



EUROPEAN WOMEN'S
LOBBY
EUROPEEN DES FEMMES

Al Excelentísimo Presidente del Gobierno de España

A la Excelentísima Vicepresidenta Primera del Gobierno de España

A la Excelentísima Ministra de Igualdad

A la Excelentísima Presidenta del Congreso de los Diputados

Estimado Sr. Don Pedro Sánchez

Estimada Sra. Doña Carmen Calvo

Estimada Sra. Doña Irene Montero

Estimada Sra. Doña Meritxell Batet

A los presidentes de los Grupos Parlamentarios

Estimado Sr/Sra,

We are getting in touch with you today, recognizing your well-known commitment towards equality policies and acting against discrimination against women has been the policy of Spain for many years and trusting therefore, that you will take note our deepest concern regarding some aspects of draft laws currently discussed in the Spanish Parliament.

We write to you on behalf of the European Women's Lobby (EWL), as its Spanish member (*LEM España*). EWL brings together national coordinations of women's associations in 27 EU countries, plus UK, Iceland, Serbia, North Macedonia and Turkey plus 18 other international women's organizations. The EWL is the main umbrella organization of women's associations in Europe that works as interlocutor on equality policies towards the European Commission and European Parliament.

Our concern refers to the three draft laws prepared by your Government about Sexual freedom, Children's Protection and the proposal to amend the Education law (just approved), that have been sent to the Parliament or are on the way, and other projects that have been announced in the coming months. These are important pieces of legislation which should have a positive impact on the lives of women and girls. However, due to a terminological confusion between the concepts of sex and gender, they will end up having a negative impact and ultimately lead to the dilution of women's rights.

Firstly, it is crucial that the recognition of sex discrimination is maintained along the texts, in alignment with existing Spanish legislation, and concretely the Law on effective equality between women and men (2007) and international obligations such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which has been ratified by all the EU countries and defines discrimination against women as "every distinction, exclusion or restriction based on sex". This definition must be respected and upheld in all legislation pertaining to the rights of women and girls, to ensure the promotion of women's rights and the achievement of equality between women and men: a foundational principle of the EU.

Secondly, the text of the draft laws should refer systematically to gender solely as the structural system of patriarchal values, constructed roles, behaviors, activities and attributes that are considered appropriate for women and men, and that lead to unequal power relations between women and men forcing women into a subordinate position compared with men, in alignment with the provisions in the Istanbul Convention.



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This is why we call on you to modify the current pieces of text and articles that create confusion and contradiction with two of the most important Spanish laws about women, the Law against gender-based violence (2004) and the Equality Law (2007) and with the public policies and programs they have underpinned for years: in labour market, equality plans in companies, equal salaries by sex, equality in decision-making, parity thresholds in political elections, budgeting, violence, etc.

We welcome the provisions in the draft law on sexual liberties to continue ensuring alignment with the provisions of the Istanbul Convention when it comes to stalking, street harassment and sexual violence. We however call on you to adopt a “consent plus” approach on sexual violence; acknowledging that “consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances”. This is necessary to allow the legal system to integrate societal and contextual considerations of the asymmetry of power between women and men and the subordination of women by men, as recognised by the Istanbul Convention.

We also call on you to extend the approach of the draft law to tackle holistically the problem of rape in all contexts, including tackling the system of prostitution or pornography by including provision for the ‘Equality Model’. This means the partial decriminalisation model: decriminalising those affected directly in the sex trade while criminalising the pimps, traffickers and ‘buyers’.

Finally, we urge you to include in the draft law on protection to children references to structural inequalities and discrimination of women and girls but to walk away from the idea of “*non-consensual* minor pornography”, given that “consensual” minor pornography is hence implied as a possibility, and this simply cannot exist in light of our social responsibility to protect minors from hyper-sexualisation and pornography.

We remain available for any further doubts and to deepen on this matter, if you wish to do so.

Atentamente,

Gwendoline Lefebvre,
President
European Women's Lobby

Co-signed by

Rosa Maria Fernández Sansa
Presidenta
Lobby Europeo de Mujeres en España- LEM España