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The **article 14 of the Spanish Constitution** introduced in our legal system the principle of equality between men and women, stating "All Spaniards are equal in the eyes of the law, and cannot prevail any discrimination because of place of birth, gender, religion, opinion or any other personal or social circumstance"

In addition, the article 23 states:

"1. Citizens have the right to participate in public matters directly or through representatives, freely elected in periodic elections by universal suffrage.

2. Likewise, they (Citizens) have the right to access in the same conditions to public functions or charges, fulfilling the requirements stated in the law".

In the same way, according to the article 35, first section, related with the access of women to work, indicates "Spaniards have the duty to work and the right to work, to choose freely their profession or job, to be promoted through their jobs, and to receive a remuneration enough to satisfy their needs and the ones of their family, and in any case it can't be any kind of discrimination because of gender".

On the other hand, the **Law 42/1999**, published on the 25th of November 1999, that regulates the situation of the personnel in the Guardia Civil, in it's article 26, fourth section, states "in the selection systems there won't exist more differences related with gender than the derived of the different physical conditions, which in this case, could be considered in the demanded requirements for the joining"

Fulfilling the previous constitutional principles, on the 22nd of March 1988 was published the **resolution number 432/38197/1998** in the B.O.E., which regulates the selective tests for the joining of women in the Guardia Civil, as professional agents.

During that year, of the 2817 first applicants which made the tests, 196 women passed those tests and joined the corresponding promotion with the rest of men who passed the selective tests.

Uninterruptedly, since that resolution, every official announcement for tests, made possible the joining of women to the Guardia Civil without any kind of obstacles.

Nevertheless, men and women are physically different, and since childhood are educated in a different way, men usually practice sports which improve stamina and strength while women practice more passive sports, that's why physical tests to join the Guardia Civil must comply with these differences, if not it would imply a minimum presence of women in the Guardia Civil, due to having to get over

bigger obstacles, in proportion than men. The current regulation regarding promotions in the Guardia Civil, establish no limits or obstacles which may obstruct access to different ranks inside of the Guardia Civil by feminine personnel, at present there are women occupying different ranks like, captain, lieutenant, sergeant, corporal and guardia civil, without any barriers which may prevent women accessing the highest ranks inside the hierarchical structure, as long as they fulfil the requirements for promotion which are identical to men.

SPECIFIC REGULATIONS

Independently of laws and regulations that regulate the different administrative situations, permissions and licences of public servants which try to obtain a better conciliation of family and labour life, and may affect both men and women without distinction, there are several rules that contain specifically directed to feminine personnel. Among them the most important rules are;

* Law 42/1999, 25th of November 1999, Organization of Guardia Civil Personnel. Article 26, fourth section:

“If an aspirant is not able to carry out any of the physical tests stated in the official announcement due to pregnancy or birth, being those causes appropriately accredited, she will make all the other tests, remaining unfilled the vacancy she may obtain, until she passes the physical tests. The concerned aspirants will have the opportunity to choose between a date, fixed in the official announcement for these cases, before the admitted aspirants start the training course at the Guardia Civil Academy, or the date fixed in the next public announcement. If the aspirant couldn't make the tests in the next fixed date, due to another pregnancy or birth, being those causes also appropriately accredited, she will be able to choose between the two options described above, not being possible to apply the age limit in these cases.

If the concerned aspirant is not able to make the physical test in the date fixed in the second public announcement after the one where she obtained the vacancy, whatever the cause is, she will loose the right to fill the vacancy.

The concerned aspirant will join the Guardia Civil Academy along with the admitted aspirants in the public announcement in which she passes the physical tests.”

Article 75. Attention to the family

“During the pregnancy period, feminine personnel can be assigned to, by medical prescription, an organic post, different than the one she was occupying, adapted to the circumstances of her situation. In the cases of birth or adoption, both the mother and father will have the right to have maternity or paternity leave, respectively, according to the actual regulations that regulate the public servants situation. The application of theses rights won't mean the loss of the post.”

* Law 30/1984, 2nd of August 1984, Measures for the reform of the Public Function, article 17 section 3:

“In the framework agreement signed by Public Administration with the purpose of facilitate the mobility of public servants, will have special consideration the geographical mobility for those public servants victims of gender violence.”

Article 20 section 1.i.:

“The public servant victim of gender violence who may be forced to leave the post in the locality where she was serving, due to guarantee her protection and her right to receive the social integral assistance, will have preferential right to fill another post of her own corps or rank and similar characteristics, which has to be unfilled and necessary to be filled. In those cases the competent Public Administration will bound to inform the public servant about the unfilled posts that have to be filled in the same locality or localities which that she may expressly request.”

Article 29, section 8:

“Public servants victim of gender violence, in order to guarantee her protection or her right to receive the social integral assistance, will have the right to ask for leave of absence, without the need of a minimum time of previous services or minimum period of time filling the post. During the first six months they will have the right to have the post they were holding reserved, being that period of time taken into account for promotions, bonuses and passive rights.

Nevertheless, if the effectiveness in the protection of the victim requires an extension of time, it will be possible to extend the time in three months periods up to a maximum of eighteen months, having identical rights as mentioned in the previous paragraph.”

Article 30, section 1.e:

“Pregnant public servants will have the right to absent from work to perform prenatal tests and delivery preparation techniques, for the necessary time providing there is a justification that these tests should be made during working day”

Article 30, section 1.f:

“The public servant, due to lactation of a son/daughter under nine months, will have the right to absent one hour every day, which can be divided in two periods of time. This right can be replaced with a reduction of the working day by half an hour at the start and half at the end of the working day, or one hour at the start or the end of the working day, with the same purpose. This right can be exercised indistinctly by the father or the mother, in case both of them work.”

Article 30, section 3:

“In the case of childbirth, the duration of the permission will be sixteen weeks uninterrupted and extendable, in case of multiple birth, by two weeks for each child from the second one. The permission will be distributed by the public servant, providing that six weeks of that permission are taken immediately after the delivery. In case of decease of the mother, the father will be able to use the totality or the remain part of the permission.

Nevertheless, apart from the six weeks leave immediately after the delivery for obligatory rest of the mother, in case that both mother and father worked, the first one, upon the beginning of the maternity leave, will be able to request that the father is granted a paternity leave equal to a certain and uninterrupted part of the leave period after the delivery, simultaneously with the mother or right after the mother finishes her maternity leave, unless the incorporation to work of the mother may cause any risk to her health.”

Article 30 section 5:

“In cases where the public servants victims of gender violence may have to leave the post, these absences, total or partial, will be considered as justified for the time and conditions determined by the social services.

Public servants victims of gender violence, in order to guarantee her protection or her right to receive the social integral assistance, will have the right to have a reduction of her working day, with a proportional decrease of the salary, to reordering the working time by adapting the timetable, applying a flexible timetable or other methods of distributing the working time which may applied, in the terms established by the concerned Public Administration in each case.”

Royal Decree 1250/2001, 19th of November 2001, which approved the Regulation of provision of posts inside the Guardia Civil.

Article 31. Exemption of assignments for the pregnant woman:

“1. The officer in command of the unit, centre or organism where the pregnant Guardia Civil has her post, previous report from the Medical Services of the Guardia Civil, will be able to:

To exempt her from her duties which may be put at risk her pregnancy.

To assign her different assignments, which aren't incompatible with her condition.

To assign her, if the type of post allows it, an organic post different from the one that was occupying.

Those decisions, which will not imply a loss of the post, will cease once the pregnancy concludes.

2. The same decisions can be taken, precautionary, at the request of the public servant without medical prescription, if there are urgent reasons to do so.”

Royal Decree 179/2005, 18th of February 2005, about prevention of labour risks in the Guardia Civil.

Article 10. Protection of the maternity:

“The evaluation of the risks, as stated in article 4, will have to comprise an analysis of the nature, degree and duration of the exposure of the pregnant woman to different agents, procedures or working conditions which may influence negatively in her health or the foetus' health, in every activity capable of being an specific risk.

If the results of the evaluation may reveal a risk for the safety and the health or a possible repercussion on the pregnancy or the lactation, the officer in command of the unit where the pregnant Guardia Civil has her post, will take the necessary measures from the ones stated in both in the regulation of posts and leaves in the Guardia Civil and in the regulations about leaves for public servants to the service of the public Administrations, to avoid the exposure to those risks.”

General Order number 1/99, signed in Madrid on the 29th of December 1999 (BOC 3/99) which regulates the use of uniforms of feminine personnel during pregnancy.

General Order number 54, signed in Madrid on the 12th of April 1989, about the use of uniforms and personal care of feminine personnel in the Guardia Civil.