

Territorial Dynamics and Gender Equality Policies in Spain

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Abstract :

This article analyses the impact of the multilevel governance structure in Spain. Particularly, it explores how the main territorial dynamics underpinning the Spanish decentralization model have shaped gender equality policies, namely the cross-regional competitive bargaining, the existence of multiple arenas, the underdevelopment of intergovernmental mechanisms and a highly salient territorial cleavage. The article looks at three key fields of gender equality public intervention and scholarly research: gender mainstreaming, electoral gender quotas and policies against gender-based violence. Our results align with the conditional approach of the gender and federalism scholarship. While competition has stimulated policy diffusion across regions and feminist agency has frequently benefited from the multilevel opportunity structure, the lack of well-established intergovernmental mechanisms has brought about negative side-effects like 'patchwork' policies that fail to guarantee equal rights for all Spanish women. The article also shows that territorial interests have not trumped gender equality since the most advanced policies are found in regions with the highest territorial saliency.

State architectures are not neutral in their potential for the adoption and effective implementation of gender equality policies and, more broadly, for women's empowerment. As it has been argued, «states make gender through policies, laws, practices, spending patterns, judicial decisions, and discourses about how women and men should act» while simultaneously «gender makes states» in both reproducing and challenging male dominance¹. In an attempt to explain whether federalism is a barrier to or an opportunity for women's equality-seeking strategies, the federal-unitary dichotomy was the focus of initial debates on the relationship between gender and state architectures. More recently, other factors have increasingly been examined and institutional approaches have gained momentum, thus leading to more complex explanatory frameworks. Factoring institutional settings in studies of state architectures allows us to address questions such as how formal structures and informal rules, including territorial structures, may advance or constrain women's interests and strategies as well as under what conditions they are (dis)advantageous to feminist projects².

Some territorial dynamics have been claimed to produce various forms of inequalities and disadvantages for women's interests. Firstly, federalism may bring about asymmetry in the provision of public services at the sub-state level and complicate the development of coordinated and integrated state-wide policies.³ Secondly, the existence of multiple veto points might allow conservative actors to obstruct gender-friendly changes.⁴ Thirdly, it has been argued that the saliency of the territorial cleavage might inhibit the political expression of gender and fragment progressive alignments. Ethnoterritorial concurrence would render gender equality strategies

more difficult to organize since ‘sex/gender must compete with it [territory]’⁵. Conversely, other studies sustain that federalism provides an advantageous political opportunity structure for women political activists since they can transfer their activism across institutional arenas when blockage is faced at either level⁶. Also, competitive federalism has proven to yield a regional ‘demonstration effect’ through which welfare and gender equality policies spread across the country by means of the diffusion of learning processes across regions as well as between tiers of government⁷. Still, recent accounts have adopted a ‘conditional approach’ in that the state architecture is argued to have positive or negative impacts depending on the characteristics of individual countries.⁸ Similarly, it has been posited that ‘federalism advantages’ might only be valuable if parties utilize them and are willing to put forward a gender equality agenda⁹.

Building on the burgeoning literature on gender and state architectures, the article analyses the impact of the Spanish multilevel governance structure on its gender equality policies. Hitherto, most studies in the field have mainly focused on well-established federations. The Spanish case allows us to explore in a comprehensive manner how the territorial dynamics brought about by decentralization have shaped gender policy developments in a devolving state. In order to explore the extent to which territorial dynamics have advantaged or disadvantaged the adoption and effective implementation of gender equality policies we will focus on the main features of the so-called State of Autonomies (*Estado de las Autonomías*): the cross-regional competitive bargaining, the existence of multiple decision-making arenas, and the underdevelopment of intergovernmental mechanisms¹⁰. In doing so, we will examine three key fields of gender equality public intervention and scholarly research, namely gender mainstreaming, electoral gender quotas and policies against gender-based violence, each of them illustrating well one of the above mentioned features of the Spanish decentralization model. The analysis of these policies will also allow us to assess the impact of a highly salient territorial cleavage upon the success of feminist projects.

The remainder of the article proceeds as follows. The next section briefly describes Spain’s decentralization process and outlines the main traits of the multilevel character of equality policies. The following sections examine the impact of territorial dynamics upon three key gender equality policies and actors’ strategies. Specifically, Section 2 focuses on how competitive federalism has yielded a positive cross-regional demonstration effect in the field of gender mainstreaming. Section 3 explores how the existence of various tiers of government has shaped the political opportunity structure favouring feminists’ ‘level shopping’ in the case of electoral gender quotas. Section 4 turns to gender-based violence policies to examine the effect of underdeveloped intergovernmental mechanisms on the dissimilar rights and resources granted to women in the different regions. The last section discusses our main findings and concludes.

1. Decentralization and Multilevel Equality Policies in Spain

The 1978 Spanish Constitution established two different procedures for decentralization justified on historical and political grounds that differed both in speed of competence transfer and institutional development. The ‘fast-track’ route targeted the three ‘historical regions’ (Catalonia, Basque Country and Galicia) where the territorial cleavage was more salient, but four more regions were also granted this possibility (Navarre, Andalusia, Canary Islands and Valencia). ‘Fast-track’ regions gained a quicker access to key legislative and administrative powers in fields such as healthcare and education. Likewise, police, justice or taxing competences have remained uneven among regions, with Navarre, the Basque Country and Catalonia enjoying the broadest set of powers. The saliency

of the territorial cleavage, which has not been appeased with decentralization, is explained by the existence of different languages and distinct political and civil law traditions, and it is sustained by dissimilar regional party systems.

The competition between the seventeen regions, the so-called Autonomous Communities, to obtain financial resources and legal powers from the central government, based on comparative grievances, led to a race-to-the-top effect that resulted in a gradual homogenization of devolution¹¹. That is, the acquisition of enhanced policy competences by 'fast-track' regions has triggered further demands for increased autonomy in other regions. The competitive strategy eventually yielding a rather symmetric decentralization has been largely stirred by party competition not only between state-wide and non-state-wide parties¹² but also between the two main state-wide parties, namely the Social-democratic PSOE (*Partido Socialista Obrero Español*/Spanish Socialist Workers' Party) and the right-wing PP (*Partido Popular*/Popular Party), following electoral, territorial and ideological logics¹³.

The division of powers within the Spanish decentralized model, namely the 'State of Autonomies', is interlocked. Autonomous Communities have exclusive competences in certain domains and concurrent and shared competences with the central government in others. In concurrent competences the central government approves framework or basic legislation setting general rules, which regions can further supplement and are in charge of its implementation. In the case of shared competences, Autonomous Communities can only approve procedural regulations and implement the legislation approved by the central government.

The increasing relevance of Autonomous Communities in policy development, especially in welfare state policies, is captured by their share of expenditure. In the period 1981-2004 the proportion of expenditure in hands of regional governments increased from 3 per cent to 35 per cent while the central government's proportion shrank from 87 per cent to 50 per cent – the rest being managed by local councils¹⁴. It should also be noted that a generous inter-regional compensation fund transfers money to the poorer Autonomous Communities. Yet, decentralization is characterized in Spain by a lack of cooperative institutional culture and rather underdeveloped intergovernmental (i.e. horizontal) mechanisms and co-decision making arenas at the central level (including the absence of a federal senate), although they have slowly become more institutionalized and regulated.¹⁵

As regards gender equality policies, the central level pioneered their initial development in Spain. The state-wide equality machinery, the Women's Institute (*Instituto de la Mujer*, IM), was set up in 1983 by the PSOE government. The IM rapidly became an active agenda-setter that contributed to put gender equality issues on the policy agenda and to reform an overtly sexist legal framework.¹⁶ Yet, equality policies in Spain very soon adopted a multilevel character and the regions gradually acquired a prominent role.¹⁷ The Statutes of Autonomy – i.e. regional constitutions – approved between 1979 and 1983 by the 'fast-track' Autonomous Communities already included gender equality policies as a regional policy domain and the 'slow-track' Autonomous Communities did so as they gained new legal, administrative, and spending powers¹⁸.

Although equality machineries were gradually created in all regions, which strongly resonated with the model provided by the central government¹⁹, and multi-annual (non-binding) equality plans were widely used in many regions, the *de jure* and *de facto* asymmetries underlying the State of Autonomies have shaped the development and implementation of equality policies throughout the country. Some regions have played a leading role in the development of equality policies. Catalonia

and the Basque Country, the two regions that have traditionally pushed further for self-government, and Andalusia, the region showing the strongest catching-up attitude²⁰, have typically been the path-breaking regions in this regard. They were the first Autonomous Communities to actively promoting gender equality by setting up regional equality machineries and launching the first regional equality plans. Additionally, their equality policies have traditionally featured the most favourable and stable institutional frameworks among the Spanish regions, including generous budgets.

Interestingly, as decentralization advanced and regions acquired new institutional capacities and powers, equality policies were increasingly steered from below. Eventually, regions took over the leading role from the central state. The Autonomous Communities have pioneered the introduction of several equality policies that the central level has later on also adopted. The equality acts approved in the last decade in Spain illustrate such a pattern. The state-wide equality act, Act 4/2007 on the Effective Equality among Women and Men (simply known as the «Equality Law»), was approved by the national parliament after six regional laws had already come into force. Furthermore, this piece of law replicated most of the measures and devices regulated by the Basque Equality Act passed in 2005. The Basque norm has been in fact a milestone in the Spanish equality legal framework due to its exhaustive and comprehensive framework to implement gender mainstreaming thereby sparking the various acts approved so far. It represented an attempt of the Basque government to take the lead in policy innovation in this field by taking inspiration from the European Union and Nordic countries²¹.

Women's organizations have always sought to expand women's rights at both the regional and central tiers of government depending on what level holds the exclusive competence. For example, campaigns for a progressive reform of the abortion law were staged at the central level once the PSOE won the 2004 general election since this policy falls under the central government responsibility²². During conservative rule, the feminist movement found the central level quite unresponsive to its demands so feminist organizations turned to the regional level in their pursuit of legislative reforms in fields such as work-life balance or women's representation in political institutions, since these are concurrent competences. In contrast to state-wide patterns, differences in gender equality policies between PP-led and PSOE-led regional governments have generally been rather small²³. Therefore, the feminist movement has always tried to use the regional level to its advantage, irrespective of what party is in power.

Last, although the steering role of the central government has gradually vanished²⁴, gender equality policies usually expand when the PSOE governs at the central level (1982-1996; 2004-2011) thanks to its feminist agenda and the leading role of party feminists. Also, the IM acts as a 'full ally' of the feminist movement when the left is in power²⁵. Still, the IM and gender policies were maintained by the PP government in the period 1996-2004, mainly thanks to support and resources from the European Union. After the return to conservative rule at the central level and in several regions in 2011, gender equality has nonetheless fallen off the table. Equality policies have experienced significant set-backs²⁶, including: the hierarchical downgrading of equality machineries at the central level or their elimination in various regions (Galicia, Murcia, and Madrid); the attempt to restrict women's reproductive rights and to foster a policy agenda focused on maternity and the protection of the unborn child; and extensive budget cuts in gender equality policies. Indeed, austerity policies have deeply affected the Spanish regions due to their limited tax-raising powers and spending capacity.

2. Gender Mainstreaming: Competitive Federalism and Demonstration Effects

The competitive pattern of Spanish decentralization has clearly affected gender equality policies. In many cases, equality policies were «transported in the absence of real bottom-up demands» by regional grass-roots actors to other Autonomous Communities²⁷. The analysis of the adoption and implementation of gender mainstreaming helps us to capture the positive effects of the learning and demonstration effects brought by this territorial dynamic. Although some policy instruments contributing to a cross-sectional gender perspective were introduced by some regions in the late 1980s and early 1990s, gender mainstreaming spread in Spain following the 1995 Beijing Conference and the subsequent recommendations from the European Union²⁸. Multi-annual equality plans progressively included this strategy as they were updated, thus generalizing this strategy throughout the country in a few years. The Basque (1995) and Asturian (1996) regional equality plans were the first to establish that all public policies should mainstream gender. This initial tool-kit has been gradually broadened and allowed tackling four different goals: to foster coordination between policy areas, to improve knowledge on gender inequalities, to revise and reorganize policy routines, and to increase women's participation in decision making. As it is discussed below, the adoption of these policy instruments by the different regions and policy innovations in the field were fundamentally shaped by learning processes and demonstration effects.

Interdepartmental commissions aim at fostering coordination within governmental areas and at securing the adoption of a comprehensive approach in the field of gender equality policies. Structures of this kind appeared in Catalonia in 1993 and were progressively set up in twelve regions, whilst the central government did not adopt them until 2007. These commissions bring together policy officers from all departments, who usually meet once or twice per year to discuss how to better promote gender equality. Exceptionally, the commission is integrated by the head of each departmental area and led by the regional prime minister, as it occurs in the Basque Country, which shows a remarkable political commitment with gender mainstreaming²⁹.

Equality units seek to provide gender knowledge to policy makers. Formed by personnel with some degree of expertise on equality policies, these structures are in charge of giving advice and support to the implementation of gender mainstreaming (gathering data, drafting gender impact assessments, etc.). Andalusia and Cantabria were the avant-garde of the introduction of a central equality unit that provides support to all governmental areas. Yet, the Basque Country influenced the subsequent adoption of equality units in other regions by developing an alternative model based on setting up a specific unit in each department. Seven regions along with the central government copied the Basque approach in the last decade.

As to policy routines, gender impact assessments (GIA), a tool for the *ex-ante* evaluation of policies, was first introduced in Catalonia - Act 4/2001 on the Organization, Procedure and Juridical Regime of the Administration of Catalonia. In response, Extremadura regulated GIA in 2002 and the national government did so in 2003. Indeed, the fact that the state-wide bill was presented before the Spanish Parliament by the governing nationalist party - Convergence and Union/*Convergència i Unió* - proves the extent to which Catalonia inspired this relevant development that nowadays reaches most Spanish regions. The regulation of this instrument, though, presents some variation in regards to the agent in charge of elaborating the GIA (women's policy agency, departments, etc.), the type of norms for which the GIA is compulsory (only laws, all type of norms, etc.) and the requirements set for its elaboration and content. The most favourable regulation of GIA

corresponds to the Basque Country where it is compulsory for a broad set of norms (laws, orders and regulations) and where both the women's policy agency and the department involved in the elaboration of a specific legislation or rule must take part in the process³⁰.

Other policy tools have been put in place as well. Equality observatories have spread throughout the country, with the central government being their main promoter in this case. Seven issue-specific observatories have been created at the state-wide level since 1994 (women's image in advertising and mass media; equal opportunities for women; gender-based violence; army; police forces; and health). Regions rapidly emulated the central government and created analogous observatories to elaborate diagnoses, statistics and studies concerning women's situation.

Policy transfer processes have also informed the progressive introduction of participatory councils aimed at fostering women's participation into the drafting of equality policies. Catalonia set up the first structure of this kind in 1989 and was followed in the 1990s and in the 2000s by almost all regions. Participatory councils are currently found in thirteen regions. The central government was again a latecomer not launching the National Women's Council until 2010. The composition of participatory councils largely varies. Some of them include a broad array of actors (women's organizations, trade unions, political parties, etc.) whereas in others membership is restricted to women's organizations.

Table 1 shows the different instruments designed to implement gender mainstreaming (interdepartmental commissions, equality units and GIA) as well as the policy tools envisioned to broaden its goals and facilitate its implementation (participatory councils and observatories).

Table 1. Gender equality policy instruments

Region	Interdept. commission	Equality unit/s	GIA	Equality observatory	Participatory council
Andalusia	2007	2001	2003	2003	2007
Aragon				2007	
Asturias	1999	2011 (2)	2011	2002	2000
Balearic Islands			2006	2001	2008
Basque Country	2006	2005	2005	2009	2005 (2)
Canary Islands	2006	2010 (2)	2009	2010 (2)	1994
Cantabria	2007	2004			1997
Castile la Mancha		2008	2010	2010	1990
Castile Leon	1999		2011	2005	2000
Catalonia	1993 (1)		2001 (1)		1989 (1)
Extremadura	2010 (2)		2002	2011 (2)	2011 (2)
Galicia	2012	2007	2004	2003	1997
La Rioja	2003		2005		1997
Madrid		2000 (1)	2004	2005	1993 († 2011)
Murcia	2003	2007	2004	2007 (2)	2005
Navarre		2008 (2)	2004		1995
Valencia	1997		2007	1997	1997
Spain (central level)	2007	2007	2003	1994 (1)	2007

Source: ALONSO, *op.cit.*.

Notes: GIA: Gender Impact Assessment. (1) First territory to adopt this tool; (2) Not developed yet; (†) Extinction.

The development of the diverse gender-mainstreaming structures and policy tools presented here replicates the cross-regional competitive pattern identified in other policy fields, such as social exclusion policies³¹ and minimum income programs³². Not only regions learnt from other regions but the central level also learnt from below. The two regions that have traditionally pushed further for increased self-government have played a leading role. While Catalonia pioneered the adoption of the most relevant policy instruments, the Basque Equality Act is the blueprint for a comprehensive implementation of gender mainstreaming. As argued by Linos, «given that the logic of political credit-claiming, rather than some form of economic gain, dominates this [competitive] dynamic, it is not surprising that regions which already have substantial powers and a desire to increase them are the ones to initiate competition within the established system»³³. Simultaneously, the other regions, through their catching-up attitude, have raced to the top. This has yielded a gradual symmetrisation as regards gender mainstreaming, which, in practice, guarantees the existence of

very similar tool-kits to put this strategy into practice throughout the country. Indeed, as it has been shown, these tool-kits started to be developed in the early 1990s, before the Beijing Conference, and account for a fairly domestic-driven implementation process.

3. Electoral Gender Quotas: Women Activists Going Level Shopping

Spanish left-wing parties had used measures to increase women's representation in both party and public office since the late 1980s³⁴. Party feminists working inside left-wing parties have been the leading actors of quota adoption in the Spanish case. The first quotas set a minimum proportion of 25 per cent women for both party bodies and electoral lists and by 1997 quotas adopted a gender-neutral definition establishing a minimum proportion of 40 per cent and a maximum of 60 per cent for either sex³⁵. Efforts for the introduction of a quota imposed by law were initiated in the mid-1990s. Between 1996 and 2003 five bills were submitted by left-wing parties in the national parliament. However, some bills did not even make it to the floor debate while others were debated and rejected due to the (sole) opposition of the right-wing PP, which led by then the national government and held a majority of seats in the Spanish lower house.³⁶ Furthermore, under conservative rule women's political participation was a topic of very low priority for the state-wide equality machinery, the IM.³⁷

The blockade to electoral gender quotas at the state-wide parliament was partially circumvented at the regional level. In June 2002, the parliaments of Castile La Mancha and the Balearic Islands, where the PSOE held the majority of seats or was the senior member of a left-wing coalition cabinet, respectively, incorporated zipping into their regional electoral laws thereby imposing the strict alternation of women and men candidates throughout party lists. Nonetheless, the central government immediately lodged an appeal to the Constitutional Court, effectively suspending the implementation of these electoral reforms until the judgment was issued³⁸. In 2003, in response to the blockade of the PP to the reform of the above mentioned regional electoral laws, left-wing parties in Castile La Mancha and the Balearic Islands voluntarily applied zipping upon the composition of their lists for that year's regional elections and in the other regions the PSOE called its regional branches for a strict application of its 40:60 per cent quota. Emulating the PSOE, the PP also experienced a net increase in women's representation in the majority of regional assemblies³⁹. As a result, in 2003 nine regional parliaments had over 35 per cent of women, three of which reaching over 40 per cent - which in Spain has been defined as the minimum threshold for parity - and one of them (Castile La Mancha) electing 51 per cent of regional legislators. Furthermore, four regional cabinets also included slightly over 40 per cent of women regional ministers - the PSOE-led governments in Andalusia, Balearic Islands and Asturias and the PP-led government in Castile Leon⁴⁰.

Right after winning the 2004 general elections, the PSOE government withdrew the unconstitutionality appeals that were pending on the regional quota laws and announced the preparation of a bill to promote gender equality in different policy areas, including political office. In order to show the party's commitment to gender equality in political office, the Prime Minister, Rodríguez Zapatero, appointed the first state-wide parity cabinet (eight women and eight men, including a female Deputy Prime Minister). In the meanwhile, two other regions reformed their electoral laws. In 2005 the Basque Country (led by nationalist parties) granted women a minimum of 50 per cent of positions in party lists (therefore allowing all-women lists) and at least 40 per cent of cabinet offices (the only region with this requisite), and Andalusia (led by the PSOE) introduced

the aforementioned zipping principle.

The state-wide statutory quota finally saw the light in 2007 with the passing of the Equality Law, supported of all parties in the lower house, except for the abstention of the PP – precisely in opposition to quotas. In the field of political representation, the Equality Law established that party lists must include a minimum of 40 per cent and a maximum of 60 per cent of either sex. This proportion must be respected too in each stretch of five candidates. Non-compliant lists are withdrawn by the electoral authorities. The statutory quota applies to all elections (legislative, regional, local, and European Parliament). The Equality Law allows for more favourable measures for women in regional electoral laws, thus supporting the legality of zipping, which shall produce 50 per cent of candidatures for both men and women, yet limiting the Basque Law in that no more than 50 per cent women candidates can be fielded⁴¹. No further regional quota laws have been passed since the Equality Law was introduced.

Quota adoption in the Spanish case thus provides a clear example of how access to multiple decision-making sites was used by feminist activists to their advantage⁴². The compounded nature of the territorial structure of the country allowed women activists to go level shopping. Specifically, they could turn to the regional level to achieve policy innovation when the central level was unresponsive to their demands for equal gender representation in politics. Additionally, positive action in political representation illustrates the competitive cross-regional pattern identified in the previous section. Although the state-wide statutory gender quota does not impose parity to the executive level, eleven out of the seventeen regional cabinets included at least 40 per cent of women after the 2007 elections, seven more cabinets than in 2003. Yet, parity as a ‘representational norm’ in cabinet formation has proven to be very sensitive to the electoral fortunes of left-wing parties⁴³. The increase in PP’s share of regional governments in 2011 reduced the number of parity governments to seven. Similarly, the central government appointed by the prime minister Mariano Rajoy in 2012 only included 31 per cent women ministers in opposition to the various parity cabinets (ranging from 47 per cent to 53 per cent women) appointed by the incumbent prime minister José Luis Rodríguez Zapatero.

4. Policies Against Gender-Based Violence: Underdeveloped Intergovernmental Mechanisms

Some features of the Spanish decentralization model have been detrimental to equality policies. This is particularly the case of deficient intergovernmental mechanisms, as illustrated by the policies against gender-based violence. In Spain, gender-based violence has long been a top-priority in the gender equality agenda and both regional and central governments have been involved in developing the legislative and policy framework. The first Rodríguez Zapatero’s cabinet launched Act 1/2004 on Integral Protection Measures against Gender-Based Violence, which has been emulated worldwide⁴⁴. Violence against women was conceived of as being rooted in structural inequalities between the sexes and, accordingly, policy measures reached a broad variety of areas: prevention (education and awareness raising campaigns); provision of services (healthcare and financial support); protection (restriction orders and specialized legal aid); and prosecution (increased penalties for the aggressors and psychological treatment for the victims).

The fact that the Spanish welfare state is vastly regionalized gives Autonomous Communities a crucial role in the implementation of policies important for tackling gender-based violence, such as welfare. As it has been mentioned, regions hold concurrent powers in domains such as healthcare,

education and social services, with the central government drafting basic legislation in these areas. The cooperation of the various regional governments with the central government is thus very much needed to implement most relevant measures in the field of gender-based violence (protocols, training programs or statistics). Yet, *de jure* cross-regional asymmetries have led to a rather fragmented landscape. For instance, the Basque Country, Navarre and Catalonia have their own police services, while only twelve out of the seventeen regions have their own regional judicial system.

To deal with this diversity, the central government introduced some intergovernmental mechanisms. The Government Delegation against Gender-Based Violence was established in 2004 to facilitate the implementation of Act 1/2004. So far it has concentrated on fostering coordination between both levels of government and on undertaking evaluations to identify implementation gaps. Likewise, intergovernmental commissions have been set up in the healthcare system, in the courts specialized on gender-based violence or in the use of restraining orders. Still, those devices have failed to assure a homogeneous state-wide policy⁴⁵. *De jure* asymmetries in the powers held by regions are coupled with unequal outcomes with regard to gender training, protocols, institutional devices and services provided. Overall, unevenness constitutes one of the main weaknesses of Spanish policies against gender-based violence.⁴⁶

Since 2001, starting in Castile La Mancha, all Autonomous Communities but the Balearic Islands, have approved acts against gender-based violence or have included an explicit reference to this social blight in their respective equality acts – as it is the case for the Basque Country. Also, specific plans and protocols are nowadays commonly used to tackle it in a comprehensive manner (calling different levels of government to action, from local to regional tiers, and different types of professionals). It should be noted that the regional policy framework differs from the state-wide framework. While the state-wide Act 1/2004 restricts gender-based violence to intra-partnership violence – referring to physical, psychological and/or economic violence exerted by a current or a former male partner – regional norms have defined gender-based violence in a variety of ways⁴⁷. While some regions (like Andalusia and Navarre) strictly follow the state-wide policy framework, most regions have transcended this limited approach and covered as well other types of violence. Sexual harassment and human trafficking have been regulated by ten regions, while female genital mutilation is currently covered in eight regions. For example, Catalonia has developed extensive policies to deal with female genital mutilation in response to an increasing population coming from countries in which this practice is vastly performed⁴⁸. As a result, protocols, training programs or coordination structures to address this type of gender-based violence are available in this region whereas no such measures are found in most of the other Autonomous Communities. The broadest approach is also to be found in Catalonia where its act is not limited to intra-partnership violence but rather expands gender-based violence to that exerted to a woman in the workplace and in the social and community spheres. The Catalan Act 5/2008 on the Right of Women to Eradicate Sexist Violence also defines other types of gender-based violence including, among others: forced marriage, gender violence in armed conflicts, and violence against sexual and reproductive rights.

This uneven policy framework entails that women do not enjoy the same set of rights and resources throughout the country but rather gender-based violence policies are more or less developed depending on the region, sometimes because they need to tackle different realities. In sum, however, the analysis of policies against gender-based violence reveals the extent to which the combination of weak shared-rule and relatively strong self-rule has led to ‘patchwork’ policies. Such a patchwork approach jeopardizes equality among women when it comes to what protection and services they

can count upon in relation to the problems they face with respect to gender-based violence.

5. Conclusions

The article has shown that the multilevel institutional setting of the State of Autonomies has significantly shaped the development of gender equality policies in Spain. On the positive side, territorial dynamics such as competition have stimulated the diffusion of learning processes across regions. Horizontal mimesis has been a crucial factor for the adoption and implementation of gender mainstreaming and the development of equality machineries and policy instruments, including interdepartmental commissions, gender impact assessment reports, gender training, participatory councils and gender equality observatories. The dynamic of a competitive federalism has thus provided the basis for the institutionalization of equality machineries and the development of equality policies in otherwise economically and socially diverse regions. The regional level has also offered new opportunities for feminist policy innovation, particularly when the central government presented opposition towards positive action in political representation. The compounded structure of the Spanish polity has allowed feminists to go level shopping in their pursuit of statutory electoral quotas. However, high decentralization coupled with deficient mechanisms of intergovernmental relations have brought about negative side-effects like 'patchwork' policies that fail to guarantee the same rights and equal access to resources to all Spanish women in the field of gender-based violence policies. In this vein, our results align with the conditional approach put forward by the gender and federalism scholarship.

The Spanish case shows that state-wide steering capacity is not always crucial in the promotion of gender equality. While central steering was key in the development of equality policies and structures in the late 1980s and early 1990s, henceforth policy innovation in Spain has often radiated from the regional level and been cross-loaded throughout the country, both horizontally (across Autonomous Communities) and bottom-up (from the regional level to the central government). Additionally, while the political party in government greatly matters for the promotion of gender equality policies at the central level, competitive learning has partially offset party differences at the regional level. Advanced gender equality policy instruments have been adopted by either progressive, conservative and nationalist parties in regional governments, as in the case of more comprehensive gender-mainstreaming frameworks and policies against gender-based violence as well as more generous electoral gender quotas. Therefore, our analysis provides empirical evidence that territorial politics do not forcibly nor ubiquitously interact negatively with non-territorial interests like sex/gender. Indeed, in Spain, the regions with more salient territorial identities and stronger nationalist parties, such as Catalonia and the Basque Country, have systematically led most policy innovations and further developed gender equality policies.

Finally, ongoing political processes in Spain are likely to modify in the near future both the development of gender equality processes and the territorial dynamics affecting their implementation. On the one hand, austerity policies and the conservative agenda pushed by the PP government have impacted gender equality policies in such a dramatic way that Spain no longer leads policy expansion and innovation in this area⁴⁹. Severe budget cuts on gender equality policies and, more broadly, on education and welfare, and the downgrading of equality machineries at the state-wide level are increasingly being coupled with a 'race-to-the-bottom' approach in several regions governed by the PP, as shown by the elimination of long-standing regional equality machineries⁵⁰. On the other hand, the territorial model is currently being questioned. While some

regions pursue further decentralization – with independence demands being largely popular in Catalonia and the Basque Country – other regions are willing to renounce to some competences. Simultaneously, the central government has passed several controversial legislative reforms leading to greater (re)centralization in crucial areas such as education and has increased control on regional spending capacity. Further research will thus be needed to examine whether and how changes in the state architecture may modify the territorial dynamics discussed in this article and their likely impact upon the development of gender equality policies.

Notes

1 VICKERS (J.), «Is federalism gendered? Incorporating gender into studies of federalism», *Publius: The Journal of Federalism*, vol. 43, nº 1, 2013, p. 1-23.

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