

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Spain

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Date: 08/04/2021

1. INTRODUCTION

GBV has been at the center of the political and policy agenda of Spain, at both the national and regional levels, for nearly two decades now (since the adoption of the Organic Law 1/2004 on Comprehensive Protection Measures against Gender Violence, under the socialist government of Jose Luis Rodríguez Zapatero). Public opinion on the matter is defined by an overwhelming consensus regarding its reprehensible nature and the need for specific legal and policy measures to address it—even if the rise of Vox, an extreme right-wing party in the late-2010s, has contributed to creating recent fissures in such consensus (Turnbull-Dugarte, et. al., 2020)—. Still, in the last five years, the public and political consensus around GBV in Spain has continued to give way to laws and policies destined to further and better address the issue (such as the 2017 State Pact against Gender Violence and the Draft Organic Law for the Comprehensive Guarantee of Sexual Freedom, currently being debated in Parliament), demonstrating Spain's strong commitment to combatting GBV.

Within this long-lasting commitment to eradicate GBV in general, universities and RPOs are targeted as sites in which GBV can and does take place, yet to a lesser extent than other domains. In general, when considered in relation to GBV, Universities and PROs are essentially addressed as an instrument for awareness-raising, teaching/training and research on GBV for society in general, in particular through the introduction of content aimed at training for prevention, early detection, intervention and support for victims of GBV in the relevant academic curricula. This responds, fundamentally, to Spain's traditional focus on domestic violence when addressing GBV (rather than GBV in general), and thus on the private sphere, especially the family and the home, as the fundamental site where GBV takes place, followed by a focus on the labour market, predominantly in relation to sexual harassment (see GREVIO, 2020).

This explains the lack of a comprehensive legal and policy framework addressing GBV in Universities and RPOs in an integral manner, being instead addressed by the legal and policy instruments concerning GBV more generally. It also explains the focus of the legal and policy instruments that do address the issue solely on sexual and gender harassment in Universities—largely ignoring all other forms of GBV and all other RPOs and RFOs— doing so essentially through the adoption of internal protocols to investigate and address concrete cases, which focus overwhelmingly on prosecution and are therefore often limited in terms of prevention, protection and the provision of services to victims. Moreover, such protocols rarely adopt an intersectional approach. Indeed, prevention and awareness-raising are often enacted by entities other than national and regional authorities (fundamentally NGOs, umbrella organizations such as RUIGEU and CRUE and the Gender Equality Units of Universities), prevalence studies are scarce, partnerships, incentives and sanctions are non-existent, and public awareness and debate casuistic.



Of all the legal and policy instruments addressing GBV in Universities and RPOs in Spain, the most advanced is Law 17/2020, on the right of women to eradicate sexist violence of the Autonomous Community of Catalunya. In this regard, it is important to clarify that the sui generis territorial distribution of the Spanish State grants its regional authorities (the *Comunidades Autónomas*) significant legislative power in various matters (specified in Title VIII of the Spanish Constitution), including in GBV. Moreover, the 2004 national law on GBV (Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against Gender Violence), in its fifth final provision, establishes that both the State and the Autonomous Communities, within the scope of their respective powers, will adapt their regulations to the provisions contained in the Law. As a result, all Autonomous Communities have adopted their own laws against GBV. Only Law 17/2020 of the Autonomous Community of Catalunya, however, which is an upgrade of its original GBV law of 2008 (Law 5/2008 on the right of women to eradicate sexist violence), explicitly mentions GBV in Universities specifically.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

In Spain, there is no specific legislation or policy on GBV in Universities and RPOs. The issue is addressed in other laws and policies, mainly those addressing GBV generally both in the national and regional domains, as well as those addressing sexual and gender harassment in employment (which have been translated to the field of education and research). Specifically, GBV in Universities is addressed nationally in the 2017 State Pact against Gender Violence and regionally in Law 17/2020 modifying Law 5/2008, on the right of women to eradicate sexist violence of the Autonomous Community of Catalunya. GBV in RPOs, in turn, is addressed by the 2019 Adaptation of the action protocol against sexual harassment and harassment based on sex enacted by the Ministry of Science, Innovation and Universities. If approved, the issue will also be addressed in the Organic Law for the Integral Guarantee of Sexual Freedom, drafted by the Ministry of Equality and currently being debated in Parliament. All these legal/policy instruments are characterized by the shortcomings outlined in the introduction. Worth mentioning, however, is Law 17/2020 of the Autonomous Community of Catalunya, which is the most advanced legal instrument addressing GBV in Universities that currently exists in Spain. Indeed, it is the only one that, with the exception of prosecution, addresses all of the Ps in the 7P model.

These policies have had an impact on the organizational level of universities and research organizations in the country, in particular in relation to sexual and gender harassment. Indeed, together with the growing attention of the media to cases of sexual harassment in Universities, the latter policies have contributed to foster more awareness than ever on the unacceptability of gender, and sexual harassment in the academic environment and both victims and members of the academic community know better than ever how to identify and address such situations as well as what the rights of victims are. Moreover, protocols to address sexual harassment exist in practically all universities and RPOs and, however, limited they might be, provide —at best— an impartial, fast and adequate procedure to put an end to the harassment and redress victims (Rodríguez, 2018). Beyond this, however, there is little evidence that initiatives of prevention have had a positive impact in terms of reducing the prevalence of gender and sexual harassment in universities, fundamentally because of the lack of comprehensive prevalence studies.

Other relevant activities developed by national and regional authorities to combat GBV in Universities and RPOs include the collaboration agreement signed between the Government of the Autonomous Community of Catalunya and all Catalan Universities in order to facilitate the



exchange of students who are victims of sexist violence, the informative conference and training for counsellors in the Ministry and dependent bodies developed by the Ministry of Science, Innovation and Universities in relation to the adaptation of the Action Protocol against sexual harassment and harassment on the grounds of sex, and the declaration of zero tolerance of gender and sexual harassment made by the same Ministry on the occasion of the International Day for the Elimination of Violence against Women which includes a series of concrete commitments in order to guarantee safe work environments free of discrimination, sexism and sexual and gender harassment. In a similar line, umbrella organizations such as the Network of Gender Equality Units for University Excellence (RUIGEU) and the Conference of Rectors of Spanish Universities (CRUE) have both produced manifestos in relation to the International Day for the Elimination of Violence against Women to show their commitment to the elimination of GBV both within and outside of Universities, while several Gender Equality Units within Universities have organised debates, awareness-raising campaigns on sexual and gender harassment in universities in order to inform and raise awareness as well as training modules for people who are to address cases of gender and sexual harassment in the university.

The main stakeholders at the national level are thus the Ministries of Equality, of Universities and of Science and Innovation (these two are separate since 2020) as well as special Women's Policy Divisions within them, such as the Women and Science Unit or the Women, Science and Innovation Observatory of the Ministry of Science, together with umbrella organizations such as RUIGEU and CRUE. In the regional domain, it is mainly the Governments of the Autonomous Communities and some Universities, which are taking a spearheading role.

In the context of Spain, in conclusion, the main relation between GBV and Universities and RPOs is via the use of Universities in particular as instruments of awareness-raising and teaching/training on GBV more generally, through the introduction of content aimed at training for prevention, detection, intervention and support for victims in the relevant academic curricula. Indeed, the latter is foreseen by several laws, including Organic Law 1/2004 on Comprehensive Protection Measures against Gender Violence and the Draft version of the Organic Law for the Integral Guarantee of Sexual Freedom, with a focus on the official degrees that give access to the teaching and medical professions as well as the armed forces and the police. Universities and PROs are less important in the production of knowledge regarding GBV, especially regarding GBV in universities and RPOs (with the exception of the study recently made by the CSIC, see annotated bibliography), as most of the data produced in this sense are done by national authorities such as the Government Delegation against Gender Violence.



3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

Public debates regarding GBV in Universities and RPOs in Spain are largely casuistic. That is, they take place in relation to concrete cases in particular of sexual harassment in Universities, and these tend to be largely unrelated to both the #MeToo movement and the ratification of the Istanbul Convention. Only the Spanish Network of Gender Equality Units for University Excellence (RUIGEU) mentioned the #MeToo movement together with other feminist solidarity movements (such as the "Yo sí te creo" (I believe you) movement in Spain, in relation to negative judicial sentences in cases of sexual violence in its 2020 Manifesto against GBV, as a sign of women's collective empowerment and thus as a source of inspiration for better addressing GBV both within and outside Universities, which are said to be a site that should lead by example. I found no public debate linking GBV in Universities and RPOs to the ratification of the Istanbul Convention.

4. PUBLIC OPINION ON GBV

In 2014, the Sociological Research Center commissioned by the Government Delegation for Gender Violence developed the survey on the social perception of gender violence carried out by a sample of 2,580 people of both sexes representative of the population residing in Spain aged 18 or over. The results showed that 92% consider gender-based violence unacceptable. Physical and sexual abuse are rejected by practically the entire population (98%). Verbal threats are tolerated by 6.5% of the population (7% men and 6% women) and devaluation psychological abuse by 9% (10% men and 8% women). Although there is a very general rejection, a significant part of the population is not fully aware of what types of behaviours actually constitute abuse. 66% (65% of men and 68% of women) consider that gender-based violence has not increased in recent years but that more cases are now coming to light. 89% consider that the victims endure for their children and 67% because they are economically dependent. 35% because the woman consents to these behaviours. And 38% tend to exonerate the aggressor, considering that they "usually have a mental illness." The perception of groups vulnerable to gender violence is maintained, although it is recognized that any woman can suffer it: women with disabilities (64%), minors (56%), foreigners (53%), over 65 (45%) and residents of rural areas (42%) as more vulnerable to suffering gender violence than other women. In relation to the organization of the provision of aid services, 51% of the people interviewed consider that "there are sufficient resources, but there is a lack of coordination among them", and 92% strongly or strongly agree with the statement "public services should coordinate to better serve the victims ". 88% believe that greater coordination would translate into an increase in their effectiveness (DGVG, 2014).



5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

To my knowledge, there has not been any impact of COVID-19 on discussions about GBV in universities and RPOs in Spain.

6. CONCLUSION

While the level of protection in Spain against GBV in general, and in Universities and RPOs in particular, comparatively advance, there is still room for improvement regarding how GBV in Universities and RPOs is legally and politically addressed. A good and realistic starting point would be to improve the internal protocols that already exist in the vast majority of Universities and RPOs to address concrete cases of sexual harassment. A first step in this regard would be to homogenise them, creating a common policy and procedure to be adopted by all RPOs, in order to guarantee the same level of protection, services, prosecution etc., as well as common procedures that would facilitate training, awareness-raising, monitoring and evaluation and data gathering. Such common policy could be designed by already existing stakeholders, such as RUIGEU, CRUE and the Women and Science Unit or the Women, Science and Innovation Observatory of the Ministry of Science, which would in turn guarantee that the principle of autonomy for Universities is fully respected.

The creation of a common policy regarding protocols to address sexual harassment in Universities and RPOs could then work as an opportunity to significantly enhance them, moving away from their current exclusive focus on sexual harassment to cover all forms of GBV from an intersectional perspective as well as beyond their focus on prosecution and disciplinary action

towards a '7P model' that would make prevention, protection, service provision, the creation of partnerships and the undertaking of prevalence studies mandatory for all Universities and RPOs in Spain. A relatively simple and feasible policy measure such as this one would already entail a significant improvement of the current status quo.

The second feasible measure would be to mainstream measures against GBV within RFOs' incentives and conditions for applicants in their funding schemes. This could be done through soft law instruments such as 'best practice' schemes which would be more successful than waiting for the adoption of compulsory legislation on the matter. Indeed, the current effort being made to mainstream gender equality measures more generally within RFOs such as the National Research Agency, could be used to give impulse to measures regarding GBV, which could, in turn, be connected to instruments at EU level, such as the HRS4R logo or H2020 funding scheme.

Lastly, all of this could be complemented with greater efforts in the field of prevention and awareness-raising, which are already undertaken by alternative actors such as the RUIGEU and the Gender Equality Units, in order to promote the broad understanding of GBV and the 7P model among the broader academic community.

7. REFERENCES

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This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 101006261.

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