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**Linking gender equality and sexual orientation policies.
An analysis of local, regional and national equality policies**

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Abstract

The development of equality policies in Spain has grown increasingly important since its origin in 1983 with the creation of the National Women’s Agency, *Instituto de la Mujer*. Over a ten year period Spain has achieved European standards in equality policies in terms of institutions, budget, and legitimisation. These achievements have been made possible due to the demands of certain groups of the feminist movement, international influence and the example set by EU member states and the election of the Socialist government in 1982. In a brief period of time Spain transitioned from a dictatorship into a European membership, which has been translated into enormous changes, specially regarding women’s roles and rights. Other relevant changes concern the political organization of the Spanish State: the 1978 Constitution sets a model of regional administrative autonomy, neither centralized nor federal, known as the Autonomic State. Each Spanish region developed gender institutions and equality policies. An analysis of gender equality policies indicates that they have constituted the framework for the development of gay and lesbian rights policies. Both gay and lesbian rights policies and the gender equality policies have mainly emerged within regional and local political levels (Bustelo,1998). To explore the relation between the progress in gender equality and homosexual rights, I will use the methodology elaborated by the Mageeq Project, analysing policy frames during the period of 1995-2004. The paper argues that both similarities and divergences between gender equality policies and homosexual rights policies constitutes to a greater understanding of the link between these policies.

Introduction

In this paper I argue that the existence of local and regional intersectional policies in Spain as well as inclusive institutions promotes the creation of similar actions on a national level. The flexible dynamics that allow civil society participation, the involvement of key lesbian feminists and inclusive politicians is relevant on the regional/local level. There are a number of experiences that are challenging the national politics in terms on equality discourses. While the national debate is stuck in same sex marriage, local and regional events are much richer in the inclusion of gender and sexual orientation in their policies. Not only the regional Parliaments have legislated partnerships and supported the global debate on same sex marriage, but have also created a dynamic of consulting civil society and including NGOs and activists in the public administration.

The frame analysis created by the MAGEEQ project is here used to study the intersectionality of gender and sexual orientation in the equality policies of Spain, and especially Equality Plans.

These equality plans (1988-2004) are studied to conclude that there is a wide lack of references to non normative sexualities in the majority of equality policies. Since I did not have as much materials as expected, I moved on to searching for the services for lgtb¹ people, the new institutions that combined gender and sexual orientation, as well as the study of partnership legislation -all of them in the regional and local level-. This search gave the chance to discover the impact of local/regional politics on national debates and politics, finding a regional variety that makes of Spain a quasi-federal state that offers different rights and resources in gender and sexual orientation policies.

The article is divided into four sections: the first one explores the categories of women and lesbians and gays as ethnic like groups, whose rights are debated as a matter of citizenship. The second section shows methodology used to research this paper, based on the outcomes of the MAGEEQ² research project in the case study of Spanish Gay and Lesbian Rights (1995-2004). The third section discusses the evolution of gender equality policies and the public services for lgtb individuals in Spain. The fourth section shows the differences and similarities among local/regional politics with the national politics and includes the discussion of findings. The last section refers to the conclusions.

1.1. Women and Gays/lesbians as an ethnic-like group

There have been significant advances in rights and freedoms for women and lesbian and gay men in Spain in our recent history, experiencing parallel processes. The advance in women's rights, the feminist movement rights and the creation of institutions for gender and equality, as well as the influence of the European and international law have had a key impact in equality discourses. It is a brief history of democracy that has its starting point in the 1978 Spanish Constitution.

Nowadays majority of Spanish citizens accept equality discourses, most of political actors' speeches involve some equality notion –excluding the Catholic Church and the most conservative parties-. Spanish people have gone from rejecting homosexuality to supporting same sex marriage; the 1975 survey made by the magazine *Guadiana* with 1,600 interviews in all Spanish regions on the perception of homosexuality, showed that the 83% of society was in favour of “disappearing” homosexuality whereas the 3% agreed on tolerating it (Petit, 2003). In March 2004, the Gallup survey showed that 61,2% of surveyed individuals supported homosexual marriage, while the 20,8% was against it.

¹ Lesbians, Gays, Transgender and Bisexual people.

² See MAGEEQ at www.mageeq.net

Each political actor involved in politics has created his/her own definition of what is equality and inequality, which contributes to the variation of diagnosis and prognosis of the problem(s). Thanks to feminist struggles, gay and lesbian organizations have followed their gains, participating in equality discourses. Currently, both women's and homosexual's rights are still controversial and raise resistances, but there is a large political consensus and legitimation over policies for these interest groups.

Gay and lesbian organizations have been able to influence the political agenda, first to be able to change discriminatory legislation punishing homosexuality (over the seventies and eighties); later, to obtain anti-discriminatory legislation (new Penal code of 1995) and finally to generate a political debate over the legal recognition of same sex partnerships and marriage (mid nineties up to now) –see table below-.

Table: Dates, (global) strategies and events for gay and lesbian equality in Spain							
1970	1975	1980	1985	1990	1995	2000	2004
Legal Prosecution of Lesbians, Gays and Transgender People	On going reforms to remove formal discrimination in the laws.						
	Fight to obtain Anti-Discrimination Legislation						
						Recognition of rights for gays and lesbians: same sex partnerships.	
						Homosexual Marriage	
The Law on Social Danger (LPRS) and Public Scandal Laws punished homosexuality. The last reference punishing homosexuals was removed from the Penal Code on 1988 The first gay and lesbian organizations were created mainly as a reaction to these laws.		In 1995 a new Penal Code is promoted punishing homophobic crimes.			In 1994 the city of Vitoria-Gasteiz creates a Partnership Register that recognizes same sex partnerships. Soon after, a number of registers are created in different regions and cities.		Homosexual marriage was a hot issue for the national elections 2004. The socialist party takes the proposal to the Parliament.

From a comprehensive view, the advances for both women and gay and lesbian people can be located in the common source of discrimination: the social construction of heterosexuality. This gender order³ places men and heterosexual social and economical structures as dominant values. Therefore, homophobia and sexism have a common origin (Seidman, 1993:114). This paper will discuss this relationship, found in the organization of some public policies, some political debates, links between the feminist and the lgtb movement, equality discourses as well as institutions and policies themselves.

In the nineteenth century, emerges the idea of homosexuality as a separate behaviour but also as a separate kind of person, defining sharply his/her identity, which was considered both a sin and a sickness. According to *Javier Sáez*, homosexuals change

³ 'Gender order means the socially shared system of norms, principles, and policies establishing the allocation of rights, tasks, and life opportunities to both sexes. The division of roles between those who engage in paid work and those who perform the unpaid work of care is part of a complex social system of precedence and subordination. One of the main norms of a gender order is the decision on who should be the primary breadwinner and who should be the primary care giver (Ostner and Lewis 1995)'. Lombardo, Emanuela 'EU Gender Policy: trapped in the Wollstonecraft Dilemma?', *The European Journal of Women's Studies*, vol. 10, 2, May 2003, p. 168.

into “gay” people in the seventies, becoming identity groups that evolve into interest groups fighting to obtain quotas of “social integration”, meant losing its revolutionary potential (2004: 28-30). Gay identity represents mainly white middle class male homosexuals, only challenged by feminism debates that include ethnicity, class, disability, etc experiences. This representation of gay political subject implies a static identity, as a differentiated subject that requires specific policies and politics.

Some authors have pointed out that women and gays and lesbians have a common political experience of being treated as an ethnic-like minority or interest group (Rubin, 1989: 146-147; Seidman, 1993: 105)⁴. Social movements and discourses that promote women and homosexual rights are represented as identity politics; which define them as a homogenous and stereotyped group, similar to ethnic groups that fight to gain rights for their members.

The normalization of gay people or the “assimilationist view” has been promoted widely by the largest lgbt organizations. This perspective is present in the political agenda, presenting homosexual rights as an interest group that fights to get access to full rights, such as gay marriage, or same sex partnerships.

1. 2. Minorities and citizenship

Women share status with other groups considered as minorities in public policies, in need of special policies that grant them access to full citizen rights. Therefore, women are seen as social movement and interest group that are present in the political agenda with the same status as other collectives considered as minorities, such as immigrants, elderly, disabled people or gay men and lesbians. All these groups work to obtain civil rights, access to all resources, larger political representation, entrance of their problems into the agenda, etc. Also these interest groups share a common language of equality discourses, negotiating with the State and the welfare system their inclusion or exclusion of rights.

Women’s rights and gay and lesbian rights are issues that are related to the debate over citizenship. Heterosexuality -and the gender order- is involved in the concept of citizenship. The State has constructed heterosexuality as a prerequisite to citizenship and as the unspoken norm of membership belonging (Jacqui Alexander 1994; Brandzel, 2005:172). As Amy Brandzel quotes, *Carole Pateman points out that men’s citizenship and participation in the public sphere depended on the assumption that a man would have a wife and children enjoying their nominal citizenship in the private sphere. In this way, the social contract was founded on “the sexual contract”*. The citizenship notion relies on notions of independence, being owner of oneself and one’s

⁴ For a discussion the creation of ethnic-like groups see: Stephan Murray, "The Institutional Elaboration of a Quasi-Ethnic Community," *International Review of Modern Sociology* 9 (1979): 165-77; Epstein, Steven, "Gay Politics, Ethnic Identity: The Limits of Social Constructionism," reprinted in *Forms of Desire*, ed. by Edward Stein, Routledge, 1990.

labour. Women's rights have been linked historically to marital status, and her identity was built upon her husband's economical, social and ethnic status, among others.

Didier Eribon (2000:32) view feminist movements and gay and lesbian struggles as breaking with traditional definitions of politics using the strength of protesting and by challenging the narrow concept of citizenship. The State establishes the norms for a good citizen; belonging to the categories of heterosexuality, married and reproductive, and belonging to Caucasian ethnic groups, opposed to those non heterosexual, non reproductive, non white, engaging in sex for pleasure (Jacqui Alexander 1994; Brandzel, 2005:177).

The access to marriage overtime shows the status of women and gay and lesbian people in each society, it represent their access to citizenship. Considering the concepts of citizenship, marriage and republic in France for example, it is clear how the access to marriage has been crucial and symbolic for those disenfranchised groups, such as slaves and non heterosexuals (Stychin, 2001).

2. Policy Frame Analysis

In order to study the link between gender and homosexual policies and the parallel advance in visibility and rights for both women and lesbian and gay men, the MAGEEQ Research Project has used the theoretical framework of policy frames. Our research project studies the inconsistencies in Gender Mainstreaming Policies over the period of 1995-2004. We study how different countries have framed the issue of (in)equality to be able to explain the differences and the difficulties in implementing gender mainstreaming strategies. One of the case studies within the MAGEEQ project is the study of gay and lesbian rights in Spain, within the gender equality policies.

We use the concept of policy frames, as it is understood in *Rein* and *Schön's* definition (1993): Framing is a type of selection, organization, interpretation and a way to give meaning to a complex reality, to be able to acknowledge, analyze, persuade and act (Rein y Schön, 1993:146). Framing takes place in all levels of public but also private life, obviously, also in public policies. *Martin Rein y Donald A. Schön*, (1993:198-199) use the term *framing* (or giving meaning), stating that it implies interpreting a relevant event or its conditions, in such a way that facilitates mobilization of those people who can support it potentially and demobilize their opponents. According to *Rein* and *Schön*, the framing process contains three elements: diagnosis of a problematic situation, a solution for this problem and call for action.

Using *Martin Rein y Donald A. Schön* terminology, the discussion of relevant issues -in this case women's and lesbian and gay men's rights-, can not be understood in usual terms separating facts, values, theories and interests, as if those rights existed objectively and independently of those interpretations. It is required to integrate all these elements to form a particular vision of the way women's and lesbian and gay men's problems are represented.

The policy frame analysis has been used to point out common elements between women and gay and lesbian presence and absence in equality policies, in the period of 1995-2004. The presence and absence of common or despised elements, analyzing equality texts and discourses would state the relevance and status of the relationship between these two groups and their representation as ethic-like: women and lesbian and gay men. Either way, it provides information on the construction of political problem, the location of these problems and the relevance of local and regional politics.

MAGEEQ defines policy frames as “an organizing principle that transform fragments or incidental parts of information into structured and meaningful problems, in which the solution is included implicit or explicitly. It is not a description; it’s rather a construction or representation that gives meaning to reality, shaping our comprehension of reality”. (Verloo, 2004).

The crucial elements of frame analysis are:

- What is the problem(s) and its representation
- Where is located (intimacy, citizenship, labour)
- Who is responsible for the problem(s)
- Who defines the problem
- Who can suggest actions to resolve the problem.

Certain policy frames are linked to a specific policy, a certain representation of the problem and its solutions. According to *Rein* and *Schön* (1993), every problem has a diagnosis and prognosis that includes the definition of the problem, its interpretation and actions suggested to resolve it. MAGEEQ has developed a tool to analyze these elements, called *Sensitizing Questions*. These questions are a product *Snow* and *Benford* (1993) theories, including theories of social movements, gender studies, discourse analysis and political science. The Sensitizing Questions include the following categories: diagnosis and responsibility attribution, prognosis and call for action.

MAGEEQ also uses *Carol L. Bacchi theory* on problem representation: any representation of a problem is not naïve, therefore it is required to observe which problems enter the political agenda, but also which are absent. Any absence (or inclusion) of lesbians in the gender equality agenda would be a result of certain representation of women, and women’s problems, who forms the diagnosis of the problem, who is responsible for it, which actions are suggested, etc. Bacchi introduces the gender and power relationship in the representation analysis, therefore, we need to analyze if the representation of the problem is related to its gender implications. Are gender policies lacking the sexual orientation variable? Are the gay, lesbian and transgender policies lacking a gender perspective?

We analyzed ten texts taken from the period 1995-2004, and applied the tool created in the MAGEEQ project⁵. The types of texts analyzed are gender equality plans from national and regional governments; press articles including different views in homosexual rights; regional laws in partnerships rights; lgtb proposals for politicians; Catholic Church Statements; and electoral programs for the national elections march 2004.

3. 1. The Development of Gender Equality Policies in Spain: where are lesbians?

The development of equality policies in Spain has grown increasingly important since its origin in October 1983 with the creation of the National Women's Agency, (*Instituto de la Mujer*). This agency is the key women's machinery at national level.

The key equality policy used by these Women's Agencies is the Equality Plan, throughout 1988 - today. These plans are based on persuasion politics, since they are not designed as hard legislation. As recent event (2002-2005), there have been shifts to hard politics with the promotion of equality legislation in five regions (Navarra: 2002; Castilla y León and Valencia: 2003; Galicia 2004; and Basque Country: 2005). These equality laws require specific analysis and have not been included in this paper.

The first Equality Plan for Equal Opportunities for Women is launched in 1988 by the National Women's Agency (*Instituto de la Mujer*), in the very same year that the regions started to develop their own regional women's institutions (Bustelo, 2004). These institutions and their Equality Plans are heterogeneous showing the regional diversity.

Over a ten year period Spain has achieved European standards in equality policies in terms of institutions, budget, and legitimisation. These achievements have been made possible due to the demands of certain groups of the feminist movement, international influence and the example set by EU member states and the election of the Socialist government in 1982. Women militants of the Socialist Party played a key role in the creation of State feminism in Spain (Valiente, 1995).

⁵ The texts selected are: **One Equality Plan** (the III Positive Action Plan for Women. Gender perspective in Public Policies, December 1999). Two **press articles**: one described the Conservative Party standpoint in same sex partnerships (El Mundo, March 27th, 1997: "The Conservative Party will regulate partnerships with civil contracts. The law will avoid any reference to sexual orientation"). The second one described the new president's opening speech in the Parliament re-assuring his commitment with same sex marriage (El País, May 5th, 2004 "Now we got it!"). Three **regional partnership laws** (Catalonia Stable Union's Law 10/1998; Navarra Law 6/2000; Basque Law 2/2003). One Parliamentary Debate in which four partnership laws were discussed (Leftist party; Socialist Party, Catalonia Nationalist Party and Mixed Group proposals, September 2000). One **lgtb organization's proposal** for the national elections 2000 (Triangle Foundation). The **Catholic Church directive** with remarks on women's and homosexual's rights (February 2004) and the **Electoral Programs** for the national **elections** of march **2004** (analyzing all political parties that included actions for lgtb people).

In a brief period of time Spain transitioned from a dictatorship into a European membership, which has been translated into enormous changes, specially regarding women's roles and rights. Other relevant changes concern the political organization of the Spanish State: the 1978 Constitution sets a model of regional administrative autonomy, neither centralized nor federal, known as the Autonomic State ("*Estado de las Autonomías*"). All regions have been transferred competences, and one of the first competences transferred were the Equality Policies. Each Spanish region developed gender institutions and equality policies, see Annex I.

The MAGEEQ research project reviewed the entire national and regional equality plans up to October 2004 (see Annex I), looking for the intersectionality of gender and sexual orientation, trying to study the inclusive discourses in equality. The results are that neither the national or regional equality policies were taking into account these two variables all together; the majority of plans were clearly absent of non heterosexual references with two clear exceptions: the Basque Country Equality Plan (1999) and the brand new Catalanian Action Plan for the Development of Women's Policies (2005-2007). An analysis of gender equality policies indicates that they have constituted the framework for the development of gay and lesbian rights policies. Both gay and lesbian rights policies and the gender equality policies have mainly emerged within regional and local political levels (Bustelo, 1998).

Taking a closer look to analyze Women's Agencies (*Institutos de la Mujer*) in the Spanish regional and national level, we find that all of them are named "Woman's" Institutes. Using "*Woman*" instead of "*Women*" give us the first clue that the reality this first attempts for equality policies were showing a narrow and homogeneous profile of women. The tool these institutions use for equality policies is the "Equality Plan": the first plan promoted by the National *Instituto de la Mujer* was called "Equal Opportunities Plan for Women". It introduces the plural, but clearly women were the target and responsible for the changes in society. This concept remains the same for the second National Equality Plan, with same narrow profile of women that was not inclusive with sexuality, disability, ethnic background, etc. Same pattern can be found the regional first and second generation of Equality Plans. Progressively the plans evolve into "Equal Opportunities for Women and Men", using plural and being inclusive –only in the title– with men. The plans take steps towards inclusiveness of the "other" women, those women related to social exclusion (gypsy, disable, immigrants, poor, in prison, prostitutes, HIV-positive, battered, etc). But also women with a diverse profile: business women, rural women, women with menopause, pregnant women, sport women, students, elite women, etc. The third and fourth generation of Equality Plans are more inclusive than the previous ones, but they keep on excluding non normative sexualities – with the exceptions of the III Basque Equality Plan (1999) and the inclusion of sexual orientation in the V Catalanian Equality Plan (2005-2007).

Sexuality, sexual identities, and non heterosexual sexual practices are absent in the majority these equality plans. All references to sexuality have to do with pregnancy, maternity, sexually transmitted infections, drugs, elderly women, etc. Sexuality is linked

to maternity, presenting pregnancy, menopause and elderly as illnesses or difficulties for women in the labour market. Equality plans are framed in heteronormativity, stating heterosexuality of all women and not questioning their sexual practices or sexual identities or their roles as women.

In sum, the third and fourth generation of equality plans show an evolution on their names and discourses:

- **Changing the names and contents of their plans:** from the equal opportunities plan for women to a plural concept of women that involves men (at least in the plan's title). Mainly found in the first and second generation of equality plans.
- **Women as a homogenous profile to a more inclusive perspective of women:** including business women, prostitutes, disabled, HIV-positive, in jail, battered, sports women, students, housewives, women with different ethnic and religious backgrounds, etc. Not only marginal women but professional profiles, different ethnic, sexual, health profiles. In this evolved context, which is also more inclusive, is related to the third and fourth Equality Plans.

The equality plans that include lesbians are the "III Positive Action Plan for Women in the Basque Country (1999)". The "IV Equal Opportunities for Women and Men in the Region of Madrid (2002-2005) has a vague reference to be discussed and the Action Plan for the Development of Women's Policies in Catalonia (2005-2007)

III Positive Action Plan for Women in the Basque Country (1999): this plan includes an area called "Women's rights as Human Rights". Its goal is to "promote full rights for women and men, no matter their sexual orientation, race...". This goal contents a number of actions, such as: reviewing the legislation to erase any discrimination based on sexual orientation; sensitizing society with a gender perspective to avoid discrimination grounded in sexual orientation; promotion of activities that eliminate lesbophobic and homophobic intolerant or discriminatory attitudes. The goals and actions are coherently defined, with explicit mentioning lesbianism and concrete actions against lesbophobia.

It is important to keep in mind that the Basque Country was the first to recognize same sex partnerships (Vitoria Partnership Register, 1994), has the most progressive legislation in partnerships (Law 2/2003) and counts on two public services for lgtb people (*Énfasis* 2000, and *Berdindu* 2002).

IV Equal Opportunities for Women and Men in the Region of Madrid (2002-2005).

This plan includes an annex with the Plan of Actions against Gender Violence that includes a vague reference to "women who break gender rules". This quote could be related to the definition of homophobia made by Daniel Borrillo. Borrillo (2001) points at

the rupture with gender patterns of behaviour as the source of homophobia. It includes those people that are not lesbians/gay but are associated with them for real or symbolically. The mentioned reference is only included once, and it is not clear if it is just including those women who break rules and therefore are more vulnerable to gender violence or if breaking gender rules is meant to lead us to think of lesbians, subject of social disenfranchisement due to breaking gender patterns much more than because of their sexual behaviour.

Plan of Actions against Gender Violence in the Region of Madrid, 2001: 79

"Sometimes, violence evolves with a higher intensity when women do not follow social patterns associated with their sex, established by the historical gender relationships. It can be said that violence is a phenomenon related to the model of structure..."

Action Plan for the Development of Women's Policies in Catalonia (2005-2007):

This is the fifth equality plan developed by the Catalan Women's Agency (*Institut Català de la Dona*). This Plan is named differently from their previous plans going back to the idea of women's plans and women's actions. This plan is inserted in the evolution described before: it is of an inclusive design that includes different profiles of women, designing actions for each women collective, gypsies, elderly, immigrants, lesbians. The third chapter "Increasing the presence and participation of women in all fields of social life, taking into account their diversity", includes a reference to sexual orientation. The diversity of identities refers to "women's origin, ethnicity, age, sexual orientation, times and activities in which she articulates her priority relationship of support or belonging, etc (p.60)". The fifth chapter "Offering an integral assistance to women's needs", includes actions for disabled women, women in prison, women sexual workers and women suffering from discrimination due to sexual orientation. The main goal is to give an answer to the specific needs of women suffering discrimination due to sexual orientation, with seven actions such as lesbian's visibility in culture; including gender perspective in the Interdepartmental Plan for gays, lesbians and transgender people; guaranteeing appropriate health assistance; facilitate access of lesbian to artificial insemination; sensitizing on specific health needs of lesbians and prevent sexually transmitted diseases. It includes actions for lesbians in the Integral Plan for Violence against Women (2005-07) annexed in the Equality Plan. This plan does not define gender violence as heterosexual exclusively.

The political context of this Catalan plan includes important elements: Catalonia approved the first law in same sex partnership (1998), offering different rights to same sex/different sex registered couples; also Catalonia has a Program for the Collective of Gays, Lesbians and Transgender People, depending on the Presidency Office (responsible for the Interdepartmental Plan) and a Non-Discrimination Office created by the Barcelona City. In addition to all this, Catalonia has a rich civil society that includes the first lgbt organizations, and complex lgbt/queer activist networks.

Both the Basque and the Catalan plans are inserted in this **new wave of inclusive plans** (third and fourth generations) including different profiles of women, as described

before. Once the plans are directed towards different categories of women, lesbians are included.

Also, these plans were created with the **participation of civil society**, which includes lesbian feminists and lgbt organizations. It is not a coincidence that inclusive equality plans have been developed in Catalonia and Basque Country; these two regions have **Partnership Legislation**, initiatives for public services for lgbt citizens, etc. Both areas have strong civil society including **feminist organizations**, as well as strong women's institutions as the Basque Women's Agency (*Emakunde*) and the Catalanian Women's Agency (*Institut de la Dona*).

3.2. Policies for gays and lesbians in Spain

The most representative policies for gays and lesbians are those dealing with domestic partnerships. All of them are located in the regional Parliaments; there is no national legislation in this matter. Currently, there are **eleven regional laws in partnerships** in: Catalonia (1998), Aragon (1999), Navarra (2000), Valencia (2001), Madrid (2001), Balear Islands (2001), Asturias (2002), Andalusia (2002), Canary Islands (2003), Extremadura (2003) and Basque Country (2003). These legislation are not homogenous, only some legislation allow similar rights to heterosexual marriage, including adoption, inheritance, etc. (Navarra, Basque Country and Aragón). These partnerships are recognized by some local and regional institutions, trade union agreements, etc. The National legislation only includes explicit recognition of these unions in the Urban Rent Law (LAU Art. 12-16, November 1994, recognizing the right to extend the rent contract in favour of the surviving member of a couple in case one of the death of the official rent holder) and the Law of Funding and Assistance to Victims of Violent Crimes and against sexual Freedom (December 1995, recognizing rights to the partner of victim of these crimes).

Besides partnership legislation, there are other policies for lgbt individuals: some references in Gender Equality Policies (described before) and Public Services for lgbt people. There are three profiles of services for lgbt people: those services offered by lgbt organizations, that we will not analyze; specific public services for lgbt individuals and institutions that blend sexual orientation and gender.

- **Public Services assisting lesbians, gays, transgender**

There are a number of regions and local municipalities creating specific services and specific policies for gays, lesbians and transgender citizens, besides the same sex partnerships legislation.

The first services for gay and lesbian people offered by the lgbt organizations were phone services to inform on lgbt issues and resources. The very first one was "Gay-

Inform^{6,7,8} currently known as *Gay-inform/Lesbos Line*, promoted on March 18th, 1991. It was managed within a set of programs defined as “Social Services”. Soon after, a new service was launched in Barcelona, the *900Rosa*⁹ a free number on “Pink”(gay) information, offered by the Catalonia lgtb organizations¹⁰, funded by the Health Ministry in 1996. Both services are funded by public money, but the spirit is that “affected people” should detect the needs of their collective and design and manage the services with voluntary work. This type of service is offered in different Spanish regions, managed by different organizations.

Many gay and lesbian organizations obtain funding from State institutions, in order to finance different services offered to lgtb people; these services are quite heterogeneous. The qualitative change takes place when public administrations take the responsibility in designing and managing specific services for lesbians, gay, bisexual, transgender people and their families. This occurs mainly in areas like the Basque Country, Catalonia and Madrid.

While at the national level there are no services for lgtb people or specific policies for lgtb individuals, in the regional level there are a number of experiences in public services that include psychological, legal and social assistance. The Madrid lgtb program¹¹ (2002) is managed by the local lgtb organization, while the Basque Lgtb Service¹² (*Berdindu*, 2002) is managed by an independent company and the Alicante service¹³ (G.A.I., 2003) is a joint action of the Youth Council and the local lgtb organization.

⁶ “*Gai Inform*” Gay Information Phone Service, held by COGAM –Madrid Gay Association that has become Gay, Lesbian, Transgender and Bisexual inclusive.

⁷ Interview with Miguel Ángel Hernández, August 10th, 2004: “The phone service used the general funding granted by the Social Welfare Office, we did not have specific funding for the phone service.

⁸ The II Conference of COGAM starts out the phone service within the umbrella programs of “Social Services”, counting on the little funding we had and voluntary work.

⁹ 900ROSA, servicio de atención telefónica lgtb de la Coordinadora Gai -Lesbiana de Cataluña 900601601

¹⁰ Catalonia Gay and Lesbian Collective: *Coordinadora Gai-Lesbiana de Cataluña*. See <http://www.cogailes.org/>

¹¹ Information and Assistance Program for Gay and Transexual People in the Madrid Region Area. The service counts on different areas such as Information; Social, Psychological and Legal Assistance; Sentizing Campaigns and Research. This service is coordinated by Madrid Social Services and managed by the Madrid lgtb organization – “COGAM”. Established on June 2002.

¹² *Berdindu*: Basque Service for lesbians, gays and transgender people. It was first opened on November 4th, 2002 at the three Basque Provinces: Álava Guipúzcoa y Vizcaya. *Berdindu* offers legal and psychological assistance as well as intervention in equality policies. It is managed by an independent company not linked to any organization. *Berdindu* cooperates with one other private organizations offering services to lgtb people called “*Aldarte*”, located in Bilbao (*Aldarte* has been promoted from feminist groups and counts on private and public funding).

¹³ Office for Integral Assistance (G.A.I.) The Alicante lgtb organization “*Decide-T*” and the Alicante Youth Council (*Consejo de la Juventud de Alicante*) offer assistance regarding sexual

The Catalanian case is particularly interesting: instead of offering an specific service for lgtb individuals, they create a regional program¹⁴ that mainstreaming lgtb policies within the Catalanian Government. In order to do so, a well known activist was elected as responsible of this program, being responsible of creating an Interdepartamental Plan¹⁵ for the Catalanian Government in lgtb issues. These institutions created in Catalonia have been promoted by the rich civil society that includes the first lgtb organizations in Spain, strong feminist movement, and complex lgtb/queer activist networks.

On the **local level**, there is one similar service: *Énfasis*¹⁶ (2000) to the regional ones, assisting lgtb people, funded totally by the local government and managed by the local lgtb organization. In the same region: Vitoria-Gasteiz the first Registration Office for same sex partnerships was created in 1994, a key event that opened the institutional visibility and recognition of same sex unions. The political party ruling Gasteiz when *Énfasis* was created was the Conservative Party (PP). The very same party (PP) presented to the Basque Parliament a not binding proposition in order to create a service to inform and assist gay and lesbian people. The proposition was approved unanimously on February 4^h 2000. Looking and comparing the local and regional views in the same political party: in the conservative party there is a lack of coherence. At the national level the Conservative Party was promoting a derogation of same sex partnership legislation in both the Basque Country and Navarra, meanwhile in the local and regional level, the same party was promoting a service for lesbians, gays and transgender people.

The first institutions that **included both gender and sexual orientation** in their policy making are **local** institutions, such as the Department of Women and equality policies in *Coslada* (Madrid) and the Department for civil rights of the *Barcelona* city council.

orientation and homosexuality. It includes Psychosocial and Legal assistance, non formal education and leisure time. Established on June 2003.

¹⁴ Program for the Collective of Gays, Lesbians and Transgender People of the Catalanian Government: In November 2004, the former president of the lgtb organization *Casal Lambda*, *Jordi Samsó* was elected as chief of this Program, which intends to gear their actions to all governmental bodies with inclusive policies, rather than specific policies for gays, lesbians and transgender people. According to Jordi Samsó (interview March 24th, 2005), the creation of this program was rooted¹⁴ in the threesome agreement of political parties ruling Catalonia (Left and Republican Catalanian Party –ERC–, Socialist Catalanian Party –PSC– and Catalonia Nationalist and Green Party -IC-Els Verds-) and the Government Plan (2004-2007).

¹⁵ Interdepartamental Plan of the Catalonia Government: It includes actions to promote the non discrimination of homosexuals, acting in all levels of Catalanian government. Currently it is still in the process to be approved and managed by the Program for the Collective of Gays, Lesbians and Transgender People. It is mentioned in the Catalanian Equality Plan (2005-2007) and it was first announced in June 2004.

¹⁶ *Énfasis* is the first information and assistance service for lesbians, gay men in Spain. It was totally funded by the city council and managed by the local lgtb organizations (Lesbitoria-Gaysteiz and Gehitu). The services started out working on July 3rd 2000.

- In Coslada (Madrid) there is an Office for Women and Equality Policies (**Concejalía de Mujer y Políticas de Igualdad**), which integrates Equal Opportunities for Women and Men policies as well as policies against homophobia. This proposal was promoted in June 2003, by a local government made of the Conservative Party with a local Leftist Platform (*Plataforma de la Izquierda de Coslada*). This platform is constituted by members of the local lgbt organization called Guirigay¹⁷.
- The Council of Barcelona created an Office for Human Rights (**Concejalía de Derechos Civiles**) in September 1995, while the City of Barcelona was ruled by the Catalanian Socialist Party and directed by *Pilar Rahola*, member of the Catalanian Leftist Party (*Esquerra Republicana*). This office was created to promote, inform and coordinate programs to assure all human rights included in the Universal Declaration on Human Rights. In 1998, upon demands of civil society, they created a **Non-Discrimination Office**, the first municipal office to defend people's rights in general, with special interest in those collectives discriminated on the grounds of gender (sex and sexual orientation), cultural belonging (immigration and cultural minorities), physical and mental health (disabled, HIV-AIDS, addictions, etc) and age (children and elderly).

The Civil Rights Office was promoted with the presence of Roser Veciana¹⁸, member of the Catalanian Leftist and Republican Party and Green Party (*Esquerra Republicana- Verds*). She was open as a lesbian and as feminist. The Civil Rights Office changed into Women and Civil Rights Office (*Regidoria de Dona y Drets Civils*) after the elections May 2003. In this moment, the new head of the office is *Pilar Vallugera*, from the Catalanian Leftist and Republican Party and Municipal Group -*Esquerra Republicana de Catalunya-Acuerdo Municipal* (ERC-AM)-.

The public services and municipal/regional offices described have shown a qualitative change: the State assumes the responsibility previously held by the lgbt organizations managing voluntary services with little public funding. In this sense the State intervenes in something that is not related to same sex partnerships legislation, the key battleground for homosexual rights. The services show the State's emerging will to intervene in issues like homophobic texts in education, social, psychological and legal assistance in discrimination, psychosocial health of lgbt citizens, etc.

4. From local and regional to national politics

The debates on gays and lesbians are different, depending on the location of the debate. The national level has one key issue: same sex marriage -and previously partnership rights-, which often hides other lgbt issues. The regional and local levels

¹⁷ Guirigay: Association for Gays, Lesbians, Bisexual and Transgender people in the area of Corredor del Henares. See <http://www.guirigay.es/>

¹⁸ Interview with Matilde Alba, Social Worker at the Barcelona lgbt organization "Casal Lambda de Barcelona", August 8th, 2004.

include a emerging alternative frames with the intersectionality of gender and sexual orientation, besides the same sex marriage and partnerships rights.

My analysis will use the police frames found by the MAGEEQ case study regarding the construction of gay and lesbian problems in the equality agenda. Also it includes the presence/absence of lesbians at equality policies in the national level, with key inclusions on the regional level. The third bullet point includes the resistances and conservative perspective on gender equality policies. Finally, I will discuss the power and gender relationships present in the construction of sexuality in gender equality discourses.

a. Policy frames in Same Sex Partnerships and Marriage

Using the policy frame analysis created by the MAGEEQ, we found that the main representation of gay and lesbian problems during the period of 1995-2004 were the domestic partnerships (1995-2002) and the homosexual marriage for the last period (2002 and on). This is the main representation on the national and regional level, where other issues are hidden by the saliency of same sex marriage: transgender issues, homophobia in education, health problems of lesbians, etc.

Same sex marriage challenges traditional heterosexist institutions, including homosexuality in the political agenda from an equality discourse perspective. Domestic partnerships were the conceptual alternative to heterosexual traditional and monogamous marriage. Nevertheless, same sex marriage involves most of the key elements of traditional marriage such as cohabitation, State regulation, etc. The main representation of homosexual rights links partnership rights with kinship rights. As a result, the institution of marriage is reinforced by homosexual marriage: marriage is the symbol of full access to citizenship rights.

Gay and lesbian rights are represented in three policy frames, showing particular visions and interpretations of the problem. Some political actors view gay and lesbians as different subjects that require particular policies or special policies and politics for gays and lesbians. The subjects of these policies are the “gay subjects”, with an identity perspective that homogenizes lgbt people. The key actors of these interpretations are the largest lgbt organizations, regional governments (Catalonia, Madrid and Basque country included), and a numerous political parties involved in the elections of march 2004 (Socialist Party –PSOE-, Leftist Party –IU-, Catalonia Nationalist Party –CiU-, Catalonia Leftist and Green Party IC-V, Catalonia Leftist and Republican Party –ERC-, Andalucian Party –PA- and Aragon Nationalist Party –CHU-.

Other actors perceive the “homosexual subject” as a sinner, degenerated or socially excluded. Therefore, domestic partnerships or same sex marriage are an attempt to abuse legislation made for the protection of “real” citizens, those that are able to get married, adopt, etc. Both the Conservative Party –PP- and the Catholic Church deny access to full rights to gays and lesbians. Their prognosis to the problem is to avoid the

regulation of same sex couples and offering different rights than other “normal” citizens.

The third and less extended policy frame presents gays and lesbians as a minority group excluded from civil and human rights. This frame is present in the texts from the Basque Women’s Agency, the Catalonian Women’s Agency, Federation of Lesbians, Gay, Transgender and Bisexual people and the Leftist Party –IU-. All these actors use the equality discourse present in the Beijing Conference (1995) and the European Debate on Anti-Discrimination. Citizens are diverse in sexuality, gender, race, ethnic group, disability, etc. This representation of the problem presents gays and lesbians as disenfranchised group, excluded from citizenship due to their belonging to a quasi-ethnic minority.

b. The absence of sexuality in the majority of equality discourses of Women’s Agencies. Although the last generations of Equality Plans include a larger variety of women’s profiles, not only different gendered experiences, but also immigration, sexual rights, etc. this inclusion is only made possible on the local and regional level.

Some public institutions are pioneers in directing their actions with an inclusive perspective on the **regional level**: in women’s institutions, Catalonia (2005) and the Basque Country (1999) including specific actions for lesbians in their Equality Plans. But also specific services for gays and lesbians, like *Berdindu* (in the Basque Country, 2002); the Program of Information and Assistance to Homosexual and Transgender People in the Region of *Madrid* (2002); and the *Catalonian* Program for the Collective of Homosexual, Lesbian and Transgender People (2004),

On the **local level**, there are two cities that offer specific services: the office for Women and Civil Rights in *Barcelona* (1995) and the Office for Women and Equality Policies in *Coslada* (2003). These two services integrate both gender and homosexual perspectives, not only in their services but also in the design of the institution. Further, there are other specific services in the local level as *Énfasis* (Vitoria, 2000), and the *Alicante* Office for Integral Assistance (2003).

c. Policies for women and gender equality policies are legitimated in Spain by the international discourses, especially by the European Union. Nevertheless, equality **policies are extremely conservative regarding the inclusion of lesbians** and non normative sexualities in their actions and documents (with the two key exceptions mentioned already). This attitude shows the resistance the include non normative realities that could question the Women’s Agencies labour, while they still have to face resistances from many societal realms.

Both the local and the regional experiences described (equality plans and new services for lgtb and women) show that when equality discourses for women and men include more diverse profiles, it occurs in those institutions that include the **umbrella perspective of women rights as human rights**. In this context, the inclusion of

sexual orientation as one more aspect of women's lives appears as a regional and local event.

d. The debate over same sex marriage and domestic partnerships inserts the issue of **power and gender relationships**, present in the construction of sexuality (reformulate this last part). The relationships among the gender equality discourses and the wider concept of women are progressively including more diverse profiles of women. Gender Equality Policies are evolving to become more inclusive, but many resistances are still present. The non-inclusive policies show the social difficulty to accept fully non normative sexualities. Homosexuality represents a questioning of the concepts of family, monogamy, couples "stability", gender inequality and heterosexual order.

The local/regional and national levels show a fragmented reality. Not only do these realities offer different rights depending in which region a subject lives, but also, show the importance of local/regional politics. While the national policies lack of recognition of same sex couples and specific legislation, the regions are legislating on their own: there are eleven laws on partnerships, numerous registers on partnerships, specific services for lgbt people, etc. Regional legislations are different due to regional politics and its diversity, including access to certain rights; only some regions allow adopting, inheriting, etc.

Clearly, the regional and local levels are more dynamic, flexible and able to establish a dialogue with the civil society. They have homosexual politicians within the largest parties and therefore, policies are become more inclusive with ethnic-like groups. Regional and local realities are pressuring national politics to establish a common reality on partnerships and same sex marriage, but also, to be more inclusive in gender equality policies. Gender policies show the same view: each region has their own agencies, legislation, etc. These regions have their own diagnosis and prognosis on which are women's problems, which actions and resources do they need, etc.

There are some reasons for the explaining the evolution of lgbt and gender politics: first the opening of new political structure, and the other hand, the political will of particular individuals.

The color of the party in government matters: after eight years of conservative government, a new opening structure has been created with the Socialist Party. The presence of a new socialist government elected in March 2004 is relevant for the entrance in mainstream politics of both: gender and homosexual issues. These two issues were electoral promises and are present in the political agenda of the current government. First, an integral law against gender violence was promoted in 2004; now we are about to witness the parliamentary debate and hopefully approval of same sex marriage during 2005. These events have to do with the entrance of lgbt activists into mainstream politics during the nineties up to now, the same path that feminist experiences with double activism.

Both political will and active civil society have an impact in local and regional governments. Catalonia and Basque Country have a similar history of complex civil society and active politics with their own initiatives.

The main political parties have organized specific groups on lgbt issues (Calvo, 2003: 204), gaining relevance in their party's agenda. Iñigo Lamarka, former president of the Basque lgbt association GEHITU became the Basque Ombudsman last July 2004; Jordi Samsó became the head of the Office for the Collective of LGTB issues at the Catalonia Government in 2004; Pedro Zerolo former president of the National Federation of lgbt organizations entered the Socialist Party in 2003; Boti Rodrigo former president of Madrid lgbt organization COGAM enters politics as candidate for the Leftist party in 2004; etc.

Conclusions

The aim of this paper consisted in analysing how the issue of gender and sexual orientation in Spain present women and homosexuals as ethnic-like groups. Their rights have become relevant policy making in the local and regional debates . The Gender Equality Policies are an emergent political field that is gaining legitimation, although they have emerged recently (1983). Some of these equality policies are following a trend of inclusiveness with sexual orientation, as shows in the regional Equality Plans developed by the Basque Women's Agency (1999) and the Catalanian Women's Agency (2005). Other institutions are created with the spirit of intersecting both gender and sexual orientation, located in the local and regional levels since 2000.

Special services for lgbt people and inclusive programs for gender and sexual orientation are taking place in the local and regional levels. Civil society is being consulted and many activists are invited to become responsible for programs in gender and sexual orientation issues in the public administrations. The debate created in the regional parliaments and the presence of key actors in the nationalist and regional parties are important promoting intersecting policies.

The national level is less flexible and takes smaller steps in the process to be inclusive with gender and sexual orientation; however the local and regional experiences are pressuring the State not only to legislate on same sex marriage, but also to include lesbians in the gender equality policies. Political declaration of the newly elected socialist government is clues that currently exist political will to proceed in this direction.

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Annex I

Table¹⁹: Spanish Regions, Equality/Women's Agencies and Equality Plans developed over time

Autonomous Regions	Type of Organization and date of creation	Equality Plans
Andalusia	<i>Instituto Andaluz de la Mujer</i> (1988)	I Plan 1990-92
	<i>Unidad de Igualdad y Género</i> (2000-2006)	II Plan 1995-97
	Andalusia Woman's Agency	(still running)
	Equity and Gender Unit (2000-2006) <i>First Government Unit for Mainstreaming in Spain.</i>	
Aragon	<i>Instituto Aragonés de la Mujer</i> (1993)	I Plan 1994-96
	Aragón Woman's Agency	II Plan 1997-2000 III Plan 2001-2004
Asturias	<i>Secretaría Regionales de la Mujer</i> (1989)	I Plan 1989-91
	<i>Dirección General de la Mujer</i> (1993)	II Plan 1993-95
	<i>Secretaría Regional de la Mujer</i> (1995)	III Plan 1996-2000
	<i>Instituto Asturiano de la Mujer</i> (1999) Progression from a Regional Secretary on Woman's Issues to a Woman's Agency"	IV Plan 2001-2005
Baleares	<i>Comisión Interdepartamental</i> (1990)	I Plan 1991-93
	<i>Instituto Balear de la Mujer</i> (1999)	II Plan 1996-99
	Interdepartmental Comission Baleares Woman's Agency	III Plan 2002-2005
Canarias	<i>Instituto Canario de la Mujer</i> (1994)	I Plan 1995-96
	Canary Islands Woman's Agency	II Plan 1997-2000 III Plan 2003-2006
Cantabria	<i>Agencia de Promoción de la Mujer</i> (1986)*	I Plan 1991-93
	<i>Dirección General de la Mujer</i> (1997)	II Plan 1998-2001
	Woman's Promotion Agency	(still running)
	Woman's Directorate General (D.G.)	
Castilla-La Mancha	<i>Dirección General de la Mujer</i> (1990)*	I Plan 1990-94
	Woman's Directorate General	II Plan 1995-99 III Plan 2000-03
Castilla-León	<i>Servicio Regional de la Mujer</i>	I Plan 1994-96
	<i>Secretaría Regional de la Mujer</i> (1994)	II Plan 1997-2000
	<i>Dirección General de la Mujer e Igualdad de Oportunidades</i> (1999)	III Plan 2001-2006
	Woman's Regional Service Woman's Regional Secretary Woman's Directorate General and Equal Oportunities	
Catalonia	<i>Comisión Interdepartamental de Promoción de la Mujer</i> (1987)	I Plan 1989-92
	<i>Institut Catalá de la Dona</i> (1989)	II Plan 1994-96
	Woman's Promotion Interdepartmental Commission	III Plan 1998-2000
	Cataluña Woman's Agency	IV Plan 2001-2003 V Plan 2005-2007
Comunidad Valenciana	<i>Institut Valenciá de la Dona</i> (1988)	I Plan 1989-91
	<i>Dirección General de la Mujer</i> (1997)	II Plan 1997-2000
	Valencia Woman's Agency Woman's Directorate General (D.G.)	III Plan 2001-2004
Extremadura	<i>Asesoría Ejecutiva de la Mujer</i> (1988)*	I Plan 1991
	<i>Dirección General de la Mujer</i> (1991)	II Plan 2000-2003
	<i>Instituto de la Mujer de Extremadura</i> (2001) <i>adscrito a la consejería de cultura.</i> Women's Executive Consultant Woman's Directorate General (D.G.)	
Galicia	<i>Servicio Galego de Promoción da Igualdade del Home y la Muller</i> (1991)	I Plan 1992-94
	Agency for the Promotion of Equality between Woman and Man	II Plan 1995-1997
		III Plan 1998-2000
		IV Plan 2002 - 2005
La Rioja	<i>Centro Asesor de la Mujer en la D. G. de Bienestar Social</i> (1988)*	I Plan 1991- 95
	<i>Consejo Sectorial de la Mujer</i> (1997)	I Plan Integral 1996-99
	<i>Consejo Sectorial de la Mujer que desde 2002 depende del Consejo Riojano de Servicios Sociales</i>	II Plan Integral 2001-2004

¹⁹ Table taken from María Bustelo's analysis of equality institutions (Bustelo 2004) and the Preliminary Country Study of Spain (Bustelo et al, 2004).

**Linking gender equality and sexual orientation policies.
An analysis of local, regional and national equality policies. Raquel Platero
ECPR Joint Sessions, Granada April 2005**

	Consulting Centre for Women at the Social Welfare General Directorate. 1988 Woman's Sectorial Board (1997) Woman's Sectorial Board since 2002 depends on La Rioja Social Services Board.	
Madrid	<i>Dirección General de la Mujer (1989)</i> Woman's Directorate General (D.G.)	I Plan 1989-91 II Plan 1993-1995 III Plan 1997-2000 IV Plan 2001-2005
Murcia	<i>Dirección General de la Mujer (1991)</i> <i>Dirección General de Política Social y Familia (1995)</i> <i>Dirección General de Juventud, Mujer y Familia (1997)</i> <i>Secretaría Sectorial de Mujer y Juventud (1999)</i> Woman's Directorate General (D.G.) Social Politics and Family Directorate General Directorate General for Youth, Women and Family Issues Women and Youth Sectorial Secretary	I Plan 1993-95 II Plan 1997-2000 (still running)
Navarra	<i>Subdirección General de la Mujer (1991)</i> <i>Instituto Navarro de la Mujer (1995)</i> Woman's General Subdirection Navarra Woman's Agency	I Plan 1998-2000 (still running)
Basque Country	<i>Instituto Vasco de la Mujer – Emakunde (1988)</i> Basque Woman's Agency	I Plan 1991-94 II Plan 1995-98 III Plan 1999-2000

*Administrative units with an inferior status to Directorate General, depending of a Directorate General that is not specific for women's issues.