

CONSEJERÍA PARA LA IGUALDAD Y BIENESTAR SOCIAL

LAW FOR THE PROMOTION OF EQUALITY BETWEEN GENDERS IN ANDALUSIA

LAW 12/2007, de 26th of November.
Seville 18th December 2007
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Instituto Andaluz de la Mujer

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PRESENTATION

In Andalusia, many measures to promote the equality between women and men have been implemented, some of them have been pioneer in the whole of the State. However, in spite of the important achievements in the development of citizens rights, it still exists discrimination forms by reasons of gender that we have to eradicate, and challenges unresolved to obtain the effective equality of gender.

The main goal of the regional law 12/2007, of 26 November, for the promotion of the equality of gender in Andalusia, is to guarantee the right of the equality of treatment and opportunities between women and men, as a result of the development of the articles 9.2 and 14 of the Spanish Constitution and 15 and 38 of the Andalusia Autonomy's Statute.

We are faced a consensus law which has a horizontal character, which have been enriched through the process to approve many and valuable contributions received. It includes the most important actions in the international and state framework to obtain the equality on gender; some of them have already initiated in Andalusia, and have been elevated to the highest possible normative level in the competitive development.

It constitutes the legal framework to integrate the goal of equality in all of policies of the andalusian government in an active way, and it guarantees the most effective tools to achieve it. The law includes an important development of the strategies to promote the equality of gender in all political, economical, labour, cultural and social orders. The rule also includes the creation of management, coordination and participation organs as a fundamental instruments to implement and monitor the actions.

It will permit to enhance the balanced participation of women and men in all spheres and process of making decisions, as an indispensable requirement to continue achieving a more democratic, fairer and egalitarian society.

Then, we are faced a law that is coming to ensure the obtained successes, and to promote the positive and necessary impact to enhance the equality between women and men in Andalusia.

Seville, December 2007

Micaela Navarro Garzón
Minister for Equality and Social Welfare of the
Regional Government of Andalusia

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LAW FOR THE PROMOTION OF EQUALITY BETWEEN GENDERS IN ANDALUSIA

JUDICIAL BACKGROUND / PRELIMINARY RECITALS

I

This Law for the Promotion of Equality between Genders in Andalusia has as its aim the obtaining of true and effective equality between females and males. Overcoming inequality as a result of gender has been both prompted and promoted, if this is analysed from an historical perspective, since the second half of the last century.

The judicial pronouncements for the elimination of all forms of discrimination against females, within the framework of the United Nations Organisation, as is established in the 1967 Declaration on Elimination of Discrimination against Women, the 1979 Convention for the Elimination of all forms of Discrimination against Women, and the Committee for the Elimination of Discrimination against Women which has as its aim the application of the Convention in endorsed by all Member States adhering to this, amongst them, Spain. In said Convention a declaration is made against discrimination against women which infringe the basic principles of equality and respect for human dignity, complicating their integral participation in the continent's political, cultural, social and economic life.

Along these lines, the four worldwide conferences dealing with female issues held within the framework of the Organisation of the United Nations, firstly in Mexico in 1975, and followed by other conferences in Copenhagen (1980), Nairobi (1985) and Peking (1995), have contributed to placing the case of gender equality at the forefront of political and social debate. The Declaration of Action as part of the Fourth Worldwide Conference on Women 1995 have established the two fundamental for the effective development of equality policies between females and males, gender main-streaming and balanced representation.

II

Within the scope of the European Union, numerous directives, recommendations, resolutions and decisions relating to equal opportunities and treatment between females and males have been issued, having also developed along the same

lines community action programmes carried out to create equal opportunities in the EU. The Treaty of Amsterdam, passed by the European Council in Amsterdam on the 16th and 17th of June 1997, and the subsequent modifications of the Treaty of Rome, of the 25th of March 1957, a founding article in the constitution of the European Union and makes in Article 2 a specific reference to equality between females and males as a mission of the then-called European Community. Likewise, in section 2 of article 3 the aim of eliminating the inequality between females and males and to promote actions favouring equality, which must inspire all those actions and policies devised by the EU. Also worthy of special mention are articles 20 and 21 of the Charter of Fundamental Rights of the European Union establish both the principle equality before the Law as well as the prohibition of discrimination on grounds of sex. Also, the Charter contains a specific article number 23, entirely dedicated to the equality between females and males and positive actions such as compatible measures to promote equal treatment between sexes. Likewise, specific community legislation has been passed such as the 2002/73/CE Directive from the European Parliament and Council, passed on the 23rd of September 2002, relating to the application of the principles of equality between men and women in reference to access to the labour market, professional training and opportunities for promotion in the workplace, as well as equal working conditions and Directive 2004/113/CE of the European Council, passed on the 13th of December 2004, through which the principles of equality are applied in dealings between females and males with regard to access to goods and services, and their supply, and finally Directive 2006/54/CE of the European Parliament and Council relating to the application of the principles of equality in dealing between females and males in matters regarding employment and occupations.



The Spanish Constitution, although this deals with a moment in time in which the levels of social awareness as part of Article 14 have yet to be reached, at least in the sense of exceeding the terms of the judicial decree, equality in terms of all citizens before the Law, without there being prevailing discrimination for reasons of gender. On the other hand, Article 9.2 establishes the obligation of public authorities to promote conditions which favour freedom and equality for individuals and groups and are effective and realistic. To these constitutional precepts, one must add the opening clause of acceptance of international legislation regarding the rights and liberties contained in Article 10.2, the provisions of Article 96, in so much as their integration with the legal code stipulated in the international treaties signed officially

in Spain, and Article 93, authorising the transfer of empowerment of constitutional bodies to supranational organisations through the passing of an organic law.

Organic Law 3/2007 of the 22nd of March dealing with effective equality for men and women, constitutes the development framework for the principles of equality in dealings between females and males, incorporates substantial legislative modifications in order to advance towards genuine equality between men and women and the full exercising of rights and the implementation of far-reaching measures which influence all aspects of political, judicial and human life, with the aim of eradicating discrimination against women.

IV

The decentralisation process, which is the basis for the constitutional text which gives rise to the Autonomous State, means that the public authorities which have the role of projecting and developing the policies for the promotion of equal opportunities. The Autonomous Community of Andalusia assumes in its Statute of Autonomy a pronounced commitment towards this goal, mentioning in Article 10.2 states that “The Autonomous Community will foster the effective equality between men and women in Andalusia, promoting parity in democracy and the integral incorporation of females into all aspects of the community’s life, overcoming any type of industrial, cultural, economic, political and social discrimination”. Likewise, in Article 15 “the equality of opportunities is ensured between females and males in all aspects of life”. Finally, Article 38 of the Statute of Autonomy establishes “the prohibition of discrimination as part of Article 14 of the rights recognised in Chapter II is binding for all Andalusian public authorities, and, depending on the nature of each individual right, and for all private individuals, having to be interpreted in the most favourable sense to achieve its most effective implementation”.

As a consequence, the Public Authorities of the Autonomous Community of Andalusia are bound to what has been established in the various related constitutional and statutory treaties and regulations, having the obligation to adopt the necessary measures to promote equality of rights for females and males. For this reason, they must exercise the powers vested in them from the viewpoint of gender equality, formulating and developing a global policy of protection of the rights of women. Formal equality must be rich in content through decided actions on the part of all public sector authorities and a progressive raising of awareness on a social and individual level. This is the fundamental aim of this Law, which intends to contribute to the vanquishing of the historically downtrodden figure of the woman in Andalusia; an

inequality which presents a problem affecting more than half of the populations, and as such demands a greater level of commitment on the part of the public authorities operating within the framework of a democratic and social rule of law.

V

The Autonomous Community of Andalusia has been developing a herculean task in its work to promote the role of women in all the different aspects of the Community 's social, educational, cultural, professional, economic and political life, with the aim of fostering equality and the full exercising of their rights as citizens.

The principles of equality has continually evolved towards demands of equal opportunities in a real sense in all aspects of life, making it necessary to implement a more integrated and generalised focus with regards to equality of gender. In Andalusia, the integration of the perspective of gender has meant important steps forwards, leaving clear examples of the obligatory nature of the need to inform on the progress made as a result of policies introduced by the Law and regulations passed by the Government Committees as well as the impact that gender issues have on budgetary planning for the local government, as has been established in Articles 139 and 140 of Law 18/2003, of the 29th of December regarding Fiscal and Administrative Measures. Likewise, Law 6/2006, of the 24th of October, passed by the Government of the Autonomous Community of Andalusia, in Article 18.3 of said Law, establishes the balanced representation in the composition of members of Executive Government Committees. The aim of the eradication of violence against women has been placed in the front line of policy actions undertaken by the Andalusian Regional Government, and thus two Laws have been passed and developed: I Plan of the Andalusian Regional Government to advance towards the eradication of violence against women (1998 to 2000) and the II Plan of the Andalusian Regional Government to advance towards the eradication of violence against women (2001 to 2004).

VI

Acknowledging the steps already taken as a result of diverse legislation throughout the region, the Autonomous Community of Andalusia wishes to equip itself, through this Law, with instruments of a varied nature and policy developments capable of serving the common aim of an equal, fair, altruistic and democratic society in which females and males have, truly, the same rights and opportunities.

In this sense, this Law for the Promotion of the Equality Between Genders in

Andalusia has as its main aim the ensuring of the bond between public authorities in all aspects of their work, in the compliance of the strive towards mainstreaming as the fulcrum for the exercising of public sector power in the Community with regards to the subject of gender.

VII

This Law is structured and divided into: a Preliminary Title, four other Titles, an Additional Provision, a Sole Abrogative Provision and two Final Provisions.

The Preliminary Title establishes the essential concepts of matters dealing with gender and the principles which must take precedence for public sector authority actions with regards to policies affecting equality of gender.

Title I compiles, in Chapter I, the actions which will ensure then integration of the gender perspective in public sector policies: progress reports on the effect that gender has on public sector budgetary needs, the Strategic Plan for equality between females and males, non-sexist language and public imagery and statistics and research into the gender perspective. Chapter II establishes the measures to promote equality of gender within the scope of the Andalusian Regional Government's jurisdiction, amongst which will be adopted the principle of balanced representation of females and males within the Boards of Directors of Authority and Collegiate bodies.

Title II establishes the measures required to promote gender equality in public sector policies devised in diverse fields of action. In Chapter I, the guarantees which determine the assurance of access to an education system based on the principles of gender equality. In Chapter II, the measures aimed towards encouraging access and length of stay in the workplace are examined and studied, within the Social Concertation Framework Agreements in Andalusia. Chapter III makes reference to the necessity for conciliation of combining the professional, family and personal life of women. Chapter IV includes measures regarding the promotion and protection in terms of health and social wellbeing and also takes into account the specific requirements of certain groups of women. Chapter V establishes the policies for promotion of and attention given to females. Chapter IV proposes the social, political and economic participation of women in society. Finally, Chapter VII examines the context of these actions with those aimed to improving the public image of women.

Title III deals with the institutional organisation and coordination as an appropriate and necessary strategy to foster, develop and evaluate public actions and policies to promote gender equality in Andalusia.

Finally, Title IV refers to the establishment of assurances for gender equality.

PRELIMINARY TITLE

GENERAL PROVISIONS

Article 1. Aims.

Aims

The aim set forth by this Law is to enforce the right to equal treatment and opportunities for females and males under the terms and conditions of Articles 9.2 and 14 of the Spanish Constitution and 15 and 38 of Statute of Autonomy of Andalusia, as well as to continue with advancements towards a more democratic society which is also fairer and more altruistic.

Article 2. Field of Applications.

Field of Applications

1. This Law will be applicable in the entire field of jurisdiction of the Autonomous Community of Andalusia.

2. Specifically, under the terms and conditions of the Law itself, it shall be applicable for:

a) The Administrative Body of the Regional Government of Andalusia and its autonomous bodies, companies operating in the name of the Regional Government of Andalusia, consortiums, foundations and other bodies with their own full judicial status in which the majority stakeholder is the Regional Government of Andalusia.

b) Those bodies which comprise the Local Public Administration and their autonomous bodies, foundations and other bodies with their own full judicial status in which the majority stakeholder is the Regional Government of Andalusia in the aforementioned bodies.

c) The Andalusian University System.

3. Equally, the law will be applicable, for those physical and judicial persons under the terms and conditions of this Law.

Article 3. Definitions.

Definitions

1. Direct discrimination, because of their gender, is understood as a person having been, or could be, treated in a less favourable sense for reasons of their gender in comparison with another person of a different sex.

2. Indirect discrimination, because of their gender, is understood as the situation in which the application of a disposition, criteria or practice in essence neutral places persons of a certain sex in a disadvantageous positions with respect to persons of the other sex, with the exception of the application of the aforementioned disposition, criteria or practice being able to be justified objectively with a specific and legitimate aim, and that the means to achieve the aforementioned aim be necessary and adequate.

3. Balanced representation is understood as being that situation which ensures the presence of females and males in such a way, that the body as a whole does not exceed a ratio in excess of sixty-forty with respect to gender split.

4. The conditioning of a right or the expectation of the creation of acceptance of a situation which constitutes sexual harassment or harassment on the grounds of gender to be considered as an act of discrimination against gender. This will then have the same consideration as any type of harassment.

5. By mainstreaming we understand the instrument to integrate the gender perspective into the exercising of the powers held by different public bodies, from the viewpoint of systematic consideration of gender equality.

6. By sexual harassment we understand that situation in which any verbal, non-verbal or physically threatening behaviour is produced, with the aim or the effect of assaulting a person's dignity, and in particular when an intimidating, hostile, degrading, humiliating or offensive environment is created.

7. By harassment on the grounds of gender we understand the production of behaviour relating to the sex of a person, with the aim or the effect of creating an affront against a person's dignity, an intimidating, hostile, degrading or offensive environment.

Article 4. General Principles.

In order to achieve the aims of this law, the Public Authorities in Andalusia will act under the framework of their stipulated jurisdiction:

General
Principles

1. Equal treatment of men and women which means the absence of all forms of discrimination, be it direct or indirect for reasons of gender in economic, political, social, professional, cultural and educational fields, with special reference to the area of employment, professional training and working conditions.

2. The adoption of the necessary measures for the elimination of discrimination and, especially, those which lead to the growing feminisation of poverty.

3. Acknowledgement of motherhood, be it biological or otherwise, as a social asset, avoiding the negative effects which could have repercussions of women's rights and the consideration of fatherhood within a family and social context with its corresponding duties, in accordance with new family models.

4. The encouragement of shared responsibilities and duties, through balanced task-splitting between females and males with regards to domestic chores, family duties and the care of persons under their responsibility.

5. The adoption of the specific measures necessary designed to eliminate inequalities caused by reasons of gender which might exist in different fields of action.

6. Special protection of the right of equal treatment for those women or groups of women living in or based in rural areas in which the risk of suffering discrimination is multiplied.

7. The fostering of access to resources of all types for women living in or based in rural areas and their full, egalitarian and effective participation in the economy and society of these areas.

8. The encouragement of participation or fair representation of females and males in different representative bodies of governance, in the decision-making process as well as access to candidacy for the elections to the Andalusian Parliament.

9. Making efforts towards improvements in the relationships between the different bodies of the Public-Sector Administration, other social institutions and agents based on the principles of collaborations, coordination and cooperation in order to ensure equality between females and males.

10. The adoption of the specific measures necessary designed to eliminate the use of sexist language and to ensure and promote the utilisation of male and female imagery based on the principles of gender equality in all aspects of public and private life.

11. The adoption of the specific measures necessary designed to allow for effective compatibility between domestic, professional and personal duties for females and males living in Andalusia.

12. The encouragement of the effectiveness of the principles of gender equality within the educational system.

13. The incorporation of the principle of gender equality and co-education into the educational system.

14. The adoption of measures which ensure equality between females and males with regards to access to employment, professional training, equal payment, and equal working conditions.

TITLE I

PUBLIC SECTOR POLICIES FOR THE PROMOTION OF GENDER EQUALITY

■ CHAPTER I

Integration of the gender perspective in public sector policy-making

Article 5. Gender mainstreaming.

Public Sector Authorities will enhance the focus on gender equality so that this is at the forefront of the drafting, effectuation and monitoring of regulatory provisions, and of policies in all fields of action, considering systematically the priorities and needs pertaining to both females and males, taking into account their impact on the specific situation regarding one group or the other, in order to adapt these and thus to eliminate discriminatory effects and promote gender equality.

Gender
mainstreaming

Article 6. Evaluation of the impact of gender.

1. Public Sector Authorities in Andalusia will incorporate means to evaluate the impact that gender has in the development of their judicial powers in order to ensure that the principles of gender equality are integrated into policy-making.

Evaluation of
the impact of
gender

2. All legal projects, regulatory provisions and plans passed by the Government Committee will incorporate, in an effective manner, the aim of gender equality. To fulfil this purpose, in the process of deliberating these decisions, a report must be issued, by the corresponding party in accordance with regulations in forces, which monitors the evaluation the impact that gender has on the content of these aforementioned items.

3. This aforementioned report will be accompanied by a series of indicators regarding gender, mechanisms and measures designed to appease and neutralise the possible negative effects which are detected regarding females and males, as well as reducing or eliminating the differences encountered, promoting in this way equality between the sexes.

Article 7. Strategic Plan for Equality between Females and males.

Strategic Plan for
Equality between
Females and
males

The Strategic Plan for Equality between Females and males will be passed every four years following the year in which this Law comes into effect through its passing by the Government Committee, based on the proposal by the relevant Government Department dealing with matters of gender equality, and shall include measures to achieve the aim of equality between females and males and to eliminate discrimination based on gender.

Article 8. Focus on gender as it affects budgeting.

Focus on gender
as it affects
budgeting

1. The Budgets for the Autonomous Community of Andalusia will be an active element in its striving to achieve the effective implementation of the aim of gender equality; to fulfil this aim, the Commission into the Effects of Gender Issues on Budgeting, responding to the Department of the Economy and Public Taxation, with the participation of the Andalusian Institute of the Woman, which will issue a monitoring report on the effects that gender issues have on the pre-project for the Budget Act.

2. The Commission into the Effects of Gender Issues on Budgeting will foster and promote the preparation of pre-projects aimed at the effects of gender on diverse governmental Departments and perform audits regarding gender issues in these Departments, companies or other official bodies belonging to the Andalusian Government.

Article 9. Non-sexist language and public imagery.

Non sexist
language and
public imagery

The Public Sector Administration of the Andalusian Government will ensure that non-sexist language and equal treatment in terms of imagery and content used in the development of these policies is adhered to.

Article 10. Statistics and research based on gender issues.

Statistics and
research based
on gender issues

1. The Public Authorities in Andalusia, in order to ensure effective integration of the gender perspective in their field of action, must:

a) Systematically include the variable of gender in the statistics, surveys and data which they compile.

b) Incorporate gender indicators in the statistical operations thus allowing for improved knowledge of values, roles, situations, conditions, aspirations and needs of females and males, how these are expressed and their interaction which the element to be analysed.

c) Analyse results taking into account the element of gender.

2. Likewise, analysis and research will be performed on the situation regarding inequality as a result of gender and these results will be published. Special attention will be paid to the situation faced by females in rural areas and their needs, as well as those collectives of women who may be especial vulnerable to discrimination.

■ CHAPTER II

Promotion of Gender Equality by the Andalusian Government

Article 11. Balanced gender representation in official and collegiate bodies.

1. A balanced number of females and males named on the Boards of official bodies of the Administration of the Andalusian Government whose designation is the responsibility of the Government Committee.

Balanced
gender
representation
in official and
collegiate
bodies

2. In the composition of collegiate bodies belonging to the Andalusian Government the balanced representation of females and males must be respected. The same criteria must be observed in the modification or renovation of these aforementioned bodies. To fulfil this purpose, the following will be taken into account:

a) Excluded from the computation will be those persons who participate depending on the specific role they perform.

b) Each organisation, institution or body for which a nomination or designation is proposed will facilitate a breakdown by gender so that balanced representation is allowed for.

Article 12. Public contracting.

1. The Administration of the Andalusian Government, through its contracting bodies, will be able to establish special conditions with relation to the creation of contracts which are geared towards the aim of promoting equality between females

Public
contracting

and males in the workplace, though always within the framework provided by the current legislation in force.

2. The Administration of the Andalusian Government' contracting bodies will signal, in the documentation pertaining to special administrative clauses, the preference of the awarding of contracts for proposals presented by those companies which, upon the approval of their financial competence, have been awarded the seal of excellence, or develop measures geared towards achieving equal opportunities and that the measures applied in terms of equality are long-lasting and maintain their effectiveness over time, in accordance with the terms and conditions established in the governing regulations. All of the above, without prejudice to what has been established in the first section of the eighth additional provision of the Revised Text of the Contracts Act of the Public Sector Administration, passed by the Royal Legislative Decree 2/2000, of the 16th June.

Article 13. Aid and Subsidies.

Aid and subsidies

1. The Administration of the Andalusian Government will incorporate into the terms and conditions for public sector subsidies the valuation of actions which lead to the achievement of gender equality on the part of the bidding companies, except in those cases in which the very nature of the subsidy or of the bidding companies, justification is given for this not be incorporated.

2. The Administration of the Andalusian Government will not underwrite, reimburse or provide public sector aid to those companies which have received a penalty or sentence on the part of the relevant administrative authorities or those which have received a definitive sentence for encouraging or tolerating industrial practices which are considered discriminatory under the current legislation in force.

TITLE II

MEASURES TO PROMOTE GENDER EQUALITY

■ CHAPTER I

Equality in the sphere of education

SECTION 1.^a Non-university education

Article 14. Principle of equality in the sphere of education.

1. Principle of equality between females and males in the sphere of education will inspire the educational system and the group of policies which the Department of Education develops. The actions which are performed by educational centres in the Autonomous Community of Andalusia will take into account the gender perspective at the drafting, development and monitoring stages of these aforementioned actions.

Principle of equality in the sphere of education

2. The educational administration department will enhance the balanced participation between females and males in the positions of authority and power. Likewise, it will formulate conciliatory actions so that a person's working and family life can be balanced thus favouring professional and educational advancement for all teaching staff.

Article 15. Promotion of gender equality in educational centres.

1. The educational administration department in Andalusia will ensure that projects are undertaken in co-educational centres which foster the construction of relationships between females and males, based on the criteria of equality whose aim is to identify and eliminate institutions which operate policies of discrimination and gender violence.

Promotion of gender equality in educational centres

2. The educational administration department in Andalusia will ensure that all educational centres employ a person to promote co-education, properly qualified, who will be responsible for raising awareness and knowledge of issues regarding gender equality and the elimination of obstacles and discrimination which hinder true equality for females and males through the implementation of actions which:

a) Make people aware of and acknowledge the contribution made by women in the different facets of history, science, politics, culture and social development.

b) Ensure that alumni acquire proper educational training to favour their personal development as well as knowledge and abilities so that domestic, family, and care duties may be shared whilst contributions are made to eliminate sexist behaviour and attitudes.

c) Incorporate learning of non-violent approaches for conflict resolution and models of co-existence based on diversity and respect for gender equality, as well as the visualisation and awareness of alumni to recognise groups of women exposed to multiple types of discrimination.

d) Foster professional diversification as a means of promoting free academic and industrial decision-making and through the progressive elimination of vertical and horizontal occupational segregation.

e) Assess the teaching staff in order to put into practice actions or projects which promote equality.

f) Promote respect for free decision on sexual orientation and the contempt for all types of violence or sexual aggression.

3. The educational administration department in Andalusia, through programmes to raise awareness to the issue of gender, will tackle the contents relating to sex education, the prevention on unwanted pregnancies and sexually transmitted diseases.

4. The educational administration department in Andalusia will promote diversification in the choice of students towards professional fields in which they are underrepresented.

5. The educational administration department in Andalusia will promote the drafting of Equality Plans for Education which make it possible for the setting-up of programmes and actions which favour equality teachings, in which parents, mothers, teachers and alumni will play an active role.

Article 16. Syllabus materials and text-books.

1. The educational administration department in Andalusia will ensure that text books and other syllabus materials are free from sexist stereotypes or other forms of discrimination, stressing the importance of the eradication of models in which situations of inequality or gender violence appear, and valuing those which best respond to co-education between boys and girls.

2. The educational administration department in Andalusia will make the teaching staff, publishing houses and school boards aware of the instructions relating to the selection criteria for syllabus materials, taking into account what has been expressed in this precept.

Article 17. Professional training of teaching staff.

The educational administration department in Andalusia will adopt the necessary measures in order to include, as part of the teaching staff's initial and continuous professional training, specific preparation so that they are up-to-date with materials to promote equal opportunities between females and males, co-education, the eradication of gender violence and sexual education.

Professional training of teaching staff

Article 18. School Boards and Parent-Teacher Associations (PTA).

1. School boards in public, private and semi-private centres as well as the School Board of Andalusia will designate a person, qualified in issues regarding gender, who will promote and carry out the monitoring of educational measures which help towards effective and genuine equality between females and males.

School Boards and Parent-Teacher Associations (PTA)

2. The composition of the school board will represent the balance between both sexes. In the same way, on the School Board of Andalusia a person will be present in representation of the Andalusian Institute of the Woman.

Article 19. Educational inspections.

1. The Andalusian educational inspectorate service will make sure that the principles and values designed to promote genuine equality between females and males established by this Law are complied with.

Educational inspections

2. The Andalusian educational inspectorate service will have amongst its programme, syllabus and actions, the assessment, supervision and evaluation of education aimed towards equality between females and males. Therefore, it will supervise the upholding of this regulation in syllabus materials, text books, and, in a general sense, all didactic programmes.

3. The educational administration department in Andalusia will periodically or-

rganise professional training activities for the inspectorate service based on education to achieve gender equality, inspired by the principles of pluralism and diversity.

SECTION 2.^a University Education

Article 20. Equal opportunities in the field of tertiary education.

Equal opportunities in the field of tertiary education

1. The Andalusian University system, within its jurisdiction, will promote equal opportunities for females and males with relation to access to professional studies. Likewise, it will develop conciliation measures so that one's professional and family life can be balanced to promote the professional and curricular development and advancement of academic and non-academic staff.

2. The Andalusian University system will adopt the necessary measures so that teachings which deal with gender equality are included in the study plans produced by the universities.

3. Likewise, the Andalusian University system, within the confines of respect for the system's autonomy, and in accordance with what has been established in the specific legislation for this body, will promote measures to foster balanced representation between females and males in the composition of collegiate bodies of universities and selection and / or evaluation tribunals.

Article 21. Research Projects.

Research Projects

1. The Andalusian University system will promote the balanced presence of females and males in the field of research, science and technology.

2. The Andalusian University system will promote the acknowledgement of gender studies as a merit to be taken into account in the evaluation of educational professionals' work, research or management of teaching staff and researchers in the Public Universities of Andalusia.

3. The Public Sector Administration in Andalusia, within its field of jurisdiction, will work towards the support in professional training, research into gender equality issues and will promote and monitor research projects in which results can be extracted so that persons working in these fields may take into account the gender perspective.

■ CHAPTER II

Regarding equality in the workplace

Article 22. Equal opportunities for access to employment.

1. Equal opportunities in the workplace will be one of the main priorities of the Public Sector Administration of the Andalusian Government. To fulfil this aim, policies to promote employment and industrial activities which foster the presence of females and males in the workplace which offer quality employment as well as the ability to reconcile a person's professional, family and personal life will be adopted.

2. The Public Sector Administration of the Andalusian Government will develop measures of positive action designed to guarantee equal opportunities and the overcoming of situations leading to professional segregation, both vertically as well as horizontally, whilst rectifying positions of unequal retribution.

Equal opportunities for access to employment

SECTION 1.^a Regarding professional equality in the private sector and public sector workers in Andalusia

Sub-section 1.^a Equality in the workplace in the private sector

Article 23. Employment policies.

1. The Public Sector Administration of the Andalusian Government within the framework of its jurisdiction, will promote gender mainstreaming as a means to integrate gender perspective into the design, effectuation, monitoring and evaluation of employment policies which are developed in the area of operation of the Autonomous Community, including, should they be required, specific and necessary measures to achieve this.

2. The Public Sector Administration of the Andalusian Government will ensure the participation of women in the development of active employment programmes and policies, which guarantee the coordination of the various task-forces implemented and contemplate the needs which impede or hinder women's access to these, with special attention to those women who are exposed to more vulnerable or discriminatory situations.

3. The Public Sector Administration of the Andalusian Government will provide special attention to groups of women in which various causes in the fight against discrimination join forces.

Employment policies

4. The Andalusian Employment Service will not be able to process any offer of employment which discriminates on grounds of sex. To fulfil this, their staff will be adequately trained as to take into account the gender perspective as a part of the process of professional insertion.

5. Likewise, it will strive to make sure that the staff of the employment service and collaborating bodies and organisms have access to the necessary training in matters of equal opportunities, so that the gender perspective can be effectively incorporated into the process of professional insertion.

6. Companies are obliged to respect equal treatment and opportunities in the workplace, and, with this in mind, must adopt measures aimed at avoiding any type of discrimination between men and women.

7. As is established by the legislation of Kingdom of Spain and the Statute of Autonomy, the Andalusian Government has the responsibility of guaranteeing the drafting of Action Plans of the Employment Inspectorate which stipulates as a priority acting against direct and indirect industrial discrimination, and to achieve this aim, the necessary mechanisms will be put in place to perform this.

8. The Public Sector Administration of the Andalusian Government will undertake studies providing estimations of the economic value of domestic work and care-work which is performed in the Autonomous Community of Andalusia. The results of these aforementioned studies will be published, with the aim of making known their contribution as an asset to the society and economy of Andalusia.

Article 24. Incentives for the contracting of female employees.

Incentives for the contracting of female employees

Incentives will be established to encourage the stable contracting of female employees, paying special attention and prioritising those sectors and professional categories which are underrepresented as well as individual specific situations.

Article 25. Professional promotion.

Professional promotion

The Public Authorities in Andalusia, within the framework of its policies to promote entrepreneurship, will contemplate specific aid to women to create companies or aid for self-employment. Likewise, measures will be established regarding professional training, assessment and monitoring plans which allow for the consolidation of entrepreneurial projects.

Article 26. Quality in the Employment.

1. The Public Sector Administration of the Andalusian Government will ensure gender equality in terms of access to employment. Special emphasis will be placed on those aspects relating to stability, quality and equality with regards to remuneration of salaries for females and males. Likewise, it will move towards the advancement of equality in terms of professional promotion, in the participation in training programmes, in the development of their professional career path and will safeguard actions to prevent sexual harassment and equally harassment on the grounds of gender.

Quality in the
Employment

2. The Public Sector Administration of the Andalusian Government will guarantee equal opportunities in all facets of industrial relations, and pay special attention to equal payment rights for work of equal worth. To this effect, it will promote the prioritised nature of the compliance of the principles of equal opportunities in the workplace in the action plans devised by the Employment and Social Security Inspectorate.

3. The Public Sector Administration of the Andalusian Government, in collaboration with social agents, will provide incentives for quality employment and the promotion of equality between men and women on the workplace.

Article 27. Equality plans and balanced presence in the entrepreneurial sector.

1. The Public Sector Administration of the Andalusian Government will encourage and provide support and assessment for the writing of equality plans for those private companies which are not bound by Organic Law 3/2007, of the 22nd March, for the effective equality between females and males. These aforementioned plans, without prejudice to what has been stipulated in the basic regulations on this issue, must contemplate measures for access to the job-market, promotion, professional training, equal payment, measures to promote means to reconcile family and professional life, protection against sexual harassment or harassment motivated by gender as well as including criteria and mechanisms for monitoring, evaluation and action.

Equality plans
and balanced
presence in the
entrepreneurial
sector

2. Companies will make an effort to have a balanced presence of females and males on their governing bodies.

3. Entrepreneurial organisations will make an effort to have a balanced presence of females and males on their management bodies.

4. Professional training programmes included in the Equality Plans formulated by companies will prioritise professional training actions whose aim is to achieve equality between females and males within the organisation.

Article 28. Collective Negotiation.

1. Based on full respect for the constitutional principle of autonomy in collective negotiation, The Public Sector Administration of the Andalusian Government will promote the inclusion of special clauses designed to foster and ensure equal opportunities and the removal of discrimination on the grounds of gender from collective negotiation in Andalusia. The drafting of recommendations or model clauses in this matter will be encouraged, as will those to reconcile a person 's professional, family and personal life.

2. Awareness campaigns will be performed designed to promote the participation of women in collective negotiation. In the studies which will be undertaken on this issue, the role of the women in collective negotiation will be included.

3. The Public Sector Administration of the Andalusian Government will ensure that collective agreements:

a) Do not contain contradictory clauses regarding the principles of equal opportunities of men and women, as this would be direct or indirect discrimination, and that different pay-scales were not established on grounds of gender.

b) Are worded in a non-sexist manner.

4. Trade-union organisations will make efforts to achieve a balanced presence of females and males on their management bodies.

5. The Public Sector Administration of the Andalusian Government will promote collective agreements which include the corresponding analysis of gender impact.

Article 29. Health and Safety at the Employment.

1. The Public Sector Administration of the Andalusian Government will promote an integral conception of Health and Safety which takes in to account both physical as well as psycho-social risks, dealing with the differences between females and males in relation to Health and Safety in the Workplace issues regarding pregnant workers, or those who have recently given birth or are in their breast-feeding period still.

3. Unfavourable treatment for pregnant workers or failure to respect maternity conditions will be considered discrimination on the grounds of gender.

Article 30. Sexual harassment and harassment on the grounds of gender.

1. The Public Sector Administration of the Andalusian Government will adopt the necessary measures, within its jurisdiction, so that there is a convivial working environment in place which is free of sexual harassment or harassment on the grounds of gender. In this sense, conduct which affects professional health, its treatment and prevention of the above, must be dealt with from this perspective, without prejudice to what has been established as part of any civil, judicial or industrial liability which may be derived. Equally, and with the same purpose, measures which must be negotiated with workers' representatives will be established, for example, drafting and publishing codes of good practice, awareness campaigns and professional training actions.

Sexual harassment and harassment on the grounds of gender

2. In any case, sexual harassment and harassment on the grounds of gender will be considered discrimination, and as such, the Public Sector Administration will arbitrate protocols on how to act and provide preventative and protective measures necessary against the consequences derived from these actions, ensuring the swift and confidential processing of official complaints and the stimulus to implement precautionary measures.

3. The protocols on how to act will take into account the actions to be followed when situations of sexual harassment and harassment on the grounds of gender arise.

4. The relevant Governmental Department responsible for equality issues will Foster the drafting of these aforementioned protocols and will undertake the monitoring and evaluation of these.

5. The Public Sector Administration in Andalusia, within the field of its jurisdiction, will ensure the judicial assessment and specialised psychological care is given to victims of sexual harassment and harassment on the grounds of gender, as well as providing support in both cases.

Sub-Section 2.^a Equality in the Public Sector

Article 31. Public sector Employment in Andalusia.

1. In order to access public sector employment contracted by the Administration of the Andalusian Government, the syllabuses as part of the civil service entrance exams will include topics dealing with legislation on equality and gender violence.

Public sector Employment in Andalusia

2. So that equality of opportunities between females and males can be inte-

grated into the development of public activities, the Administration of the Andalusian Government will guarantee the professional training of its staff in this subject.

3. Public sector employment offers published by the Administration of the Andalusian Government must be accompanied by a gender impact report.

Article 32. Equality Plans of the Administration of the Andalusian Government.

Equality
Plans of the
Administration
of the
Andalusian
Government

1. Administration of the Andalusian Government, its public companies, and instrumental bodies will produce, periodically, equality plans.

2. In these plans, the aims which are to be achieved concerning equal opportunities and treatment in the field of public sector employment, will be set out, as will the strategies and measures to be adopted to fulfil these goals.

3. Equality plans will be evaluated and, should they be needed, corrective measures will be established every four years.

Article 33. Protection against sexual harassment and harassment on the grounds of gender.

Protection
against sexual
harassment and
harassment on
the grounds of
gender

The Administration of the Andalusian Government will adopt the necessary measures to provide effective protection against sexual harassment and harassment on the grounds of gender in the sphere of the Public Sector Administration and also in private companies.

SECTION 2.nd Social Responsibility and the Seal of Excellence

Article 34. Actions towards social awareness taken by companies to achieve gender equality.

Actions towards
social awareness
taken by
companies to
achieve gender
equality

1. Without prejudice to the regulations concerning employment outlined in this TLE companies may assume, in virtue of agreements reached with the legal and trade union representation of male and female workers, institutions, bodies and associations for gender equality, actions towards social responsibility and awareness through finan-

cial, commercial, industrial, attendance measures, or indeed any other means, with the aim of improving the situation with regards to gender equality in the workplace.

2. The Public Sector Authorities in Andalusia shall foster the development of actions to raise awareness and social responsibility in matters concerning gender equality.

Article 35. Attainment of excellent in gender equality.

1. The Governing Committee of the Andalusian Regional Government will establish an acknowledgment system to be able to distinguish those bodies which are committed to actions towards gender equality, with the aim of providing incentives for companies which implant such measures to promote equality in their management of human resources, as well as for improvements in the quality of the posts offered to females. The following will be valued:

Attainment
of excellent
in gender
equality

a) The balanced representation of females and males in the groups and professional categories and the adoption of measures which positively promote access to employment and professional development at all levels for those areas in which females are under-represented.

b) Guarantees of equality in terms of financial retribution for jobs of the same worth.

c) The specific measures required for conciliation in the workplace, the home and personal life.

d) The implantation of adequate preventative measures and penalties against violence on the grounds of gender, sexual harassment and for reasons of gender.

e) Non-sexist publicity and advertising.

f) The implantation of a Plan for Equality within the Company.

g) The implementation of actions geared towards raising social awareness with respect to equal opportunities.

2. The criteria needed in order to obtain the continuance of the attainment of excellence and its renovation or revision will be established in the regulatory framework.

CHAPTER III

Measures to reconcile professional, family and personal life

Article 36. The right and duty of co-responsibility of females and males in public and private sector actions.

1. Females and males living in Andalusia have the right and the duty to share properly domestic tasks and the care of persons dependent on them, making it possible to reconcile a person's professional, personal and family life, and for them to organise their time in such a way that effective equality of opportunities between men and women can be reached.

2. The Public Sector Authorities in Andalusia will adopt measures to safeguard the ability to reconcile a person's professional, personal and family life, taking into account the new family models in place and the case of women living in rural regions.

Article 37. Spatial organisation, schedules and service creation.

1. In order to facilitate the ability to reconcile the professional, personal and family life through the balanced division of people's time, the Public Sector Administration of the Andalusian Government will promote the drafting of design and organisational plans which facilitate functionality in the city, thus propitiating the proximity of services and amenities which minimise travelling needs and access times to said services.

2. The coordination between working timetables and educational centres will be advocated.

3. Likewise, the creation of infrastructures and services to facilitate the compliance of family responsibilities and the care of young persons or those in dependent situations will be stimulated.

SECTION 1.^a Reconciliation in private sector companies

Article 38. Reconciliation in companies.

1. The Andalusian Government will place impetus on measures which favour, within the confines of the company, the ability to reconcile a person's professional, family and personal life.

2. Likewise, incentives will be given to those companies which provide services and measures which facilitate the ability to reconcile a person's professional, family and personal life through the creation of crèches or such elements within the professional environment.

3. The Andalusian Government will place impetus on the creation of crèches or such elements in industrial estates and technological parks which make it possible for, both men and women, to have the ability to reconcile a person 's professional, family and personal life.

SECTION 2.nd Reconciliation for public sector workers and civil servants

Article 39. Reconciliation in the Public Sector.

The Public Sector Administration of the Andalusian Government will promote measures to introduce flexi-time and part-time working schedules, as well as the creation of crèches or such elements which make it possible for public sector workers to be able to reconcile a person 's professional, family and personal life and make it possible to share domestic tasks and duties in a balanced and fair manner.

Reconciliation
in the Public
Sector

Article 40. Paternity leave.

1. The Public Sector Administration of the Andalusian Government will establish paternity leave, of up to four weeks ' duration, individual and non-transferrable in favour of all staff who have recently become parents, adopted a child or permanently fostered a child of under 6 years.

Paternity leave

2. Likewise, it will establish a leave of absence with of the same characteristics as those outlined in Section 1 for same-sex parents who adopt or foster a child so that they will have the same rights as those which would correspond to a birth parent, adoption or foster-parent under general circumstances.

3. Access conditions and application methods for this leave of absence will be established in official regulations.

■ CHAPTER IV

Policies for the promotion and protection of health and social wellbeing

SECTION 1.^a Promotion and protection of workers' health

Article 41. Health Policies.

Health Policies

1. The Public Sector Health Authority in Andalusia will stimulate, in the field of the promotion of health and the prevention of illnesses, the necessary measures to deal with the different needs of females and males and will adapt its activities to the characteristics of each gender.

2. Likewise, it will promote the application of measures which allow for specific attention towards health issues which, as a result of gender, are commonplace in females, with special attention being paid to those groups in less favourable positions.

3. In the same way, measures will be established which ensure, in the entire territory of the Autonomous Community of Andalusia, the physical and psychical integrity of women and girls, impeding the carrying out of medical or surgical practices which are an affront to said integrity.

4. Furthermore, measures will be established which guarantee accessibility to sanitary services and complementary amenities in conditions of equality between men and women and in such a way that family and professional life may be balanced.

5. The necessary measures will be provided as to support persons caring for others, especially with regard to accessibility to sanitary services and complementary amenities provided by the Public Health Department in Andalusia, and will provide appropriate training for the improvement of the care of the persons under their responsibility.

6. The necessary measures will be provided as to avoid unwanted pregnancies, with special attention being paid to teenage pregnancies, through the promotion of policies favouring and access to family planning.

7. The necessary measures will be provided as to prevent and treat illnesses which affect females in greater proportion, such as anorexia nervosa, bulimia or fibromyalgia.

Article 42. Bio-medical research.

Bio-medical research

1. The Public Sector Administration of the Andalusian Government will stimulate focus on gender in different lines and projects of bio-medical research, in such a way that different ways of contracting illnesses are made known so that therapeutic responses can be applied to females and males.

2. The Public Health Authority will incorporate into its studies on sanitary services, as well as health surveys, indicators which allow for the knowledge of data relating to females and males, both broken down by gender, and inclusive of both sexes.

SECTION 2.nd Social wellbeing policies

Article 43. Equality in policies of social wellbeing.

1. The Public Sector Authorities in Andalusia will integrate the gender perspective in the development of social wellbeing policies. In this sense, specific programmes will be established for older women, women with mobility issues, or in risk of social exclusion, or also aimed at women in especially vulnerable situations.

Equality in policies of social wellbeing

2. Furthermore, it will promote the necessary actions to eliminate discrimination on grounds of gender or trans-sexuality, ensuring individual freedom of choice.

Article 44. Female senior-citizens.

The Public Sector Authorities in Andalusia, within the context of the action programmes implemented for the benefit of senior-citizens, will establish specific programmes aimed at female senior-citizens, stressing the importance of affective and emotional aspects in their lives, dealing with the needs of those who are in situations of loneliness, as well as promoting their participation in socio-cultural and associational activities.

Female senior-citizens

Article 45. Carers of dependent persons.

1. In the development of policies geared towards dependent persons in Andalusia. The Public Sector Administration of the Andalusian Government will establish measures for co-responsibility and support programmes for carers, as will be duly established in the applicable regulations.

Carers of dependent persons

2. Moreover, carers will be permanently provided with access to adequate information, training and assessment which aids them to raise their standard of living.

Article 46. Social inclusion.

1. The Public Sector Authorities in Andalusia, within the framework of their policies on guarantees for social inclusion, will develop actions geared towards those

Social inclusion

persons who are in an especially vulnerable situation, establishing strategies which take into account gender focus in intervention policies, above all with regards to employment and professional training.

2. The unique difficulties suffered by women in groups facing increased vulnerability will be taken into account, such as those which belong to minority groups, females of Gipsy ethnicity, immigrants, children, those with mobility issues and those engaged in prostitution.

3. The Public Sector Authorities in Andalusia will promote measures to improve the conditions of females who are currently in precarious financial situations, derived from failure to make alimony payments imposed by the courts in the case of annulment of marriage, legal separation, divorce, termination of de facto partnerships or those in the process of filliation.

Article 47. Trafficking and sexual exploitation of women.

Trafficking
and sexual
exploitation of
women

The Public Sector Administration of the Government of Andalusia will fight against sexual exploitation and trafficking of females and will action plans for the prevention attention for females who have been victims of sexual exploitation. Likewise, awareness campaigns will be undertaken to raise public awareness to the situation regarding exploitation suffered women engaged in prostitution.

Article 48. Persons of limited mobility.

Persons of
limited mobility

The Public Sector Authorities in Andalusia, within the general context of guarantees of the rights for persons of limited mobility, will develop action plans for those women of limited mobility, taking into account the interdisciplinary theme of their specific needs into public sector policies, with the aim of ensuring their inclusion and access to equality in all aspects of society.

Article 49. Migrant women.

Migrant women

The Public Sector Authorities in Andalusia will promote the integration, participation and promotion of migrant women, and will perform activities to foster inter-cultural relations and the value of cultural diversity within the confines of ba-

sic rights and full equality for females, and will safeguard access to employment and relevant services for migrant women, providing protection for those migrant women victims of gender violence.

CHAPTER V

■ Promotion policies and attention given to women

Article 50. Town-planning, urban developments and housing.

1. The Public Sector Authorities in Andalusia will integrate the gender perspective into the design of their policies and general plans with regard to housing, developing programmes and specific action plans for different social groups and family models.

Town-planning,
urban
developments
and housing

2. Likewise, The Public Sector Authorities in Andalusia, in coordination and collaboration with local bodies operating in the Andalusian region, will take into account the gender perspective in the design aspects of town-planning, urban policy-making and in the definition and effectuation of urban development in cities and towns.,

3. Likewise, it will facilitate access to properties constructed under governmental protection plans for women who have been victims of gender violence and those women who are considered to be in situations of special danger or risk of social exclusion, depending on the seriousness of the possible eventualities of their situation.

Article 51. New technologies.

1. The Public Sector Authorities in Andalusia will promote actions which favour the implantation of new technologies based on the criteria of gender equality and will promote the participation of females in the construction of a computer-literate society based on knowledge.

New
technologies

2. In the projects designed in the field of information technology and communication, financed wholly or partially by the Public Sector Administration of the Andalusian Government, efforts will be made to guarantee to ensure the use of non-sexist language and content in these.

Article 52. Females living in rural areas.

Females living in rural areas

1. The Public Sector Authorities in Andalusia will integrate the gender perspective, as part of their rural development action plans, and so contemplate the women 's needs in order to allow for their full and equal participation in the processes of rural development and contribute thus to true equality of opportunities between females and males.

2. The Public Sector Authorities in Andalusia will develop actions geared towards the elimination of discrimination against women and favour their incorporation into the workplace, provide professional training and access to new technology, as well as their full participation in public life. Likewise, they will guarantee the exercising of right to shared proprietorship of agrarian developments.

CHAPTER VI

Social, political and economic participation

Article 53. Political participation.

Political participation

A balanced presence of females and males will be guaranteed in the list of candidates standing for election to the Parliament of Andalusia.

Article 54. Social participation.

Social participation

1. The Public Sector Administration in Andalusia will stimulate measures to promote social participation on the part of females in the Community.

2. Moreover, they will cooperate in social initiatives, and with associations for the promotion of gender equality.

Article 55. Furtherance of women's associations.

Furtherance of women's associations

1. The Public Sector Authorities in Andalusia will further women 's associational movements to facilitate their participation in society.

2. Similarly, they will enhance those initiatives which seek to create networks between women 's associations aimed at public activity and facilitate their social participation.

3. They will also promote the creation of local bodies for participation in relations to achieve equal opportunities between females and males, and their coordination with other similarly minded bodies in the region.

Article 56. Participation in the social, political, economic, cultural and sporting fields.

1. The Public Sector Administration in Andalusia will promote equality in the participation between females and males in social, cultural, sporting and leisure activities which are developed in the Autonomous Community.

2. The Public Sector Administration will favour the effective opening of sporting disciplines and events to females, thus furthering their participation at different levels and in differing sporting fields.

3. The Public Sector Administration in Andalusia will work towards equal opportunities in the participation between females and males in all political and economic fields.

4. The relevant Public Sector Administration will promote the balanced presence of females and males in the management bodies and decision-making executives in social, political, economic, cultural and sporting fields.

Participation in the social, political, economic, cultural and sporting fields

CHAPTER VII

Public imagery and mass media

Article 57. The image of women and men.

1. The Public Sector Authorities in Andalusia will promote the utilisation of equal imagery which eschews stereotypes of females and males in all means of information and communication, in accordance with the principles and values of our judicial legislation and the specific norms applicable under its jurisdiction.

2. For such purposes it will be considered illicit, in accordance with the applicable legislation in force regarding this issue, any publicity or advertising which knowingly attacks a person's dignity or infringes the values and rights recognised in the Spanish Constitutions, with special reference to Articles 18 and 20, section 4. Advertisements which display women in an a vexatious or degrading sense, either

The image of women and men

using their body or parts of their body as a mere object wholly detached from the product which is intended to be advertised, nor their image associated with stereotypical behaviour which infringes our legislation, assisting to generate violence as it is described in Organic Law 1/2004 of the 28th December, for Integral Protection Measures against Gender Violence.

3. The Audiovisual Committee of Andalusia, in compliance with the functions that this has been assigned, will contribute to the promotion of gender equality and non-sexist behaviour in the contents of the programmes it offers through the media in Andalusia, as well as in any advertising they produce.

Article 58. Social mass media.

Social mass
media

1. The mass media, whose activities are subject to the judicial power of the Autonomous Community of Andalusia, will promote the application of a non-sexist utilisation of language and will foster the projection of an image of females and males free from sexist stereotypical references.

The mass media will adopt, through mechanisms of self-regulation and codes of conduct, with the aim of assuming and transmitting the principles of gender equality. Likewise, they will collaborate with institutional campaigns designed to raise awareness on equality between females and males and the eradication of gender violence.

2. The Public Sector Administration of the Andalusian Government will promote actions which contribute to the development of values and practices which promote equality between men and women in the mass media and through advertising.

3. The Public Sector Administration of the Andalusian Government will promote a balanced presence of females and males in management bodies and decision-making executives which form the mass media.

TITLE III

INSTITUTIONAL ORGANISATION AND COORDINATION BETWEEN THE DIFFERENT PUBLIC ADMINISTRATIVE BODIES TO ACHIEVE GENDER EQUALITY

Article 59. Inter-departmental Commission for Equality between Females and males.

1. An Inter-departmental Commission for Equality between Females and males will be created, in which all the Departments of the Andalusian Government will be represented, in the form of a collegiate body to monitor actions and activities which the Andalusian Government undertakes with regard to the issue of gender equality, which will be chaired by a Departmental Member qualified in matters of gender equality.

Inter-departmental Commission for Equality between Females and males

2. Its composition, powers, jurisdiction and functioning system will be determined through official regulations.

Article 60. Gender Equality Units.

1. Gender Equality Units will be created, in all the Departments of the Andalusian Government, with the aim of stimulating, coordinating and implementing the gender perspective in the planning, management and monitoring of their respective policy-making.

Gender Equality Units

2. Each Department will entrust to one of its management bodies the functions of the Gender Equality Unit under the terms and conditions of the established legislation.

3. The Public Sector Administration of the Andalusian Government will ensure the assessment and the professional training of its staff in issues of gender equality to implement effectively public policies with gender perspective in mind.

Article 61. Gender Equality Observatory.

1. Gender Equality Observatory will be created as a consultancy body, adherent to the relevant Government Department for gender issues, intended to detect, ana-

Gender Equality Observatory

lyse and propose strategies to correct situations of inequality for Andalusian women. In any case, priority will be given to the areas of gender violence, professional situation and the public image of women.

2. Its functions, composition and operational system, as well as the manners in which it will intervene, will be determined by official legislation.

Article 62. Andalusian Committee for Female Participation.

Andalusian
Committee
for Female
Participation

1. Andalusian Committee for Female Participation will be create, adherent to the relevant Government Department for gender issues, as a participative body of women ' s organisations in issues regarding gender equality pertaining to the Andalusian Government.

2. Its functions and composition will be regulated via a decree passed by the Government Committee.

Article 63. Coordination of the Public Sector Authorities in Andalusia for equality between females and males.

Coordination of
the Public Sector
Authorities in
Andalusia for
equality between
females and
males

A Commission for the Coordination of the Public Sector Authorities in Andalusia for equality between females and males will be created for local and regional policy concerning gender equality with the aim of coordinating and promoting gender focus on policy-making and programmes, working towards gender equality, developed by the different Public Sector Administration of the Autonomous Community of Andalusia and will depend on the relevant Department specialising in gender issues, and will be composed of representatives of the Public Sector Administration of the Andalusian Government, Provincial Departments and Local Councils.

Its functions, composition and operational system will be determined by official legislation.

TITLE IV

GUARANTEES FOR GENDER EQUALITY

Article 64. Evaluation of the application of this Law.

Under the terms and conditions established in the relevant legislation, a periodic report will be produced on the set of actions undertaken in relation to the effectiveness of the principles of equality, between females and males which will be coordinated by the Department which is empowered to handle issues regarding gender equality and will also establish the corrective criteria to be implemented with the same aim under this Law.

Evaluation of the application of this Law

Article 65. Equal treatment in the access to the use of goods and services and supply.

1. The Public Sector Authorities in Andalusia will adopt the necessary measures to guarantee respect for the principle of equal treatment between females and males, via the absence of direct or indirect discrimination, or in items relating to access to goods and services and supplies.

Equal treatment in the access to the use of goods and services and supply

2. In accordance with Article 69 of the Organic Law 3/2007, of the 22nd March, for the effective equality between females and males, the provision of goods and services exclusively or principally to persons of one sex will only be admissible when the difference in treatment is justified by a legitimate purpose and the means to achieve such a purpose are adequate and necessary.

Article 66. Actions for the removal and rectification of illicit publicity and advertising.

1. In accordance with what has been stipulated in Article 12 of the Organic Law 3/2004, of the 28th of December, on Measures for the Integral Protection against Gender Violence, the Andalusian Institute of the Woman and likeminded associations which have as their sole aim the defence of women's interests will be empowered to exercise the right to remove illicit publicity which uses a

Actions for the removal and rectification of illicit publicity and advertising

derogatory image of females, under the terms and conditions established in the applicable legislation in force.

2. The Andalusian Audiovisual Committee, in accordance with what has been stipulated in Article 4.15 of Law 1/2004, passed on the 17th of December, may request from the advertisers and audiovisual companies, either through their own initiative or recommended by other interested parties, the removal or the rectification of illicit or prohibited publicity or advertising, and, when required, and sanction this, in accordance with the applicable legislation and the situations that this establishes.

PROVISIONS

Sole additional provision. Modification of Article 30 of Law 10/1988, passed on the 29th December, regarding the Budgets of the Autonomous Community of Andalusia for 1989.

A new section, section 2.bis to Article 30 of Law 10/1988, passed on the 29th December, regarding the Budgets of the Autonomous Community of Andalusia for 1989, with the following terms:

“Section 2.bis. Besides what has been established in the previous paragraphs, the Andalusian Institute of the Woman, as an autonomous body adherent to the relevant Governmental Department, will be entrusted with the role of coordinating policies of equality”.

Modification of Article 30 of Law 10/1988, passed on the 29th December, regarding the Budgets of the Autonomous Community of Andalusia for 1989

Sole Transitory Provision.

The budgets of the Andalusian Government will assign the financial provisions necessary for the development of this Law.

Sole Abrogative Provision. Abrogation regulations.

All provisions of similar or lower rank, which are opposed to what has been established in this Law are expressly and duly abrogated under Article 140 of Law 18/2003, of the 29th of December, through which Fiscal and Administrative Measures are passed; and section 3 a) of Article 30 of 10/1988, passed on the 29th of December, for Budgets in the Autonomous Community of Andalusia for 1989, in which the Rectory Committee of the Andalusian Institute for Women was created.

Abrogation regulations

First Final Provision. Statutory Development.

The Governmental Committee belonging to the Government of Andalusia is authorised to decree the legal provisions necessary for the judicial development and appliance of this Law.

Statutory Development

Second Final Provision. Coming into force.

Coming into
force

This Law will come into force the subsequent day after its publication in the Official Regional Government Gazette of Andalusia.

Seville, 26th November 2007

MANUEL CHAVES GONZÁLEZ
President of the Andalusian Government