servants.

Despite the fact that this system appears adequate, there is room for improving it through the enactment of new norms, as will be explained below in the discussion of article 11.

The joint responsibility of men and women for the education of their children is also recognized in the Civil Code (amended under Law No. 11 of 13 May 1981, Document No. 4), which establishes the principle of shared parental authority. For

1/ Regarding education, see page 23 for the comment on article 10, and regarding the role of husband and wife in respect of the care of children, see page 28 for the comment on article 11.

example, article 154 provides that unemancipated children are under the authority of the father and the mother; this authority is always to be exercised for the benefit of the children and includes the following duties and rights on the part of the parents:

1. To see to their welfare, to keep them in their company, to feed them, to raise them and to provide them with an all-round education;
2. To represent them and to administer their property.

Article 156 of the same Code stipulates that parental authority is to be jointly exercised by both parents or by one of them alone with the express or tacit consent of the other. In this connection, the recent Organic Law Regulating the Right to Education recognizes the right of the parents - father and mother - to select the kind of education they desire for their children.

2. With regard to the measures adopted to bring about a change in socio-cultural patterns of conduct, with a view to achieving the elimination of prejudices and customary practices based on stereotyped concepts of the social roles to be played by men and women, it is necessary to discuss the tasks that have been accomplished, or are to be accomplished, in the area of education, a subject which will be examined under the comments regarding article 10.

At the same time, mention should also be made of the concern of the Government in this area as reflected in its submission to the Cortes Generales of a new draft law regulating the field of advertising and aimed at eradicating all types of advertising messages that disseminate or perpetuate stereotypes of this kind.

Regarding article 6 of the Convention

Regarding this point it should be noted that Spain has ratified the Agreement of 25 March 1950 on the Elimination of the Traffic in Persons and the Exploitation of the Prostitution of Others; the instrument of accession is dated 18 June 1962.

Moreover, the Penal Code devotes articles 452, bis (a) to 452, bis (g) to a classification of prostitution-related offences and their corresponding sanctions. The types of conduct involved in these offences are punishable by fines or imprisonment for periods of up to six years, but in this area the reforms referred to in the first part of this report have still to be carried out.

Regarding articles 7 and 8 of the Convention

Spanish women have the right to carry out all the activities mentioned in these articles and are gradually taking their place in positions of responsibility.

Article 23 of the Constitution of 1978 establishes the fundamental right of all citizens - men and women - to participate in public affairs, either directly or through representatives freely elected on the basis of universal suffrage in periodically organized elections, and to hold public positions and offices.

On the question of the participation of women in political parties, it is an evident fact that on the part of the majority a more or less unspoken discrimination against women continues to exist when the time comes to draw up the lists of candidates. Evidence of this may be seen in the following facts:

- The majority of the lists are headed by men; of the 16 candidacies presented in Madrid for the 1982 elections, only one was headed by a woman;

- The total number of women candidates represents about 20 per cent, which is 5 per cent more than in 1977;
- A large proportion of the women in the lists continue to be assigned a position in the second half, from the seventh place downward.

Moreover, the same trend may be observed in local elections to city and provincial governments. The number of women mayors elected is minimal in comparison with the number of mayors of masculine sex (1.15 per cent of the municipal jurisdictions have a female mayor as opposed to 98.85 per cent of municipal governments headed by a male mayor). In the rural areas most affected by emigration one finds a large number of women mayors, while there are none in the major cities.

Despite the increase in the number of women general-election candidates in comparison with 1977, their meagre representation in the lists in 1979 and 1982 again limited the real opportunities of women for achieving a more powerful voice in the Congress and, to an even greater degree, in the Senate. The fact is that the major parties put forward fewer women candidates and that only the parties with scant prospects of coming to power (the extreme left, radical alternative groups, fringe parties in the Autonomous Communities and the extreme right) were somewhat more accessible to women.

In the course of these years there has been a decline in the involvement of women in the campaigns of the Spanish Socialist Workers' Party (PSOE), Popular Alliance (AP) and Spanish Communist Party (PCE). The PSOE presented 60 women as candidates in 1977 and 54 in 1982; the Popular Alliance put forward 49 women in 1977 and 47 in 1982.

The presence of women in the internal decision-making organs of the political parties bears no relationship to the percentage of women members. For example, according to a survey conducted by the Institute for Women's Affairs in 1983, the PSOE, with 12.4 per cent enrolled women members, could point to 18.7 per cent of women in its Federal Executive, while the Popular Alliance, 31.6 per cent of whose membership are women, had a female participation of only 9 per cent in its National Directorate.

The participation of women in Parliament in 1982

When one compares the participation of women in the Western parliaments with their representation in the Spanish Congress and Senate, one finds that in terms of the percentage of women parliamentarians Spain leads such countries as France, Great Britain, Ireland, Greece and Canada. In all these countries there has been an increase in the number of women elected in comparison with the last legislature, but in Spain this has not been the case since the percentage of female participation has remained constant (at 6 per cent) during the period from 1977 to 1982.

There are 22 women deputies in the Congress, representing 6.3 per cent of the 350 seats. The provinces with the highest representation of women are Alava, Lérida, Alicante, Castellón, Navarra and Toledo.

As in 1977, so also today there is no significant relationship between the number of women deputies and any socio-economic or demographic variables, as seen in the fact that the four most densely populated provinces, namely Barcelona, Seville, Valencia and Madrid, are those with the lowest representation of women.

In the Congress of Deputies there are 18 women deputies from the PSOE out of a total of 202 socialist seats, two women deputies from the Popular Group, which holds 107 seats, and two from the Basque Nationalist Party with its eight seats. There are no women deputies from the Centrist Group, the Catalan Minority or the Mixed Group (which includes the Communist Party, the Euzkadiko Ezquerria and the Democratic and Social Centre).

Of the 253 senators, there are 157 socialists (62 per cent), while the Popular Group has 67 (26.8 per cent) followed far back by the Basque Nationalist Party with nine (3.6 per cent), the Catalan Minority with eight (3.2 per cent) and the Mixed Group with 11 (4.3 per cent). The participation of women in the Senate is even lower than in the Congress. Out of a total of 208 senators, the constituencies (Alava, Badajoz, Cáceres, Cuenca, León, Seville and Valladolid) elected seven women, representing a figure of 3.4 per cent. Of the 45 senators designated by their respective Autonomous Parliaments, four are women.

The Autonomous Parliaments which have designated women senators are those of Madrid, Galicia and the Basque Country. Three of these women are socialists and one belongs to the Popular Group.

All told, we arrive at a figure of 11 women senators out of a total of 253 senators, i.e., 4.3 per cent, whereby it is important to note that ten of these women belong to the Socialist Parliamentary Group, one to the Popular Parliamentary Group and none to the remaining groups.

Of the nine members comprising the officers (bureau) of the Congress only one is a woman. No woman is a spokesperson for her group. There are also no full women members, only alternate members, in the Permanent Deputation. ^{1/}

On the permanent commissions there is one vice-chairwoman for Agriculture, Stock-raising and Fisheries (2.63 per cent).

Participation in the commissions is more diversified than in the 1977 legislature. Women are substantially represented on the Spanish Radio and Television Parliamentary Control Commission (21.62 per cent), Commission on Petitions (33.3 per cent), Commission on Relations with the Defender of the People (13.51 per cent) and on the permanent non-legislative commissions. Their numerical strength on the remaining commissions is insignificant, and particularly conspicuous is their total absence from the Commissions for Economics and Trade, Treasury, Justice and the Interior.

In comparison with the situation in 1977, women have lost their representation on the Commissions for Education, Culture, Health and Social Security - all subjects of great importance to the female population.

The distribution of the women senators among the various commissions is as follows: Constitution (10 per cent), Presidency (10 per cent), Relations with the Defender of the People (10 per cent), Autonomous Regions (7.65 per cent), Education (6.6 per cent), Justice (6 per cent), Environment (6.6 per cent) and Latin America (6.6 per cent).

^{1/} Translator's note: The Permanent Deputation is a body consisting of a minimum of 21 members who represent the parliamentary groups in proportion to their numerical strength. These Deputations, which exist in both houses, continue working when the Parliament as such is not in session.

There are two chairwomen on the legislative commissions, representing 13.3 per cent, and there is one vice-chairwoman for 29 vice-chairmen. Women hold no posts at all on the general commissions.

Participation of women in the State administration

The Spanish administration is structured according to a legal model of the continental or Napoleonic type. This means that the juridical relationship that exists between the State and the civil service is statutory in nature.

An academic degree continues to be the basic prerequisite for access to the various bodies. Accordingly, public administration officials are divided into five groups:

Group A - university degree;

Group B - intermediate degree;

Group C - secondary education degree;

Group D - general basic education degree;

Group E - primary education.

The Spanish public administration may be thought of as a pyramid whose apex is occupied by men and whose base is supported by women. The majority of auxiliary and administrative personnel, whose educational levels at the time they enter the service are those of basic general education and secondary education, respectively, are women (accounting in many cases for more than three-fourths of the establishment), while men predominate more and more the higher one ascends this pyramid.

Since it has been in the public administration that women with higher academic degrees have most easily found employment in the last five years, their proportion in the upper echelons has increased during this period. For example, at the higher State administrator level 14 per cent of the staff are women, in the technical career structure of the autonomous agencies 18 per cent, in the State Auditors' Department 14 per cent, in the Discretionary Statistics Branch 22 per cent, etc.

The President of the Government, the Vice-President and the ministers are men. Among ten men there is only one woman Secretary of State - the Secretary of State for Autonomous Communities. There is no woman secretary-general in the ministries.

There are 188 General Directorates in the central administration, of which 176 are headed by men and 15 by women, representing a figure of 8.5 per cent for female participation in the total number of political posts. Women are beginning to appear in senior positions in different ministerial departments. Within the Ministries of Labour and Social Security, Education and Science, Culture, and Territorial Administration, 10 per cent of the political posts are held by women, while lower-than-average figures are found in the Ministries of Public Works and Urban Affairs, Presidency of the Government, External Affairs, Health and Consumer Affairs, Agriculture, and Defence.

During the period from 1977 to 1982 only one woman minister held a government post (in 1981), along with one woman Secretary of State in charge of the Office of the Spokesman of the Government, both of the Democratic Centre Union (UCD).

If we inquire into the distribution of women civil servants assigned to ministerial positions requiring higher academic degrees, we find that there are

some departments, e.g., Culture, Education and Science or the Office of the President, in which women are heavily represented, but that nevertheless the number of senior positions held by women is proportionally far lower. Of course, it must be kept in mind that personnel for responsible positions are not always recruited from among the civil servants assigned to a ministry, given the discretionary character of appointments to senior posts.

The subject areas for which women have been given responsibility are extremely varied, a fact which contradicts the notion of the specialization or feminization of professional careers of women. For example, women have been assigned to leading staff positions under various ministers and State secretaries, to the technical bureaux of sociological research centres, to the Office of the Secretary of State for the Autonomous Communities, to the management of a number of budgetary bureaux, to the Department of the Environment and Energy, and to a variety of civil government positions.

The average age of these women tends to be higher than that of the women deputies: 52 per cent of them are between 36 and 45 years of age and the remaining 23 per cent are over 46 years of age.

With regard to their professional training, 35 per cent of women directors have studied law and 17 per cent economic sciences, the same academic careers, incidentally, that are most common among women civil servants. There is another 16 per cent who hold an intermediate degree (social worker, commercial expert, etc.), 35 per cent work for higher administration services, an additional 14 per cent have been employed as officials at public research organizations, and a substantial number have been involved in teaching.

Participation of women in the Autonomous Communities

The figure for the average percentage of participation by women parliamentarians in the Autonomous Communities coincides with the average number of women deputies to the State Parliament (6 per cent). Madrid and the Basque Country are the Autonomous Communities with the largest number of women deputies (12 and 10 per cent, respectively), while in Catalonia, Asturias, Cantabria and La Rioja women account for about 8 per cent of congressional members; in the remaining Autonomous Communities women are represented at a figure of 6 per cent or less. What this means is that of the 17 Autonomous Communities throughout Spain, in 11 the percentage of women is below the national average.

Of the 17 Autonomous Communities, only three have appointed women to the Senate as territorial representatives. Madrid appointed two women socialist senators, Galicia one from the Popular Group, and the Basque Country one socialist woman, representing a figure of four women senators as opposed to 45 territorially designated male senators (80 per cent).

Participation of women in local government

Since the approval of the Constitution of 1978 two municipal elections have been held in Spain - in 1979 and 1983. We shall analyze below the results of these elections for a representative sample of the 8,000 municipal councils ("ayuntamientos") existing in our country in terms of the participation of women in local government. ^{1/}

^{1/} Source: La participación femenina en el Gobierno Local Español en la actualidad [Participation of Women in Local Spanish Government at the Present Time]. Instituto de Estudios de Administración Local, Serie Documentos no. 6, Madrid, 1984.

The first fact to be stressed is that between 1979 and 1980 the number of women in the municipal councils increased by only 1.71 per cent. Of the 541 town corporations surveyed, in 1979 women were found in 79.80 per cent of them and in 1983 in 81.51 per cent.

Still, it is important to emphasize that this advance was concentrated in the nationwide parties (Spanish Socialist Workers' Party and the Popular Alliance), the number of whose representatives in the municipal governments rose by 17 per cent between 1979 and 1983 at the same time that the representation of women in the regional parties and independent groupings decreased.

Discrimination against women at the local government level is also manifested in the type of duties entrusted to them within the municipal councils in terms both of their hierarchical status (level of responsibility of the positions to which women are assigned) and of the specific areas with which these positions are concerned. For example, as may be observed in the tables, there is a very small percentage of women mayors and/or provincial deputies, while the largest number of women are employed as simple commissioners or council members with no specific duty assignment (47 per cent of the total).

Moreover, women council members are found in specific areas (social action, culture, health and the service sector), while they hardly participate at all in others, such as economics or urban affairs.

Participation of women in the business world and trade union sector

On this point, the reader is referred to the discussion regarding article 13 of the Convention.

Conclusions

Although the elections of 1977 represented a step forward in terms of the political involvement of women, female participation in Parliament has stabilized since that time in what must be regarded as a negative development, occurring as it has during a period when women have increased the percentage of their representation over the levels of the previous legislature in all countries.

We must, therefore, conclude that the principal gains achieved in the involvement of women in decision-making positions have been made within the State administration, both at the central and the autonomous levels, while there has been a levelling off of female representation in the Parliament and in the management of the political organizations.

As a means of promoting the presence of women in the organs of elected power (Cortes, autonomous parliaments and municipal councils), militant women of various parties have sought to institutionalize quota systems for women within their parties, designed to apply both to internal positions of responsibility and to the candidacies presented at elections. The Socialist Party of Catalonia has already introduced a system of internal proportional representation for militant women (12 per cent).

As indicated in the respective statutes establishing them, the purpose of these bodies is to promote the genuine and effective equality of rights of men and women within the territory of each Community and to encourage the full integration of women into the political, economic and social life of the country.

In order to achieve this objective, the Interdepartmental Commission consists of senior officials of the autonomous departments whose administrative activities may be closely related to women's issues. The primary functions of the Commission - like those assigned to the Institute for Women's Affairs under the law

establishing it - are to propose and urge the enactment of measures designed to eliminate discrimination against women, to monitor the actual enforcement of such measures, to distribute materials and information of interest to the cause of women's equality and to develop the provision of services - all of this within the confines of their respective territories.

Regarding article 9 of the Convention

Spanish women enjoy the same rights as men in respect of acquiring, changing or retaining their nationality.

- (a) In the case of single women, equality of rights with men in the area of nationality has been an established fact for some time already.
- (b) In the case of married women, equality was achieved under Law No. 14 of 2 May 1975, which amended a number of articles of the Civil Code and the Code of Commerce regarding the legal situation of married women and the rights and duties of spouses.

Formerly, the Civil Code rigorously applied the principle of family unity, so that a woman entering into marriage acquired her husband's nationality except when, under exceptional circumstances, she was denied this nationality under her husband's legal system. Further, when the husband changed his nationality, the woman was required to assume the new nationality, except if she were legally separated from him. In the face of these circumstances, the reform established the principle that marriage does not per se and automatically affect the acquisition, loss or recovery of Spanish nationality. At present, the loss of Spanish nationality on the part of the person contracting marriage with an alien must always be voluntary, in the same way that the acquisition of Spanish nationality is voluntary on the part of an alien marrying a Spanish man or woman.

Articles 19, 20, 21, 22, 23, 24 and 25 of the Civil Code were modified along these lines.

The result is that today men and women acquire or change their nationality for the same reasons, all of them regulated by the law - a situation of parity that, as a matter of fact, is required under the Constitution of 1978, which in its article 14 provides for the total equality of men and women before the law.

With respect to the retention of Spanish nationality, here too there is equality between the sexes. In this connection, it is well to remember that article 11.2 of the Constitution stipulates that no Spaniard by origin may be deprived of his or her nationality.

The nationality provisions of the Civil Code were reamended under the Law of 13 July 1982. This Law, as we shall explain below, reaffirms the absolute equality of men and women in the area of nationality.

From all of the foregoing it follows that marriage with an alien man has no effect whatsoever on the nationality of the wife, and that similarly a change of nationality on the part of the husband while he is married does not automatically affect the nationality of the wife.

Furthermore, women enjoy the same rights as men with respect to the nationality of their children, whether born in or out of wedlock. Law No. 51 of 13 July 1982 amended, inter alia, article 17 of the Civil Code to read that "The following are Spaniards by origin: (1) The children of a Spanish mother or father", with no distinction whatsoever as to whether these children were born in

or out of wedlock, which is only logical, since, as has been noted repeatedly, the Constitution of 1978 lays down in its article 14 that "Spaniards are equal before the law, to the exclusion of any discrimination on the grounds of birth ...". Accordingly, article 108.2 of the Civil Code, in its current wording following the enactment of Law No. 11 of 13 May 1981, provides that "filiation in and out of wedlock, as well as full adoption, produces the same effects, in accordance with the provisions of this Code".

Despite these important legal modifications it is necessary to repeat here the point already made in the first part of this report regarding the reforms that have still to be made in the area of private law and that affect the substance of paragraph 2 of article 9 of the Civil Code (see page 7).

Regarding article 10 of the Convention

The Organic Law of 3 July 1985 on the Right to Education (see Document No. 12) recognizes the right of all Spaniards to a basic education of the kind that will enable them to develop their personality and engage in a socially useful activity. This education is to be mandatory and free at the level of basic general education and at such other levels as the Law may establish. The Law's preliminary title affirms that the right of all Spaniards to education may not be subject to discrimination based on economic circumstances, social status or place of residence, but contains no specific reference to the right of women to education. Nevertheless, it may be stated that there are no instances of sex-based discrimination in the educational legislation.

Analysis of educational programmes

A close examination of these programmes will show that their objectives and content are the same for male and female students in all areas of the educational process. This must be so, since a differentiation of programme content for boys and girls would result in discrimination by implying a predetermination of the professional future of both groups or the inculcation of preconceived attitudes on the part of both with regard to the role that society has assigned to them and to which they are expected to conform.

Despite the fact that these programmes have been properly designed, it remains a fact that the reality is at variance with the legislator's intentions. Social circumstances are in effect continuing to steer women towards a number of specified roles within a social context that is difficult to alter, because to do so requires far-reaching changes in attitude - a task that needs much time and great effort. What is necessary is that all the social sectors should co-operate in such a way that this proclaimed principle of equality of rights and opportunities may become a reality.

In the educational sector, the performance of the school (the first society to which the child is introduced after its family) is decisive in determining whether students retain or change their attitudes. This involves the attitudes of the teachers themselves, the general way in which the school is organized, the images conveyed to the children, etc. Work is going forward at official levels to prevent the occurrence of discrimination in these aspects of the educational process.

Of great importance here is the entire question of textbooks which, as the means by which school programmes are "interpreted" for the students, exert a direct influence on the creation or encouragement of particular attitudes. Textbooks may well be in harmony with the curricula, yet still propagate socially stereotyped

images of the functions to be performed by women. It is necessary that attention be given to the progressive evolution of the image of women as portrayed in textbooks so as to avoid this repetition of stereotypical role models that are no longer valid at this time.

Teacher training

The initial and ongoing training of teachers is currently in the process of reform. The Institute for Women's Affairs is working on this subject with the educational authorities in order to ensure that, through their training, teachers become aware of the importance of their attitudes in the transmission of sexual stereotypes whose effect is to impede progress towards equal opportunities for male and female students within the educational system. Teacher attitudes are being studied at the primary and secondary levels by the afore-mentioned Institute and also by the Centre for Educational Research and Documentation, a subordinate body of the Ministry of Education.

Female enrolment at various educational levels

A series of statistical tables containing data on this subject follows below. The first point to be emphasized is the considerable increase that has occurred in overall female enrolment in recent years.

Preschool education: evolution of school attendance by sex at the preschool educational level over the period 1975-1983

School attendance at this level has gradually increased since the 1975-1976 academic year, as is evident from the tables. During the period 1982-1983, a total of 1,187,617 children were enrolled in preschool programmes, of whom 49.7 per cent were girls, a figure which is in accordance with the distribution by sex of the population below six years of age. Only 57 per cent of the school places at this level are public, a fact which, when coupled with the previous observation to the effect that only 2 per cent of the kindergarten places are public, indicates the backwardness of the Government in assuming responsibility for this educational level, the burden of which falls for the most part on women themselves, both individually and collectively as mothers, since the family members or hired employees who look after the small children of working mothers are women themselves. This lack of publicly provided school accommodation for young girl children from 0 to 4 years of age is one of the factors that explain the relatively low rate of economic activity on the part of the Spanish female population in comparison with that of other Western European countries.

General basic education: evolution of the school attendance of children of both sexes at the level of general basic education during the period 1975-1983

Virtually all children attend school during the period of mandatory education, as may be seen from a series of years in which the figures for students of both sexes remain stable, with slight increases from year to year at State-run educational facilities and minor decreases from year to year in private education, as indicated in the tables.

Secondary education

The basic sources of information have been the last volumes published in the series "Estadística de la Enseñanza en España" [Statistics on Education in Spain], published by the National Institute of Statistics, the analyses of national data for the various levels of education, prepared by the Office of Statistical Studies of the Ministry of Education and Science, and other data developed by the Institute for Women's Affairs.

Table 4.1 shows the number of students at each level as well as their percentage distribution by sex up to the 1982-1983 academic year for the "bachillerato" [baccalaureate or secondary educational degree] and the 1983-1984 academic year for vocational training, these being the last years for which data on these levels are available for the entire country.

* Baccalaureate. The 1975-1976 academic year, the first of the series analyzed, was also the first year to see the general introduction of the new plan designed in accordance with the provisions of General Law No. 14 of 4 August 1970 on Education and the Financing of the Educational Reform. In turn, the same year was to be the last in which the female student body would be smaller (49.80 per cent) than male enrolment (50.20 per cent), since from that period on there was to be a steady percentage increase in the number of young women enrolled at this level, ultimately reaching a figure of 53.74 per cent for the last academic year covered in the analysis.

* The university orientation course. It will be observed that the 1978-1979 course was the first in the period considered in which female enrolment (at 51.56 per cent) led male matriculation (at 48.44 per cent). This larger number of women was to be maintained and even increased in subsequent academic years, finally reaching a level of 54.30 per cent during the 1982-1983 programme. As may be seen in table 5, as their optional subjects women favour the humanities over scientifically-oriented courses.

* Vocational training. Males continue to predominate in this form of education, as may be observed from the time-frame analyzed. Nevertheless, there has been a gradual but steady increase in the number of women registrants, rising, for example, from 28.85 per cent for the 1975-1976 academic year to 41.22 per cent for the 1983-1984 academic year. However, as women have come to participate more extensively in vocational education, their enrolment has tended to be concentrated in a few specific areas, as may be seen in table 6.

Furthermore, if we consider the entire school population at the age of 14 and 15 years (the required starting age for secondary studies), women continue to represent a minority both for this age group enrolled in secondary education (table 7), as well as in the overall educational system (table 8). At this age, a relatively small but not insignificant number of girls drop out of the educational process in order to devote themselves to domestic tasks.

University studies

Table 9 represents a compilation of all the data available on women enrolled at university colleges, higher technical schools and faculties, as well as a summary, broken down for men and women, of the doctoral theses selected and approved. The table traces developments in this area from the 1975-1976 academic year to the 1983-1984 academic year. The general conclusion to be drawn from this presentation is that of an increase in the female enrolment. There are certain university programmes in which women constitute a majority (underlined in the table), although on the average they account for less than 50 per cent of the university population. Particularly noteworthy is the small percentage of women enrolled in the higher technical schools.

Adult education: overall data on the education of adult women

The latest data, which have been taken from the 1981 census and appear in the Basic Report on the White Paper on Adult Education, indicate the existence of 2.6 illiterate women for every man unable to read or write. Illiteracy affects 6.6 per cent of the population, the figures being 9.2 per cent for women and 3.8 per cent for men.

The geographical distribution of this phenomenon is very varied, as may be seen in table 21. In table 22 we can observe that illiteracy is more common in the population over 35 and is concentrated among persons of advanced age and female sex, the differences formerly noted between young men and women having now disappeared.

On the other hand, it is necessary to stress the different situation, from the point of view of a comprehensive analysis of continuing adult education, confronting women who work outside the home, on the one hand, and housewives, on the other.

Housewives normally prefer morning courses and represent the most clearly differentiated adult sociological group, especially when there are separate groupings of young people of 14 to 16 years of age at the permanent education centres. Continued attendance of these groups is encouraged by the human relationships and activity outside the home.

Among the working women new differences are observed vis-à-vis men with respect to motivation; the amount of time dedicated, etc. The sociological composition of the evening/night groups is one in which the status of the women is a less significant factor. Nevertheless, when specific activities or projects more closely related to women's issues are undertaken, the women's group draws more closely together in order that greater consideration may be given to these topics. Within the working women's group there is a larger proportion of women with feminist attitudes, who, though representing a less influential sociological group, help these topics to acquire greater importance.

Given the current Government's interest in promoting the equality of rights of men and women in various areas of society, and in view of the adult education reform process that has begun in the Ministry of Education and Science, it will be important for this department to develop contacts with such organizations as the Institute for Women's Affairs so as to benefit from specific inputs to the debate over the White Paper on Adult Education.

A greater number of women attend school at the adult education level, the figure being slightly higher than that for men in public education and, even more, in the private sector. Among the persons whose names are put forward for the degree of "School Graduate" ["Graduado Escolar"] at the adult level, 54 per cent are men and 46 per cent are women, indicating that the men perform better at this level.

Conclusions

As the reader is aware, the United Nations is observing International Youth Year in 1985. In the Report on Spanish Youth, prepared by the Spanish Committee for International Youth Year, the idea is expressed that "all societies define de facto a specific (marked) social condition for women (status of women), which is differentiated from the generic (neutral) social condition of men: the human condition is always thought of as the condition of the adult male".

An analysis of the data presented, in their aggregate, points to a very substantial advance for women in terms of their access to all levels of education. During the course of this decade, women have achieved numerical equality with their male companions at the mandatory levels of education and enjoy near-equality at the non-mandatory levels.

To be sure, this quantitative improvement in the positions of women within the educational system continues to exhibit a number of marked imbalances. As may be seen from the information available, once access has been gained to the non-mandatory levels of education, women in secondary education tend in the majority to favour general-type studies, the baccalaureate ["bachillerato"] and the university orientation course, none of which lead directly to the working world, and, within these studies, they exhibit a preference for the optional humanity courses, traditionally considered a "feminine" area of study. On the other hand, the relatively few women who select professional and technical courses are concentrated in areas that are also vocationally regarded as "feminine" and which do not offer particularly good opportunities in the labour market.

The same disequilibrium is also found at the university level. Women, in the majority, select programmes in the humanities, and their involvement in technical studies, while on the rise, is today still that of an absolute minority.

Everything would seem to indicate that women, once the barriers blocking their entry into the educational system have been overcome, continue to encounter difficulties of access to technical and scientific studies, as indicated by their tendency, throughout their educational careers, to elect subjects more influenced by their general condition as women than by their capabilities or school achievement levels.

Because of its failure to give any serious thought to the transformations that need to be made in an educational model that until that time had been designed exclusively for men, the theoretically egalitarian educational policy born of the 1970 law, in applying this model to the entire female population, has not secured genuine equality of opportunities for both sexes.

We can observe how women, despite the fact that they are pursuing the same programmes and carrying out the same activities - with even greater academic success - as their male companions, end up deriving less social benefit from their studies for the reason that their gains in the educational area are not correspondingly rewarded in the labour market.

Another problem that emerges from the report concerns the educational level of older women, reflecting as it does the educational discrepancies that still exist between men and women despite the changes that have occurred for the younger generations. It is alarming that this situation has not yet led to result-oriented campaigns of literacy training and permanent adult education designed especially for women.

The analysis of the data available suggests to us that if we are to offer women true equality of opportunities, it is not enough to dismantle the barriers blocking their access to education and to permit them to study under the same conditions as men. The need today is for men and women to receive an education no longer based on a concept of supremacy of one group over the other, an education that challenges sexually specific role models, and that is capable of coalescing all the knowledge necessary for the comprehensive development of the human personality. The need is for the educational establishment to adopt a resolute position against sexism and in favour of a coeducational school system in order that the constitutional principles of genuine and effective equality of opportunities may cease to be a theoretical premise and become a reality for all women.

Regarding article 11 of the Convention

All the rights and measures included in this article of the Convention are guaranteed to all Spanish women under the Statute of Workers (Law No. 8 of 10 March 1980), drawn up in conformity with requirements of the Constitution of 1978, article 35.2.

As already indicated, articles 4.2(c) and 17 of this Statute establish the general principle of non-discrimination at work for reasons of sex. On this basis, women are guaranteed each and every one of the rights recognized in article 11 of the Convention. For example:

- The right to work and to the same opportunities of freely selected employment, in article 4 of the Statute, in conformity with article 35.1 of the Constitution of 1978;
- The right to on-the-job professional advancement and training, promotions and improvement of economic status, on an equal footing with men, in articles 4.2(b) and 22 to 25 of the Statute;
- The right to equal remuneration for equal work accomplished, with no discrimination for reasons of sex, in article 28 of the Statute;
- The right to social security and to the benefits of this system, in articles 1 and 20 et seq of the General Social Security Law, the amended text of which was approved under Decree No. 2065 of 30 May 1974. It should not be forgotten that article 41 of the Spanish Constitution of 1978 requires all public authorities to maintain a public social security system for all citizens, guaranteeing sufficient assistance and social benefits in situations of need, especially in the case of unemployment, and that article 50 of the Constitution requires that the public authorities shall guarantee, through adequate and periodically adjusted pensions, the economic sufficiency of citizens in their later years.

Mention has already been made above of the rules which make it unlawful to refuse to hire a woman for employment, or to dismiss her from employment, for reasons of her civil status or pregnancy, and which provide for maternity leave with the right of the woman to retain her former job and wage. Similarly, a pregnant woman employed in a job dangerous to her health and/or that of her child, is entitled to assignment to a safe employment position.

In addition, Spain, as a member of the Council of Europe, has ratified the European Social Charter, the provisions of which have accordingly become a part of our country's internal law. Part I of the Charter establishes, inter alia, the following rights of workers:

- The right to freely selected work (No. 1);
- The right to safe and healthful job conditions (No. 3);
- The right of women workers, especially expectant mothers, to special protection at work (No. 8);
- The right to social security (No. 12);
- The right of the mother and the child, regardless of the marital situation and family relationships, to adequate social and economic protection (No. 17).

The actual European Social Charter further develops these rights in the articles that comprise its Part II. These articles provide full recognition of the same rights - and others as well - that are brought together in article 11 of the Convention on the Elimination of all Forms of Discrimination Against Women.

Appended to this study are a number of recent rulings by the Spanish Constitutional Court regarding discrimination for reasons of sex in the area of labour (see Documents Nos. 13-21).

The participation of women in the economically active population

At the end of 1984 the economically active population of Spain consisted of 13,228,200 persons, of whom 9,244,300 were men and 3,983,900 women. What this means is that the economically active Spanish population continues to be basically a male population; in effect, for the year in question women accounted for only 30.1 per cent of this group as opposed to 69.9 per cent for men. As a consequence, the participation of women in the Spanish labour market is still relatively modest. The reasons for this situation would appear to be, among others, the following: factors connected with the conditions that have been brought about by the economic crisis and have restricted the involvement of women in the labour market, and structural causes associated with women's civil status, since it still remains a fact that a large proportion of women who marry and have children withdraw from the job market.

Rate of female activity

With respect to the rate of economic activity for women, it may be observed that this figure continues to be substantially lower than the total activity rate; in effect, while the activity rate for women in 1984 was about 27.7 per cent, the total activity rate had risen to 47.7 per cent. Moreover, the activity rate for women is far below that of men (69.2 per cent), which explains the continuingly high masculine component of the economically active Spanish population.

During the fourth quarter of 1984 there were 2,987,300 working women, representing 28.8 per cent of a total employed population of 10,359,000 persons, a significantly lower percentage than the 31.1 per cent accounted for by women in the total active population. These data point up the predominance of male employment over female; in fact, for every working woman there are 2.5 working men. This situation is merely the consequence of the relatively low rates of female economic activity.

With respect to the female employment rate, it will be observed that, for the year in question, it was substantially lower, at 75 per cent, than the male employment rate, which stood at 79.7 per cent.

During the fourth quarter of 1984 there were in Spain 996,600 jobless women, representing 34.7 per cent of the total number of unemployed, which in turn amounted to 2,869,200 persons. The relative rate of women in the unemployment figure exceeds that of female participation in economic activity and employment.

Further, the rate of female unemployment totalled 25.1 per cent as opposed to 29.3 per cent for males, the combined figure being 21.7 per cent. The inferior status of women in the labour market is therefore clear.

As is also true of the general unemployed population, in the case of female unemployment first-time women job-seekers are the largest group, representing 55.8 per cent of the total number of unemployed women. The relative weight of

female unemployment in this group is greater than that among men, since although the unemployed among males seeking their first job represent proportionally the largest contingent, they account for slightly less in terms of total unemployment than in the case of women.

Special measures adopted to promote employment opportunities for women

As we have noted, the Spanish Constitution provides a basis for the pursuit of an affirmative policy aimed at promoting the equality of both sexes in the area of labour. The situation of women in the Spanish labour market continues to be disadvantaged in comparison with that of men. Women still enjoy fewer possibilities and opportunities for employment than men even though the situation has improved over previous times. It is for this reason that in recent years there have gradually been adopted, as part of the employment policy, a series of measures, undoubtedly antidiscriminatory in nature, designed to improve women's opportunities for employment. The most important of these measures are described below.

At the State level

The measures that have been implemented in recent years to promote the involvement of women in the labour market have been the following (Investment Plan of the National Foundation for the Protection of Labour for 1980 and 1981, Royal Decree No. 1445/1982 regulating various employment promotion measures, and the Order of 21 February 1985 on the allocation of resources from the Employment Solidarity Fund):

(a) Employment promotion measures on behalf of women with family responsibilities

* The National Foundation for the Protection of Labour has developed an autonomous work promotion programme for women with family responsibilities through which low-interest loans may be granted in order to enable women with family responsibilities to go into business on their own.

* In recent years there has been in effect a programme for the promotion of associate work co-operatives designed to provide those services required by working women. Under this scheme, in addition to low-interest loans, subsidies of 100,000 pesetas are granted for each job held in the co-operative by a woman with family responsibilities.

* Similarly, a specific programme for the creation of workers' nurseries has been in existence for the purpose of meeting the needs of working mothers or of other persons not independently employed who lack family members capable of looking after their children of less than six years of age.

(b) Vocational training measures

There has also been in effect in recent years a programme designed to facilitate the vocational training of women who are seeking employment, who require vocational retraining, or who wish to become eligible for a more highly qualified position within their enterprise.

These, then, have been the measures adopted in recent years for the specific purpose of promoting the employment of women. Together with those mentioned, consideration should also be given to other employment promotion measures which, although not specifically directed at women, have clearly contributed to easing

their access to the job market. Among such measures, particular mention might be made of the part-time work contract, whose effects on female employment, given the personal and family circumstances of most women, have certainly been positive.

At the Autonomous Community level

Among the measures that have been adopted at the Autonomous Community level to improve employment opportunities for women, the following deserve special mention:

(a) Autonomous Community of the Canary Islands

This Autonomous Community has introduced an employment promotion programme for various groups of workers, among them women with family responsibilities (including those arising from a de facto relationship). Non-repayable subsidies are granted for the hiring of women workers in this category.

(b) Autonomous Community of the Basque Country

In this Community there has been in existence since 1982 an employment promotion programme for unemployed women with family responsibilities. Enterprises are eligible for non-repayable subsidies for the hiring of such women.

(c) Autonomous Community of La Rioja

This Community has also put into effect an employment promotion programme for jobless women with family responsibilities. Its purpose is to provide subsidies to enterprises so as to encourage them to hire this category of women.

De facto situation

Women tend to gain access to the labour market under very specific conditions which are undoubtedly decisive in determining the type of employment and jobs they come to hold, and among which the following in particular may be singled out:

- (a) Women in Spanish society continue to assume, on a nearly exclusive basis, the responsibilities of housekeeping, an area that has traditionally been assigned to them as a consequence of the prevailing sexual division of labour, so that it is difficult in many cases to place them in full-time employment.
- (b) Furthermore, because of the responsibilities connected with maternity, women are frequently required to interrupt their working careers. In this connection, it must be noted that such interruptions tend to be frequent in the case of many married women.
- (c) Finally, female employment tends to be characterized by a certain degree of instability, which is largely the result of the marginal character of the actual activity involved, a factor which is unquestionably not conducive to the integration of women into the working world.

The process of involving Spanish women in the work-force, which had accelerated as a consequence of the economic boom of the late 1970s, has lost considerable impetus because of the subsequent economic crisis, which has led, among other things, to a steady rise in the unemployment statistics. On this point, there is a unanimous belief that one of the effects of the economic recession and its negative consequences for employment has been that women have in many cases abandoned, and in others curtailed, their efforts to find a place in the labour market as part of the process so vigorously initiated some years ago.

Moreover, in certain cases, the family situation of women also hampers their employment opportunities. There still exists in Spain a widely held view which maintains that women's activities should be mainly and preferentially directed at housekeeping and the care of children. Despite this, however, there is a steadily growing body of opinion that accepts the fact of women working outside the home as a requirement for the development of the individual woman's own personality.

Another of the circumstances that impede the integration of women within the work-force is the presence of a large majority of women who lack suitable vocational training, with the result that when they do attempt to enter the labour market, they are steered towards relatively unskilled positions. Obviously, this circumstance is aggravated during periods of economic crisis, such as that which we have been experiencing over the last decade, since at such times women tend to abandon their efforts in the labour market, something which is in turn reflected in an increase in the number of women who are either unemployed or have become discouraged in their hopes of finding a job.

For the purpose of relieving this situation and facilitating the access of women to the work-force, a range of educational measures has been undertaken by the National Institute of Employment, measures to which we have referred above.

In the same context it should be stressed that there has been a noteworthy increase in recent years in the participation of women in educational programmes of both the occupational and the regulated vocational training type. For example, in the area of regulated vocational training, the last decade has seen an increase in female participation from 24 per cent of the total number of participants (men and women) during the 1974-1975 academic year to 41.2 per cent during the 1983-1984 academic year, and in the area of occupational vocational training from 24.8 per cent in 1975 to 29.7 per cent in 1984.

On the question of safety and health-related measures, it should be noted that in this area there has been a reduction in the range of measures specifically designed to protect women. In effect, following the enactment of the Statute of Workers, there are few measures on the books covering safety and health standards for women as a specific group and, where such regulations for the protection of women do continue to exist, they are usually justified on the grounds of safeguarding their maternal function.

Concretely, in the interests of the protection of maternity, certain sectors have introduced specific bans on particular kinds of work that might affect either the woman's reproductive capacity or the foetus itself. These include work involving exposure to ionizing radiation (Regulation of Health Safeguards against Ionizing Radiation), in addition to which a number of collective sectoral agreements provide for measures to protect pregnant women when the performance of a specified activity could endanger the woman or the foetus. For example, in the agreements reached in the paper-and-cardboard and vegetable canning industries, there is provision for a right to change jobs.

As pointed out above, Spanish labour law contemplates a number of specific measures designed to protect maternity, among which the following might be mentioned:

- (a) Maternity leave;
- (b) Voluntary supplementary leave for the care of children;
- (c) Nursing leave;

- (d) Reduced working day to permit the care of children;
- (e) Right to select the vacation period.

Nevertheless, as was noted in the first part of this report, these legal measures are regarded as needing improvement, and it is also considered necessary to clarify the current scope of certain norms, both internal and international (such as article 8 of the European Social Charter), which may contain measures designed to protect women as such - and not their maternal function - and which may therefore be out of step with the times.

Women and social security

The principle of non-discrimination on the grounds of sex, enshrined in the Spanish Constitution, obviously also applies to the normative area of social security. As a consequence, in conformity with this principle, the existence of social security treatment that distinguishes on the basis of the recipient's sex is not admissible. In recognition of this fact, steps have been taken to eliminate such differences as may have existed within the social security regulations with reference to the treatment of men and women, regardless of whether these differences discriminated in favour of the former or the latter. In this context, the Constitutional Court has recently corrected the discriminatory situation that existed in respect of the eligibility of a husband for a pension on the death of his wife.

Conclusion

One of the most characteristic developments of recent years has been the increasing involvement of women in the labour market. Spanish women are participating to an ever greater degree in the national work-force. In 1985 women have come to represent approximately 30.1 per cent of the total economically active population, as opposed to 27.6 per cent in 1975.

The entry of women into the working world is by now an irreversible fact. Accordingly, there may be said to exist in Spain a body of women workers, both active and potential, prepared to compete not only in the search for jobs, but also in the effort to improve working conditions.

Working women are generally concentrated in a small number of sectors and occupations, where they hold relatively unskilled jobs. Within the pattern of female employment the service sector predominates, whereas the reduction in the number of jobs held by women in industry is part of the general decline in employment in this sector.

Women workers are the object of a kind of segregation in terms of the types of employment they find. Certain jobs are either totally filled by women or absorb a high proportion of female labour; on the other hand, women are under-represented in many occupations that continue to be dominated by men.

In recent years, the unemployed female population reached a level of approximately 34 per cent in respect of the total number of jobless, a figure which has, moreover, increased since 1975 by a further 10 points. We can observe, therefore, that the unemployment rates for women, despite the fact that the absolute number of unemployed women is lower than the corresponding figure for men, remains at percentage levels higher than those for male jobless. Young women are particularly vulnerable to unemployment. Women workers below the age of 25 generally account for higher rates of unemployment than do older women.

The general situation in which women are attempting to move forward is one of inequality and insecurity. If current trends persist, the prospects of employment for women and young girls seem unpromising.

The full integration of women into the economic and social life of the country depends on the implementation of specific policies designed to eliminate discrimination against women in living and working conditions. The promotion of equal employment opportunities should be regarded as an important guiding principle of overall policy-making.

In concrete terms, and with a view to a strategy for the future, the public authorities, trade unions and employers must take the necessary steps to dismantle the restrictions and obstacles that are inhibiting female mobility in the labour market and impeding the access of women to employment at the levels desired, with the consequence of frustrating their full participation in economic and social life.

These essential measures, aimed at eliminating discrimination against women in living and working conditions, must include, inter alia, the following elements:

- Employment guidance and training. Measures must be formulated to deal with the discrimination experienced by women in terms of access to specific training and retraining programmes at all vocational levels and, above all, in connection with the introduction of new technologies.
- In the area of job creation and promotion programmes, opportunities and adequate assistance must be provided for the hiring of women.
- Local initiative should be encouraged for the generation of employment opportunities through the provision of assistance and loans and the necessary information on co-operative management.
- New technologies. The public authorities should evaluate and plan the introduction of new technologies for the purpose of tapping their employment-generating potential, elevating standards of living and promoting equality of opportunities. Steps must be taken to establish a vocational counselling policy in order to direct women towards new employment opportunities.
- Reorganization of working time. A reduction in working hours for all workers is essential as part of the campaign against unemployment and in order to realize the principle of equal responsibilities for both sexes.
- With respect to part-time workers, the trade unions should include these workers in their collective bargaining agreements so as to ensure that they are protected to the same degree as full-time workers.
- Legislative initiatives and reforms designed to improve the status of women in the labour markets. A Work Equality Law should be enacted so as to eliminate all forms of discrimination and promote the equality of opportunities in the job market.
- Total equality for women should be promoted with respect to employment conditions and remuneration, and the measures necessary to avoid the kinds of discrimination that still exist should be adopted.

Regarding article 12 of the Convention

As we have seen earlier in this report, Spanish law also guarantees that women are provided with health care.

Article 43.1 and 2 of the Constitution recognizes the right of everyone to the protection of their health and the obligation of the public authorities to organize the means for safeguarding public health through preventive measures and the provision of the necessary services. Many of these health care services fall within the framework of the social security system to which we have already referred and which also includes family planning services. Similarly, pregnancy, childbirth and post-natal care are also the responsibility of the social security system, as has been indicated above (see, e.g., article 20(a) and 98 et seq of the General Social Security Law).

In addition, the European Social Charter, the provisions of which have become part of the internal law of our country, also recognizes, as already noted, the rights covered in article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women.

Spain, like the other Mediterranean countries, has, after some delay, in the last ten years joined the family of Western European countries recording extremely depressed fertility levels along with very low birth and infant-mortality rates, coupled with the consequent aging of the population. According to the report submitted by Spain at the International Conference on Population (Mexico City, 1984), the most salient characteristics of the Spanish demographic situation during the last decade have been:

- The accelerated decline in fertility since 1977;
- The reduction in the number of marriages since 1975;
- The substantial decrease in infant mortality.

In effect, during the period between 1976 and 1984 the gross birth rate declined by six points. The abrupt fall in fertility began in 1977, a year in which the rate was one of 2.66 children per woman. The projected value for 1984 (1.7) implies a reduction of one child per woman over an eight-year period.

Furthermore, the mortality rates for infants and mothers are displaying a steadily downward trend, as is always the case in developed countries as a result of the prevailing better sanitation conditions (see tables 3 and 4). Thus, the number of deaths among women as a consequence of pregnancy or childbirth, for every 100,000 live births, decreased from 21.66 in 1975 to 11.46 in 1979.

Family planning in our country involves a complex range of problems that have not yet been fully solved by the public health care system. Our legal system contains no norm expressly recognizing the right of every person to decide freely on the number or spacing of the children he or she may wish to have. Nevertheless, this right may be regarded as implicitly recognized, since article 10 of the Constitution does refer, for the interpretation of fundamental rights, to the agreements and international treaties ratified by Spain regarding these subjects. As it happens, the World Population Plan of Action, adopted by consensus by 136 Governments, among them Spain, on the occasion of the United Nations World Population Conference (Bucharest 1974), explicitly recognizes this right.

The very term "family planning" as used to define health services capable of facilitating the exercise by the public of the above-mentioned right, is not clearly used in the regulations issued by the Ministry of Health. Thus we find that, since 1978, the term "family guidance" is used in several of this department's publications, while others speak of "family planning". Nevertheless, in point of fact, the functions which the centres and agencies operating in this

area are regarded as being required to perform are those which are internationally understood as referring to family planning services and programmes: information and counselling on contraceptive methods and devices, the furnishing of these devices, sex education, infertility treatment, genetic advice, counselling and instructions in cases of abortion, etc.

It seems important to refer to this question, because it reveals a certain basic ideological confusion at the origin of the policies pursued by Spanish Governments since the depenalization of contraceptives. Until 1978 the sale and distribution of contraceptives was prohibited under the criminal law, and it was only in 1983 that the use of sterilization methods ceased to be regarded as a crime. The fact that these forms of behaviour have so recently been normalized is reflected in Spanish society and, as a consequence, in the country's administrative practices.

In 1978, 71 per cent of the Spanish population was in favour of the State's creating public family planning services, a fact which prompted a number of citizens' organizations (political parties, neighbourhood associations, etc.) to establish family planning centres, following the example of the feminist organizations which had taken this step as early as 1977. Under the pressure of demand, the municipal governments also began to offer these services, which, because they were not covered by the Spanish social security system, were beyond the reach of most citizens. During the period between 1979 and 1983 there was a process of establishing municipal family planning centres, which are unevenly distributed throughout the national territory. The services offered are different at each centre, their quality is very uneven and the composition of the equipment is not standardized; the municipal governments were responding with their limited resources to the pressure of demand. In June 1973, 193 family planning centres were in operation, of which the vast majority were municipally run. It was at this time that the first Socialist Government allocated State budgetary resources for these services, and for the first time, through the interdisciplinary commission established by the Ministry of Health, put into operation a family planning programme. This is the so-called Family Counselling Centre Plan. The objectives of this plan were basically: to unify and standardize the family planning services to be provided by the public health system, to introduce these services as part of the public social security system, and to take the first steps towards the unification of the public systems offering these services by attempting to bring about an equitable distribution of resources, taking into account the birthrates and the size of the female population of childbearing age in different regions of the country.

At present, it is estimated that there are in operation throughout the country 256 public family planning centres. ^{1/} Of these, 46.09 per cent are municipally operated, 22.27 per cent are subordinate to the National Institute of Health, and 16.41 are financed by the Autonomous Communities. The Ministry of Health has transferred its control of nearly all the centres directly subordinate to it, retaining authority over only 1.95 per cent, while 2.73 per cent are dependent on the deputations and 10.55 per cent of the total operate under more than one supervisory authority.

^{1/} Guía de Centros Públicos de Planificación Familiar [Guide to Public Family Planning Centres]. Ministerio de Sanidad e Instituto de la Mujer. Madrid 1985.

The services which the centres must offer are the following:

- Information on, and direct provision of, all contraceptive methods, with the corresponding surgical centre to be responsible for the performance of irreversible contraceptive interventions;
- Information and counselling on matters of sexuality;
- Sterility and prenatal counselling;
- Early detection of genital and mammary cancer and sexually transmitted diseases, but only for the users of the centre.

In 1984 the National Institute of Health commissioned 34 new family counselling centres and another 20 are to be established during the coming year. This means that the first steps have been taken to institutionalize these services within the structures of the public health care system, which is currently in the process of a far-reaching transformation.

Maternity

From the legislative point of view, maternity is protected in Spain in the following ways:

- Health care during pregnancy and childbirth for the population enrolled under the social security system (Decree No. 2766 of 16 February 1967), with this group representing 93 per cent of the total Spanish population. That portion of the population not covered by social security is provided with health care in these circumstances through other public health care arrangements: municipal governments, deputations, welfare authorities, and the institutional administration of the national health service.
- Paid maternity leave of 14 weeks, to be distributed at the discretion of the pregnant woman, for women covered under the social security system; possibility of additional childcare leave for both the husband and the wife, provided that it does not exceed three years; possibility of a one-third reduction of the working day, with a proportional reduction in wages or salary; one-hour reduction of the working day for breast-feeding during the nine months following the birth.

The protection machinery necessary to ensure that the pregnant woman can perform her work in an environment not dangerous to either herself or her unborn child has yet to be put into place. The fact is that it is impossible to claim that any decisive step has been taken in this direction. What is more, following the repeal of the discriminatory legislation, something that was obviously necessary, a kind of legislative vacuum has arisen with respect to the necessary protection of women's reproductive function at the work-place. At the time this report was being prepared, work was already far advanced on a legislative proposal aimed at protecting, as a first step, an already existing pregnancy.

The level of socio-economic development achieved by Spain, together with the basic health care arrangements that exist in the country, make it possible to approach the subject of maternity in its qualitative rather than its quantitative aspects. The low mortality statistics for infants and mothers, along with the low birth and fertility rates and the fact that 97 per cent of all births occurring in

Spain take place at hospital facilities, are an indication that our country has created adequate material conditions to be able to claim that, from a theoretical standpoint, maternity may be regarded as a freely chosen right for which women may opt and whose exercise they should be able to enjoy.

As for the conditions under which pregnancies and births take place, the following comments are in order. Obstetrical consultations have increased, in both absolute and relative terms, under the social security system. For example, it is estimated that there was an increase of 18.75 per cent in 1981 over the previous year's figures, and of 5.99 per cent in 1982. ^{1/} There are no data regarding the number of visits to doctors made by women during pregnancy. From March 1984, women beneficiaries of the social security system have been entitled to consult a gynaecologist from the first quarter of their pregnancy onward, as established under a ministerial order of 28 March 1984. There is a disturbing lack of co-ordination, however, between the physician supervising the pregnancy at the primary care level and the doctor attending the woman in confinement at the corresponding hospital facility. An attempt was made to remedy this lack of co-ordination through the introduction, in 1978, of a so-called "pregnancy card", which the woman was to keep in her possession until such time as she turned it in at the hospital at which she was to give birth. This system has failed to produce the hoped-for results, and the Ministry of Health is studying new formulae with a view to increasing the effectiveness of this card system.

Obstetrical psychoprophylaxis (preparation for childbirth) may be regarded as a social security service. The problem is that there are very few centres at which it is available (the exact number is not known), nor are there any data available regarding the number of women who receive childbirth preparation in Spain. However, a study carried out in Madrid in 1984 for the Ministry of Health estimated that only 15.01 per cent of pregnant women receive psychoprophylactic care at the existing public health centres in that city, a sizeable proportion of which are municipally operated. The same thing may be said of post-natal care. Women who have given birth receive written instructions at the social security hospitals at the initiative of the health services themselves.

In December 1984 it was decided, under an internal regulation of the social security office with responsibility for health care matters, that the gynaecological teams, and especially the midwives, were to provide health education information to pregnant and confined women in the areas of obstetrical psychoprophylaxis and family planning, in addition to establishing birth preparation groups and, for the post-natal period, carrying out home visits. A retraining process was begun for this personnel, which until that time had been underutilized.

With respect to the conditions attending births at public health centres, there are no general norms, with the result that the diversity is enormous. It is generally not permitted for any person to accompany the pregnant woman during the dilatation process, nor usually are the attending staff trained in the various techniques that may be used to control the discomfort accompanying this process. The tendency is to overemphasize the medico-technical aspect and, generally speaking, there is an excessive "medicalization" of the process, in which the woman about to give birth is robbed of her role as primary protagonist in favour of increasingly sophisticated technological devices. Despite the efforts that are being made to humanize hospital care in general, the Hospital Care Humanization Plan (Ministry of Health and National Institute of Health, 1984) does not deal specifically with the area of maternity and contains no more than a reference to the need to facilitate the remaining together of the mother and child at the admitting hospital.

^{1/} Data provided by the National Institute of Health for 1985.

The practice of establishing "nurseries" at hospitals is being eliminated, in line with the trend towards the accommodation of women during the post-delivery period in rooms large enough for only two or four patients, so that the new-born infant may be in contact with its mother from the very beginning. However, the maternity wards need to be re-organized, something that in many cases is not easy.

In summary, it may be said that, while virtually no women die during childbirth in Spain and infants are satisfactorily cared for, even in the event of complications, the quality of maternity health care has not appreciably improved during the last decade and continues to be inadequate, although a number of measures, whose results it is impossible to evaluate because of the short elapsed time, have been taken to improve it.

Health education, which is basic to the generation of a sense of responsibility on the part of the individual for his own health, and especially on the part of women, who continue to bear the responsibility for the health of future generations and even for the elderly, disabled and sick within the family, has still not received adequate attention in our country for the reason that the Spanish health care machinery continues to be oriented more towards the cure of disease, once it has made its appearance, than towards its prevention.

Plans are in being to introduce health education in the schools, something which until now has been done to only a minimal degree. Moreover, health education is one of the objectives of the primary health care teams that are beginning to become operational at this time as a result of the reform of the public health structures that is just starting in Spain. It is not easy to assess and describe specific results of the educational work that has been performed by the existing family planning centres, but it is a fact that these facilities have played a positive health education role within the population they have served.

While the far-reaching reform of the system, in the areas of both education and health, is still proceeding, all that one can do is to refer, with respect to health education, to the campaigns that have been carried out by various agencies with responsibility for this area.

Basic health needs are being met in our country, whose health care standards, from the quantitative point of view, are on a par with those of the other European countries. Nevertheless, there is a need in Spain to develop a health services model whose thrust will be essentially preventive rather than purely curative. This issue has been raised by the World Health Organization as an imperative requirement for all the health care systems of the developed world, as part of the world plan "Strategy of Health for All by the Year 2000". In the case of Spain, the development of this kind of health system will require the preparation of reliable epidemiological studies to permit the formulation of health strategies and programmes aimed at both identifying and preventing health problems within individual population groups, one of which must be that of women of reproductive age, who are exposed to the risks of genital and mammary cancer, diseases that can be effectively combated only through a preventive approach.

With respect to the right of women/couples to decide freely on the number and spacing of their children, it needs to be noted that, until now, the extension of family planning to the entire population through the public health care system has not been a priority objective. As a result, that system is still inadequately meeting the requirements in this area: it is estimated that only 5 per cent of the potential demand is in fact being covered and the quality of the care is very varied. There has not yet been a satisfactory resolution of the problem of sterilization, which is currently carried out at some public hospitals, but has not

been introduced as a standard additional social security service. No precise information is available on the number of sterilization operations that were performed under the social security system in 1984, although there is evidence that the demand for these interventions is rising. 1/

Moreover, one of the factors present in the quality of the family planning available in Spain is the clear danger of an overemphasis of medical treatment at the expense of the health educational aspect. There is an evident need for a profound change in the mentality of health professionals so as to enable them to move away from a curative to a preventive philosophy and to recognize the paramount role of the woman/couple in the selection of the preferred methods for realizing their right to decide freely on the number of children desired and on the time of their conception. The need for this change in attitude in the Spanish health care establishment has become particularly manifest following the introduction of this service under the social security system.

The partial depenalization of abortion represents an important step forward, especially when one also considers that persons no longer under the threat of criminal sanctions can now receive adequate care in the public health sector. However, there still continue to exist serious health problems for the Spanish woman who wishes to interrupt her pregnancy for motives other than those which have been depenalized. Moreover, it should be noted that the measures that have been taken to relieve the health problem represented by clandestine abortions have encountered serious obstacles due to the continued influence in Spanish society of the conservative stand on this subject of the Roman Catholic Church and indeed of the medical establishment itself, whose representatives recently went so far as to declare publicly that sterilization must be regarded by health professionals as a grave mutilation and who have sought to place the abortion debate in an ideological, far more than a health-related, context. It will be necessary to await the enactment and application of the so-called Law on Abortion in order to evaluate its impact on the health of women (see page 6).

As pointed out throughout this report, it will only be possible to identify and resolve the health problems of Spanish women to the degree that the public health system is radically transformed in the direction indicated by the World Health Organization. This transformation, which has recently begun, must take into account the specific problems of women.

Regarding article 13 of the Convention

At the present time women enjoy a status in these respects equal to that of men, in that the law recognizes the same legal capacity and capacity to act for both sexes, under the terms to be discussed later on in this report.

However, it is necessary to note that this legal capacity and capacity to act have not had any appreciable practical consequences for women. The participation of women in economic decision-making continues to be very limited, and the proportion of businesswomen is still very small throughout the economy. The fact is that there remains much to be done if women are both to gain the economic power identified with the direction of the public economy and to move into the management of private enterprise.

1/ According to data provided by the National Institute of Health, 32 per cent of the women who seek assistance at the family planning centres of this agency request sterilization.

As an example of this situation, we might note the fact that the presence of women in the leadership of the Spanish Confederation of Business Organizations, an employers' organization, is minimal. Women appear only in the press bureaux, and there are no women in the positions of president, secretary or manager of the territorial or sectoral organizations.

As we indicated above, the rate of female economic activity stands at 30.1 per cent. This figure is far higher than the membership figures published by the two trade union organizations with the largest number of women (10 per cent). Female participation in trade union management is uneven, depending on the area of activity, and has in any case declined in comparison with the previous elections (held in 1981), possibly as a consequence of the slowdown in grass-roots unionizing activities in the wake of the enthusiasm of the first years following the institution of democratic government.

The General Union of Workers estimated the participation of women at about 7 per cent in the Confederal Committee in 1982 and at about 5 per cent in 1984 (with no women on the Executive Commission), at about 4 per cent in the Provincial Unions and at about another 9 per cent in the State Federations. The highest figure, 13 per cent, refers to female-held posts in the executive committees of the industrial federations.

With respect to the Trade Union Confederation of Workers' Commissions, the other trade union body with the largest number of women, it reported a figure of 3 per cent for women in the Federal Council in 1981 and 5 per cent in the executive committees of the territorial organizations, together with 9 per cent female participation in the branch-wide federations, where there has been a considerable decrease in comparison with 1981 (metalworkers, etc.).

Regarding article 14 of the Convention

Given the fact that the Constitution of 1978 establishes in article 14 the principle of equality before the law, to the exclusion of any discrimination on the grounds of sex, and further considering that legal capacity is recognized fully for men and women, along with the capacity to act in the case of both once they have reached their majority and unless they have been declared incompetent by the courts, any discrimination that may exist between men and women is unconstitutional, whether in rural or urban areas, and must be declared such by the judges and the courts, which may not apply a discriminatory rule in conflict with the overriding constitutional standard.

Apart from this, the reader is referred to the replies given in this report to the various questions raised, since all these answers make clear, citing the specific legal provisions in each case, the rights of women to medical care and in the area of family planning, social security, education on an equal footing with men, work-place advancement, access to loans, etc. All of this is true in all of the geographic regions of Spain. Nevertheless, that the situation in rural areas is more disadvantaged is quite evident, as is the fact that, this being the case, it affects women as a part of the population living in these zones. Accordingly, article 130 of the Constitution provides that "1. The public authorities shall see to the modernization and development of all economic sectors and, in particular, of agriculture, stock raising, fisheries and the crafts sector, for the purpose of ensuring equal standards of living for all Spaniards. 2. To the same end, special treatment shall be given to the mountainous regions".

In this connection, it is a concern both of the legislator (who has enacted specific instruments, such as the "Mountain Agriculture Law" for the purpose of improving the socio-economic situation in these rural areas) and of the

administration that the necessary measures should be taken to bring about improvements in the rural sector. Nevertheless, it would not be correct to say that the legislation enacted or the specific administrative measures undertaken have genuinely addressed the status and unique problems of women in rural areas.

For this reason, the Institute for Women's Affairs is currently taking the necessary steps to see to it that the responsible departments of the administration confront these issues in an effective way, and, to this end, the Institute in question is initiating the necessary procedures for:

- (a) The identification of the specific problems facing women in rural areas;
- (b) The analysis of requirements, their characteristics and their regional distribution;
- (c) The establishment of contacts with public and private institutions for the purpose of formulating working plans in these areas and of implementing programmes for the advancement of women;
- (d) The co-ordination of the administrative activities to be undertaken through agreements and other instruments;
- (e) The encouragement of private initiative.

Regarding article 15 of the Convention

As noted many times in the course of this report, the Spanish Constitution of 1978 recognizes in its article 14 the principle of equality before the law, to the exclusion of any discrimination for any reasons, including sex.

A. Obviously, the Spanish legal system recognizes for women rights that are equal to those of men in the area of legal capacity.

The Spanish legal system distinguishes between legal capacity and the capacity to act. Legal capacity is enjoyed by every person qua person; legal capacity is the basis for the ability to enjoy rights and bear responsibilities. Throughout the historical development of our law, legal capacity has been recognized for both men and women.

Any contract or similar private instrument designed to limit a woman's legal capacity is invalid, not only because it is unconstitutional, which would be more than enough, but also because article 6.3 of the Spanish Civil Code establishes that "acts contrary to the enjoining and the prohibitive norms are invalid by right", while article 29 (enjoining norm) of the same Code provides that birth gives rise to personality (legal capacity).

Something distinct from the above is the capacity to act or the capacity to exercise one's rights and obligations. Under our legal system, the full capacity to act is conferred with the attainment of majority, at 18 years of age (article 12 of the Constitution of 1978 and article 315 of the Civil Code), except when the individual has been declared incompetent by the courts. The fact of being a man or woman, therefore, has absolutely no restrictive effect on the capacity to act.

Formerly and until quite recently, married women were subject to certain limitations on their capacity to act, but these restrictions were totally eliminated under the successive reforms of the Spanish Civil Code in recent times, introduced under Laws No. 14 of 2 May 1975, No. 11 of 13 May 1981, No. 30 of 7 July 1981, No. 51 of 13 July 1982 and No. 13 of 24 October 1983.

B. Women have the same right as men to be treated equally at all stages of proceedings in courts and tribunals.

Article 24 of the Constitution, which has been further developed under subsequent laws - e.g., the recent Organic Law of 12 December 1983 - guarantees the full legal protection of the rights of all persons without discrimination. The actual text of the article is as follows: "1. All persons have the right to the effective protection of the judges and courts in the exercise of their legitimate rights and interests and may not, under any circumstances, be deprived of this protection. 2. Similarly, all persons have a right to: the ordinary judge prescribed under the law, the defence and presence of legal counsel, information regarding the charges brought against them, public trial without undue delay and with all guarantees, the use of the evidence pertinent to their defence, abstention from statements harmful to themselves, the refusal to admit guilt and the presumption of innocence. 3. ...".

C. Similarly, women have the same rights as men to conclude contracts and to acquire, administer and dispose of properties - all of this thanks to the reforms of the Civil Code of 2 May 1975 (which also amended the Code of Commerce with respect to the capacity of married women) and of 13 May 1981. Today in Spain:

- Both men and women who have attained their majority and have not been declared incompetent by the courts are at complete liberty to administer or dispose of their private goods as they see fit, without requiring the consent of anyone. The institution of the dowry has been abolished.
- With respect to the goods acquired by the husband and wife in the course of their marriage:
- In principle, and in the absence of any agreement to the contrary, both spouses are entitled to administer and dispose of the goods acquired during the marriage (article 1375 of the Civil Code).
- The performance of acts involving the disposition, for a fee, of the goods acquired during the marriage shall require the consent of both spouses (article 1377.1 of the Civil Code). This is also true, and with even greater reason, if the disposition involves no payment (article 1375 of the same Code).
- The husband and wife may, under any title, transmit to one another goods and rights and may conclude between themselves any kind of contract (articles 1323 and 1458 of the Civil Code).

D. Further, women have the same rights as men with regard to personal freedom of movement and the freedom to choose their residence and domicile.

In its original wording, the Civil Code established that a wife was required to follow her husband to wherever he wished to make his residence, although in exceptional cases the courts might release her from this obligation (former article 58 of the Civil Code).

Law No. 14 of 2 May 1975 amended this article to read that the spouses were to establish their place of residence by joint accord, but that in the absence of an agreement, and if there were common children, the decision of the partner having parental authority would prevail, this partner being the father, save for a limited number of exceptional situations. In all other cases, it would be up to the courts to settle the matter.

This instance of discrimination has today been overcome under article 70 of the Civil Code, as currently worded under Law No. 30 of 7 July 1981, which stipulates that "The spouses shall, by common accord, establish their conjugal domicile and, in the event of a disagreement, the judge shall decide the matter, taking into account the interests of the family".

Regarding article 16 of the Convention

Spanish women are subject to no discrimination in comparison with men in respect of the rights mentioned in this article. The only such remnant is a minor area of discrimination with regard to the use of names.

A. Women have the same right as men to freely choose their spouse and to enter into marriage only with their free and full consent.

Article 32 of the Spanish Constitution of 1978 states that "1. Men and women have the same right to enter into marriage with full legal equality; 2. The law shall regulate the forms of marriage, the age and capacity to conclude a marriage, the rights and duties of the spouses and the causes of separation and dissolution, and the effects thereof".

In this context, the Civil Code, amended under Law No. 30 of 7 July 1981, recapitulates, in articles 44-48, the requisite conditions for marriage, without in any way discriminating on the basis of sex, and establishes that not only can there be no marriage without the consent of both spouses, but that in order to give this consent, the man and woman must have attained their majority (the age of majority being 18 years; cf. article 12 of the Constitution of 1978) or must be emancipated minors (emancipation requiring the completion of 16 years of age and the satisfaction of a number of requisite conditions stipulated in articles 314 et seq of the Civil Code) or, as a minimum, must have completed 14 years and have obtained, citing just cause, the special permission of the lower court judge.

B. The husband and the wife have the same rights and responsibilities during marriage (including the right to choose a family name, a profession and an occupation, and the obligation to provide for the care and needs of the family) and at its dissolution (including grounds for separation and divorce).

(a) Rights and responsibilities in marriage:

The reforms introduced in the Civil Code by the Laws of 24 April 1958, 2 May 1975, 13 May 1981 and 7 July 1981 have brought about the gradual equalizing of the status of men and women within marriage.

For example, article 57 of the Civil Code, in its original wording, required that the husband protect his wife and that the wife obey her husband. After it had been amended by the Law of 2 May 1975, this article established that "The husband and wife owe each other mutual respect and protection and shall always act in the interests of the family", a wording which, following the reform of 7 July 1981, is today retained in the present article 67. Further, article 68 of the same Civil Code today stipulates that "It is presumed, in the absence of evidence to the contrary, that the spouses live together", and article 65 of this legal instrument establishes, in a manner consistent with article 32 of the Constitution, that "The husband and wife are equal in their rights and duties". This is the principle that today underlines our Civil Code with regard to the equal status of spouses.

Thus, the married woman does not lose her maiden name in order to assume the name of her husband - something which, incidentally, was formerly also not the case

under Spanish law. However, in the name of the children born of the marriage the husband's name appears in first place, although once a child has attained his or her majority he or she may request that the order of the names be changed (article 109 of the Civil Code). Thus, a minor instance of inequality continues to exist in this respect.

As has already been pointed out, a married woman may accept employment, at any level and on an equal footing with men, as is clear from the already-mentioned Statute of Workers of 10 March 1980.

If the woman works outside the home and is paid for this work, her income becomes part of the joint estate - provided this is the economic arrangement selected in the marriage - in the same way as does the income of her husband (article 1345.1 of the Civil Code), and it is from this joint estate that the marriage partners shall meet those costs, stipulated in articles 1362 et seq of the Code, which include the support of the family, the feeding and raising of their common children and such other outlays as may be necessary for the maintenance of the household. Both spouses are jointly entrusted with the administration of the joint estate (article 1375 of the Civil Code) and the agreement of both is required for the disposal of their common goods.

If the spouses have selected the separate estate arrangement for their marriage, each of them shall have the exclusive right to whatever property he or she acquires, and both the wife as well as the husband shall be able to dispose of her or his property as she or he sees fit, without requiring anyone's consent (article 1437 of the Civil Code). The husband and wife shall contribute to the discharge of the financial burdens of marriage in proportion to their respective economic resources (article 1438 of the same Code).

(b) With respect to the separation and dissolution of the marriage, husband and wife enjoy full legal equality.

The causes of annulment, separation and divorce are the same, whether they involve the husband or the wife and whether the application for the annulment, separation or divorce has been submitted by the husband or the wife. This is the result of the new regulation introduced into the Civil Code in this area under the Law of 7 July 1981.

In cases of this kind, the law does not prescribe that the children of the marriage are to automatically remain with either one of the spouses of the dissolved marriage, but is guided by the agreement to this effect reached between the spouses themselves. If the spouses fail to reach an agreement, the law will act in the interests of the children, without however specifying a preference in principle as to whether these children should continue living with the father or with the mother. Obviously, an effort will be made not to separate siblings, and children below the age of seven will remain in the custody of the mother except in cases when, in the interests of the children themselves, another ruling is required.

Separated or divorced parents are required to contribute to the maintenance, education, etc., of their children in proportion to their respective resources, with the court to determine the amount of support which each of them is to pay to this end.

What is more, that spouse, whether it be the husband or wife, who as a result of the separation or divorce has been placed at an economic disadvantage in relation to the position of the other spouse, is entitled to the receipt of support from his or her ex-husband or ex-wife (articles 97 et seq of the Civil Code).

All of this is regulated pursuant to the articles of the Civil Code amended under the Laws of 13 May 1981 and 7 July of the same year, the texts of which are appended to this report (Documents Nos. 4 and 5).

C. With respect to parental authority and the legal representation of minor children, this is the joint responsibility of the father and of the mother (articles 154.1, 156 and 162 of the Civil Code), except for children which have been born outside of the marriage and have been recognized by only one of the parents, in which case that parent will exercise parental authority, or except for the case when one of the parents has been disqualified from the exercise of parental authority for one of the causes stipulated in the law (articles 92.3, 111, 170 ... of the Civil Code). It is also possible that parental authority may be exercised by only one of the parents with the express or tacit consent of the other (article 156.1 of the Code).

Even in cases in which they are not exercising parental authority, the father and mother are required to see to the interests of their minor children and to support them (article 110 of the Civil Code), and they are entitled to the enjoyment of a relationship with these minor children (article 161 of the Code). The formulation of these provisions, in addition to all the others that regulate the area of paternity and filiation and the child-parent relationship, is the result of Law No. 11 of 13 May 1981, which reformed the Civil Code.

D. With respect to guardianship, guardianship functions may today be exercised indifferently by a man or a woman, with full equality of rights and obligations. This legal regulation is a modern one and is the result of Law No. 13 of 24 October 1983, which reformed the Civil Code in this area.

E. With respect to adoption, the law contemplates no discrimination of any kind between the sexes with respect to the adoption of children. Neither one of the spouses may adopt a child without the consent of the other, unless they are legally separated (articles 172 and 178.1 of the Civil Code). In all other respects, the law makes no distinctions of any kind between an adopting man or an adopting woman, so that the legal regulation of adoption is equally applicable to both.

The formulation of the current provisions of the Civil Code with respect to adoption is the result of Laws No. 7 of 4 July 1979, No. 11 of 13 May 1981, No. 30 of 7 July 1981 and No. 13 of 24 October 1983. There is currently in draft form a bill that would modify all the legislation regarding adoption.

F. Mention has already been made of women's freedom to select their profession and occupation. Further, both spouses have equal rights in the area of property and with respect to the purchase, management, administration, enjoyment and disposition of goods, whether for a fee or not.

G. As explained above, there is a minimum age for entering into marriage. In principle, only persons who have attained their majority may marry, but the same right is also available to emancipated minors and even to children above the age of 14, provided they have the consent of the court. Under no circumstances may marriage be contracted by someone who fails to meet these minimum age requirements.

Marriages must be recorded in the Civil Register.

Article 56 of the Civil Code specifies in paragraph 1 that persons desiring to enter into marriage must first prove that they meet the conditions of capacity required under the law by means of an application, which is processed in accordance with the Civil Registry Law.

In turn, article 61 of the same Civil Code establishes that marriage produces civil effects from the moment it is contracted, but that the full recognition of these effects requires that the marriage be recorded in the Civil Register.

The Civil Register is divided into various sections, the second of which is intended for entries recording the contraction of marriages (articles 69-80 of the Civil Registry Law).