

# Spain

| WBL 2.0 legal frameworks score | WBL 2.0 supportive frameworks score | WBL 2.0 expert opinions score |
|--------------------------------|-------------------------------------|-------------------------------|
| <b>90.0</b>                    | <b>82.5</b>                         | <b>81.3</b>                   |

*Women, Business and the Law 2024* (WBL 2024) identifies barriers for women's economic empowerment in three areas: women's legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law 2.0* indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for 26 economies due to an insufficient number of responses received from those economies during data collection. Individual responses at the economy level for 15 expert opinions questions across the ten indicators are scored by taking the median value of all responses per question. The economy level expert opinions index is equal to the simple unweighted average of the ten indicator scores.

For Spain, data refer to the legal frameworks, supportive frameworks, and expert opinions that are applicable to the main business city (Madrid). The scores for Spain are shown in the table below.

## Women, Business and the Law 2024 2.0 indicator scores

|                             |  |  |  |  |  |  |  |  |  |  |
|-----------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| WBL 2.0                     | Safety                                                                              | Mobility                                                                            | Workplace                                                                           | Pay                                                                                 | Marriage                                                                            | Parenthood                                                                          | Childcare                                                                             | Entrepreneurship                                                                      | Assets                                                                                | Pension                                                                               |
| Legal frameworks score      | 50.0                                                                                | 100.0                                                                               | 100.0                                                                               | 100.0                                                                               | 100.0                                                                               | 100.0                                                                               | 75.0                                                                                  | 75.0                                                                                  | 100.0                                                                                 | 100.0                                                                                 |
| Supportive frameworks score | 75.0                                                                                | 100.0                                                                               | 66.7                                                                                | 100.0                                                                               | 100.0                                                                               | 100.0                                                                               | 50.0                                                                                  | 100.0                                                                                 | 33.3                                                                                  | 100.0                                                                                 |
| Expert opinions score       | 50.0                                                                                | 100.0                                                                               | 75.0                                                                                | 62.5                                                                                | 100.0                                                                               | 100.0                                                                               | 50.0                                                                                  | 100.0                                                                                 | 100.0                                                                                 | 75.0                                                                                  |

In summary, the **WBL 2.0 legal frameworks score** for Spain (90.0 out of 100.0) is higher than the global average (64.2) and higher than the High income: OECD regional average (84.9). When it comes to constraints on freedom of movement, laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, laws affecting women's property and inheritance and laws affecting the size of a woman's pension, Spain obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Spain is on the indicator measuring laws affecting women's safety. To improve on the Safety indicator, Spain may wish to consider putting in place legislation on domestic violence and introducing legislation on child marriage.

The **WBL 2.0 supportive frameworks score** for Spain (82.5 out of 100.0) is higher than the global average (39.5) and higher than the High income: OECD regional average (68.1). When it comes to supportive frameworks affecting freedom of movement, supportive frameworks affecting women's pay, supportive frameworks related to marriage, supportive frameworks affecting women's work after having children, supportive frameworks related to women starting and running a

business and supportive frameworks affecting the size of a woman's pension, Spain obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Spain is on the indicator measuring supportive frameworks affecting women's property and inheritance. To improve on the Assets indicator, Spain may wish to consider putting in place awareness measures to improve women's access to information about marital and inheritance rights and publishing anonymized sex-disaggregated data on property ownership on a regular basis.

The **WBL 2.0 expert opinions score** for Spain (81.3 out of 100.0) is higher than the global average (65.7) and lower than the High income: OECD regional average (82.9). When it comes to expert opinions on freedom of movement, expert opinions on marriage, expert opinions on women's work after having children, expert opinions on women starting and running a business and expert opinions on women's property and inheritance, Spain obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Spain is on the indicator measuring expert opinions on women's safety.

## WBL 2.0 legal frameworks data

| QUESTION                                                                                                          | ANSWER | LEGAL BASIS                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------|
| <b>Safety</b>                                                                                                     |        |                                                                                                                           |
| Does the law address child marriage?                                                                              | No     | No applicable provisions could be located                                                                                 |
| Does the law address sexual harassment?                                                                           | Yes    | Código Penal, Arts. 172 ter, 184 y 197; Ley Orgánica 3/2007 para la Igualdad Efectiva de Mujeres y Hombres, Arts. 10 y 48 |
| Does the law address domestic violence?                                                                           | No     | No applicable provisions could be located                                                                                 |
| Does the law address femicide?                                                                                    | Yes    | Código Penal, Art. 22(4)                                                                                                  |
| <b>Mobility</b>                                                                                                   |        |                                                                                                                           |
| Can a woman choose where to live in the same way as a man?                                                        | Yes    | Código Civil, Art. 70                                                                                                     |
| Can a woman travel internationally in the same way as a man?                                                      | Yes    | Real Decreto 896/2003, Arts. 2(1) y 4                                                                                     |
| Can a woman travel outside her home in the same way as a man?                                                     | Yes    | No restrictions could be located                                                                                          |
| Do a woman and a man have equal rights to confer citizenship on their spouses and their children?                 | Yes    | Código Civil, Arts. 17(1a), 20(1b) y 22(2d)                                                                               |
| <b>Workplace</b>                                                                                                  |        |                                                                                                                           |
| Can a woman get a job in the same way as a man?                                                                   | Yes    | No restrictions could be located                                                                                          |
| Does the law explicitly prohibit discrimination in recruitment based on marital status, parental status, and age? | Yes    | Real Decreto Legislativo 2/2015, Art. 17(1)                                                                               |
| Does the law prohibit discrimination in employment based on gender?                                               | Yes    | Real Decreto Legislativo Núm. 2/2015, Arts. 4 y 17; Ley Orgánica Núm. 3/2007, Art. 5                                      |
| Does the law allow employees to request flexible work?                                                            | Yes    | Real Decreto Legislativo 2/2015, Art. 34(8)                                                                               |
| <b>Pay</b>                                                                                                        |        |                                                                                                                           |
| Does the law mandate equal remuneration for work of equal value?                                                  | Yes    | Real Decreto Legislativo Núm. 2/2015, Art. 28; Real Decreto Núm. 902/2020, Art. 4                                         |
| Can a woman work at night in the same way as a man?                                                               | Yes    | No restrictions could be located                                                                                          |
| Can a woman work in a job deemed dangerous in the same way as a man?                                              | Yes    | No restrictions could be located                                                                                          |
| Can a woman work in an industrial job in the same way as a man?                                                   | Yes    | No restrictions could be located                                                                                          |
| <b>Marriage</b>                                                                                                   |        |                                                                                                                           |
| Is the law free of legal provisions that require a married woman to obey her husband?                             | Yes    | Código Civil, Art. 66                                                                                                     |
| Can a woman be "head of household" or "head of family" in the same way as a man?                                  | Yes    | No restrictions could be located                                                                                          |
| Can a woman obtain a judgment of divorce in the same way as a man?                                                | Yes    | Código Civil, Arts. 81 y 86                                                                                               |
| Does a woman have the same rights to remarry as a man?                                                            | Yes    | Código Civil, Arts. 45-46                                                                                                 |
| <b>Parenthood</b>                                                                                                 |        |                                                                                                                           |

|                                                                                                                  |     |                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------|
| Is paid leave of at least 14 weeks available to mothers?                                                         | Yes | Real Decreto Legislativo Núm. 2/2015, Art. 48                                                                                     |
| Are leave benefits for mothers paid solely by the government?                                                    | Yes | Real Decreto Legislativo Núm. 8/2015, Art. 179                                                                                    |
| Is paid leave available to fathers?                                                                              | Yes | Real Decreto-Ley Núm. 6/2019, Arts. 2(18) y 3(4)                                                                                  |
| Is dismissal of pregnant workers prohibited?                                                                     | Yes | Real Decreto Legislativo Núm. 2/2015, Art. 55                                                                                     |
| <b>Childcare</b>                                                                                                 |     |                                                                                                                                   |
| Does the law establish the provision of center-based childcare services?                                         | Yes | Ley Orgánica 2/2006, de 3 de mayo, de Educación, Arts. 14-15 y 108; Decreto 18/2008, Art. 2                                       |
| Does the law establish any form of support for families for childcare services?                                  | Yes | Orden 349/2017, Art. 3; Orden 3657/2023; Decreto Legislativo 1/2010, Art. 11                                                      |
| Does the law establish any form of support for nonstate childcare providers?                                     | Yes | Decreto 31/2019, de 9 de abril, Art. 3; Ley Orgánica 2/2006, de 3 de mayo, de Educación, Arts. 108-109                            |
| Does the law establish quality standards for the provision of center-based childcare services?                   | No  | No applicable provisions could be located                                                                                         |
| <b>Entrepreneurship</b>                                                                                          |     |                                                                                                                                   |
| Can a woman undertake entrepreneurial activities in the same way as a man?                                       | Yes | Código Civil, Art. 66                                                                                                             |
| Does the law prohibit discrimination in access to credit based on gender?                                        | Yes | Ley Orgánica 3/2007 para la igualdad efectiva de mujeres y hombres, Art. 69                                                       |
| Does the law prescribe a gender quota for corporate boards?                                                      | No  | No applicable provisions could be located                                                                                         |
| Does the law include gender-sensitive procurement provisions for public procurement processes?                   | Yes | Ley Para la Igualdad Efectiva de Mujeres y Hombres, Art. 33; Ley de Contratos del Sector Público, Arts. 1(3), 71, 145 y 147(2)(b) |
| <b>Assets</b>                                                                                                    |     |                                                                                                                                   |
| Do a woman and a man have equal administrative power and ownership rights to immovable property, including land? | Yes | Código Civil, Arts. 66, 350 y 1375-1377                                                                                           |
| Do sons and daughters have equal rights to inherit assets?                                                       | Yes | Código Civil, Arts. 807, 808 y 931                                                                                                |
| Do male and female surviving spouses have equal rights to inherit assets?                                        | Yes | Código Civil, Art. 807                                                                                                            |
| Does the law provide for the valuation of nonmonetary contributions?                                             | Yes | Código Civil, Arts. 1316, 1344 y 1345                                                                                             |
| <b>Pension</b>                                                                                                   |     |                                                                                                                                   |
| Are the ages at which a woman and a man can retire with full pension benefits the same?                          | Yes | Real Decreto Legislativo Núm. 8/2015, Art. 205                                                                                    |
| Are the ages at which a woman and a man can retire with partial pension benefits the same?                       | Yes | Real Decreto Legislativo Núm. 8/2015, Art. 208                                                                                    |
| Is the mandatory retirement age for a woman and a man the same?                                                  | Yes | No applicable provisions could be located                                                                                         |
| Are periods of absence due to childcare accounted for in pension benefits?                                       | Yes | Real Decreto Legislativo Núm. 8/2015, Arts. 6, 144(4), 165(3) y 237(1)                                                            |

## WBL 2.0 supportive frameworks data

| QUESTION                                                                                                                                    | ANSWER | SOURCE                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Safety</b>                                                                                                                               |        |                                                                                                                                                                                                                    |
| Has the government developed comprehensive mechanisms to address violence against women?                                                    | Yes    | Protocolo para la prevención y actuación frente al acoso sexual y acoso por razón de sexo en el ámbito laboral (Manual de referencia, Ministerio de Igualdad, 2021); Government Delegation against Gender Violence |
| Are special procedures in place for cases of sexual harassment?                                                                             | No     | Insufficient evidence located                                                                                                                                                                                      |
| Is a government entity responsible for monitoring and implementing national services, plans and programs addressing violence against women? | Yes    | Government Delegation Against Gender Violence                                                                                                                                                                      |
| Is an annual budgetary allocation devoted to violence against women risk mitigation, prevention, and response programs?                     | Yes    | Budget 2023                                                                                                                                                                                                        |
| <b>Mobility</b>                                                                                                                             |        |                                                                                                                                                                                                                    |



## WOMEN, BUSINESS AND THE LAW 2024

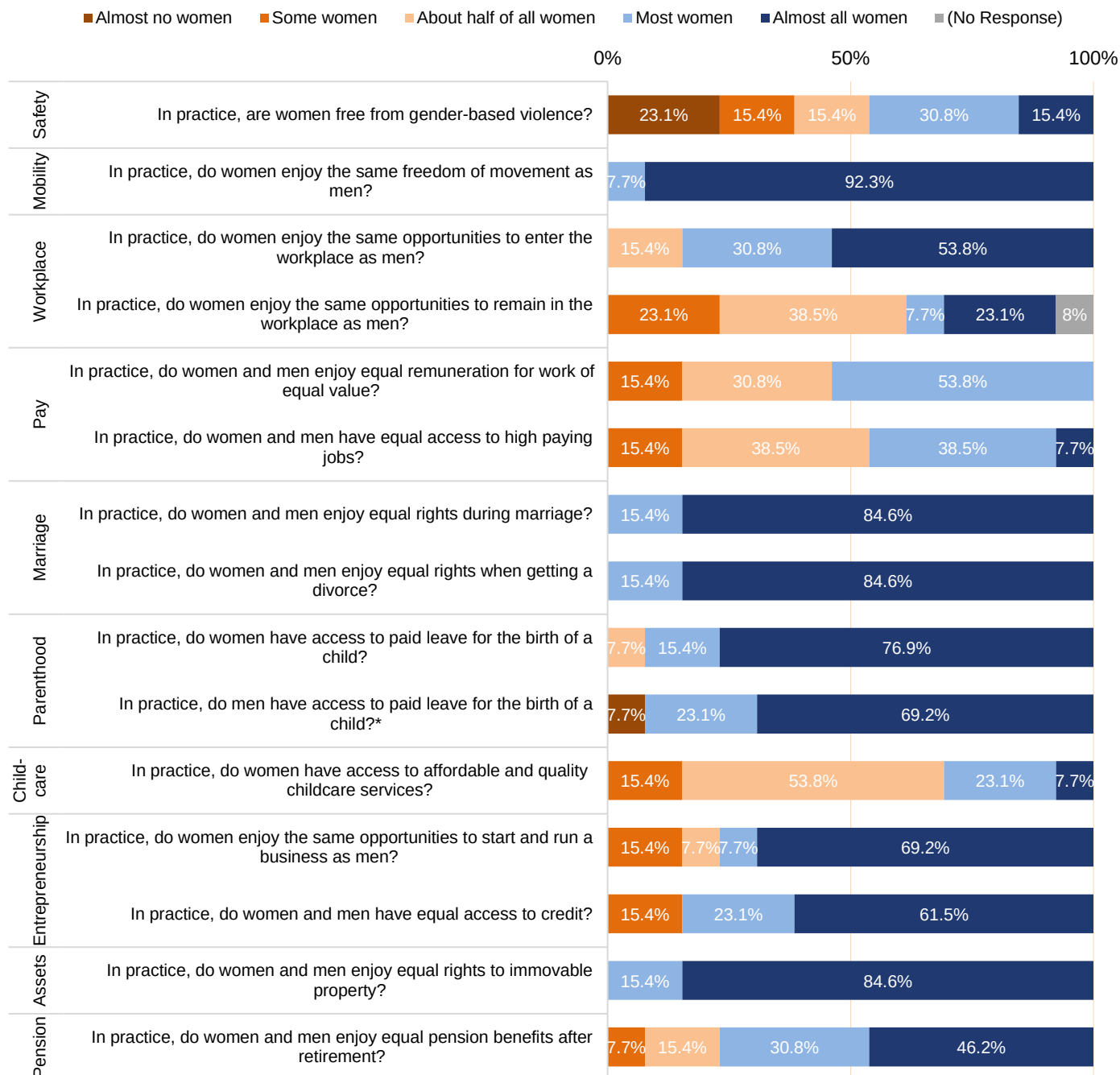
|                                                                                                                                                            |     |                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Are passport application processes the same for a woman and a man?                                                                                         | Yes | Passport application procedures                                                                                                                                 |
| Are the application processes for official identity documents the same for a woman and a man?                                                              | Yes | ID application procedures                                                                                                                                       |
| Does a current policy or plan explicitly consider the specific mobility needs of women in public transportation?                                           | Yes | Estrategia de Movilidad Segura, Sostenible y Conectada 2030                                                                                                     |
| <b>Workplace</b>                                                                                                                                           |     |                                                                                                                                                                 |
| Does a specialized body receive complaints about gender discrimination in employment?                                                                      | Yes | Ley 16/1983 que crea el Instituto de la Mujer, Arts. 1 and 3.b                                                                                                  |
| Has the government published guidelines on nondiscrimination based on gender in recruitment?                                                               | Yes | Guía para la elaboración de planes de igualdad en las empresas                                                                                                  |
| Has the government published guidelines on flexible work arrangements?                                                                                     | No  | Insufficient evidence located                                                                                                                                   |
| <b>Pay</b>                                                                                                                                                 |     |                                                                                                                                                                 |
| Are pay transparency measures or enforcement mechanisms in place to address the pay gap?                                                                   | Yes | Ley Orgánica 3/2007, Art. 45.                                                                                                                                   |
| Have sex-disaggregated data on employment in different industries or sectors been published?                                                               | Yes | Ministerio de Energía y Transición Ecológica                                                                                                                    |
| <b>Marriage</b>                                                                                                                                            |     |                                                                                                                                                                 |
| Is there a fast-track process or procedure for family law disputes?                                                                                        | Yes | Ley de Enjuiciamiento Civil, Art. 748 y 753                                                                                                                     |
| Are there specialized family courts?                                                                                                                       | Yes | Juzgados de Familia                                                                                                                                             |
| Is legal aid available for family law disputes?                                                                                                            | Yes | Comisión de Asistencia Jurídica Gratuita                                                                                                                        |
| <b>Parenthood</b>                                                                                                                                          |     |                                                                                                                                                                 |
| Is it possible to apply for maternity benefits through a single government application process?                                                            | Yes | Real Decreto Núm. 295/2009, Art. 14                                                                                                                             |
| Are incentives in place to encourage fathers to take paternity leave on the birth of a child?                                                              | Yes | Workers' Statute Law, Art. 55.5 a) and c)                                                                                                                       |
| Have sex-disaggregated data on unpaid care work been published?                                                                                            | Yes | Instituto Nacional de Estadística                                                                                                                               |
| <b>Childcare</b>                                                                                                                                           |     |                                                                                                                                                                 |
| Is there a publicly available registry or database of childcare providers?                                                                                 | Yes | Sitio Oficial del Gobierno de Madrid                                                                                                                            |
| Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents?                      | Yes | Sitio Oficial del Gobierno de Madrid                                                                                                                            |
| Is there a clearly outlined application procedure to request financial support from the government for childcare services by nonstate childcare providers? | No  | Insufficient evidence located                                                                                                                                   |
| Has the government published any reports on the quality of childcare services?                                                                             | No  | Insufficient evidence located                                                                                                                                   |
| <b>Entrepreneurship</b>                                                                                                                                    |     |                                                                                                                                                                 |
| Have sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses been published?                                            | Yes | Instituto Nacional de Estadística; Ministerio de Igualdad; Instituto de las Mujeres                                                                             |
| Are government-led programs supporting female entrepreneurs providing access to finance and training, coaching, or business development?                   | Yes | Programa de Apoyo Empresarial a las Mujeres (PAEM)                                                                                                              |
| Does a current national government plan or strategy focus on women's access to financial services?                                                         | Yes | Plan Estratégico para la Igualdad Efectiva de Mujeres y Hombres (2022-2025)                                                                                     |
| <b>Assets</b>                                                                                                                                              |     |                                                                                                                                                                 |
| Are mechanisms or incentives in place to encourage women to register immovable property (including joint titling)?                                         | Yes | Reglamento Hipotecario, Art. 93(1); Plan Estratégico para la Igualdad Efectiva de Mujeres y Hombres 2022-2025, Instituto de la Mujeres (Ministerio de Igualdad) |
| Are awareness measures in place to improve women's access to information about marital and inheritance rights?                                             | No  | Insufficient evidence located                                                                                                                                   |
| Have anonymized sex-disaggregated data on property ownership been published?                                                                               | No  | Insufficient evidence located                                                                                                                                   |
| <b>Pension</b>                                                                                                                                             |     |                                                                                                                                                                 |

|                                                                  |     |                                   |
|------------------------------------------------------------------|-----|-----------------------------------|
| Are incentives in place to increase women's retirement benefits? | Yes | Real Decreto Núm. 8/2015, Art. 60 |
|------------------------------------------------------------------|-----|-----------------------------------|

|                                                                                                                                   |     |                           |
|-----------------------------------------------------------------------------------------------------------------------------------|-----|---------------------------|
| Is a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits? | Yes | Ley Núm. 36/2011, Art. 71 |
|-----------------------------------------------------------------------------------------------------------------------------------|-----|---------------------------|

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## WBL 2.0 distribution of expert opinion responses



\*Note: The response options for the second Parenthood question above are formatted as almost no men, some men, about half of all men, most men, almost all men.