



## **EQUALITY PLAN FOR CAREERS WITHIN THE JUDICIARY**

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### **1. INTRODUCTION:**

The Organic Law on Effective Equality between Women and Men establishes the legal basis for moving towards effective equality in all spheres of social, economic, cultural and political life.

TITLE V regulates the principle of equality in public employment and in its CHAPTER I establishes the criteria to be followed by Public Administrations.

Article 51 outlines the criteria governing Public Administrations that, within the scope of their respective competences and in application of the principle of equality between women and men, must:

- a) Remove the obstacles that imply the continuation of any kind of discrimination in order to create conditions of effective equality between women and men in access to public employment and in career development.
- b) Facilitate the reconciliation of personal, family and working life, without prejudice to career advancement.
- c) Foster equal opportunity training, both for accessing public employment and throughout employees' careers.
- d) Promote the balanced presence of women and men in selection and evaluation bodies.
- e) Establish effective protection measures against sexual harassment and harassment on the grounds of gender.
- f) Establish effective measures to eliminate any manner of direct or indirect gender wage discrimination.
- g) Periodically evaluate the effectiveness of the principle of equality in their respective fields.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

Furthermore, European Union legislation - specifically Directive 2006/54 EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation - inspires the legislations of the Member States to position the principle and the guarantee of Equality as a guiding principle of the Legal System and as a Fundamental Principle of the European Union.

The implementation of this legal mandate means that it is advisable for the General Council of the Judiciary - in accordance with its constitutional function as the Governing Body of the Judiciary - to elaborate a Strategic Plan that specifies the objectives, areas and measures on which attention must be focused in order to give effect to the right to equal treatment and opportunities for women and men. In particular, through the elimination of discrimination against women, whatever their circumstances or background, and in all areas of life and, specifically, in the political, civil, occupational, economic, social and cultural spheres so as to, in accordance with Articles 9.2 and 14 of the Constitution, build a more democratic and fairer society evidencing a greater degree of solidarity through measures designed to eliminate and correct all forms of discrimination on the grounds of gender within the judicial profession.

This commitment has been accomplished on the initiative of the General Council of the Judiciary's Commission for Equality which, in its meeting of the 20<sup>th</sup> of October 2011, and in accordance with the functions assigned to it under Article 136 of the Organic Law on the Judiciary, agreed to take appropriate action in order to draw up the Equality Plan for Careers within the Judiciary.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

## **COMMISSION FOR EQUALITY: OBJECTIVES AND FUNCTIONS**

In its Explanatory Memorandum, Organic Law 3/2007, of the 22<sup>nd</sup> of March, on effective equality between women and men, sets out as one of its objectives "The general organisation of public policies under the principle of equality and the gender perspective, which lies in the establishment of criteria governing the actions of all public authorities in which this principle is actively integrated, in an express and operative manner." Therefore, in the third additional Provision, modifications were made to Organic Law 6/1985, of the 1<sup>st</sup> of July, on the Judiciary, Article 136 bis of which indicates that "1.- The Plenary Session of the General Council of the Judiciary shall elect annually, from amongst its Members, with a majority of three fifths and ensuring a balanced presence of men and women, the components of the Commission for Equality, which shall include five members".

In its third paragraph, the aforementioned Article 136 bis indicates the competences of the Commission: "The Commission for Equality shall advise the Plenary Session on the required or appropriate measures to actively integrate the principle of equality between men and women in performing the duties of the General Council of the Judiciary and, in particular, it shall draw up prior reports on the gender impact of regulations and improve the equality parameters in the judicial profession".

On the 23<sup>rd</sup> of October 2007, complying with the legal mandate, the first Commission for Equality was formally constituted.

Equality between men and women has become an institutional objective, and consequently several actions have been undertaken during this legislature to improve the equality parameters within the judicial profession.

**Organising and articulating these objectives within a plan that enables review of compliance is considered a priority activity of this Commission for Equality.**



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

Amongst the activities carried out by the Commission for Equality (2007-2012) attention might be drawn to the following:

- The introduction of gender mainstreaming in all Council activity.
- The inclusion of the sex variable in statistics, surveys and data collection and the inclusion of gender indicators to enhance visibility of both sexes in the analysis of the activities of the judiciary.
- The monitoring of the impact of the Decision of the Plenary of the 17<sup>th</sup> of January 2007 on "Criteria for the use of non-sexist administrative language" distributed to members of the judiciary. The introduction and standardisation of non-discriminatory and non-sexist criteria in the internal and external language of the CGPJ [General Council of the Judiciary].
- The adoption in 2009 of a new agreement on "*Minimum standards to prevent discrimination against women in the administrative language of the CGPJ*", upon verifying the irregular application of non-sexist language by the Council's different Departments and Sections. These standards, approved by the CGPJ, were sent to all the High Courts of Justice.
- The preparation of gender impact reports on the regulations approved by the CGPJ.
- The monitoring and analysis of the representation of women in different judicial categories. Analysis of discretionary appointments and posts of governmental responsibility or management posts. Measures aimed at identifying and removing the lack of balanced participation between women and men in activities organised by the Council.
- Promote the implementation of the Decision of the Plenary of the General Council of the Judiciary no. 49 of the 27<sup>th</sup> of January 2011, which establishes:  
" 1.- Approve, as an interpretative criterion for the adoption of the corresponding decisions, that in the application of the distribution formulae of variable remuneration, and in accordance with Supreme Court jurisprudence, the actual performance of each member of the Judiciary will have to be evaluated, this performance being the result of the periods in which the



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

*judicial function is carried out effectively, excluding from this calculation the periods of legal entitlement to pregnancy and maternity leave and, in general, leave relating to the reconciliation of personal and family life. 2.- Entrust the Studies and Reports Committee with the analysis of other possible cases to which a similar interpretative criterion must be applied, formulating to that effect - where appropriate - the corresponding proposal before the Plenary."*

- A survey on reconciliation and family responsibilities within the judiciary. The adaptation of the Reconciliation Plan ["Plan Concilia"] to the judiciary. Reports on Appeals to higher bodies relating to the reconciliation of personal and working life. A study and report on the Regulations on the Judiciary, on aspects relating to reconciliation. The adoption of further measures of co-responsibility: submitting proposals to the Plenary to reform certain articles of the Regulations on the Judiciary.
- The creation of a tab on Gender Equality on the CGPJ website.
- The creation of a pool of experts to participate as speakers, directors and coordinators within training courses.
- Communication and exchange with judicial associations in order to draft proposals for improvement.
- The preparation of budgets with a gender perspective, and the elaboration of gender impact reports on the budgets submitted by each Department of the CGPJ.
- The promotion of international cooperation on gender equality.
- With regards to training:
  - The promotion of balanced participation. The rule of balanced participation is currently complied with in the National Plan for Continuous Training, that is, neither sex may exceed 60% of those running the courses nor fall below 40%.
  - The inclusion in the National Plan of subjects related to gender equality.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

- The incorporation of gender equality as a cross-cutting principle within the courses of the National Plan.
- The design of the training plan grounded on the reconciliation of personal and working life.
- The promotion of the Permanent Forum on Training of the Judiciary with respect to Gender Equality, via the drawing up of various studies. Amongst these the following have been published: "Study on the implementation of Organic Law 3/2007, of the 22<sup>nd</sup> of March, on effective equality between women and men", "Legal language and gender" and "Sexual harassment and harassment on the grounds of sex: the Conduct of Public Administrations and Businesses".
- Gender mainstreaming in the syllabus of competitive examinations. Inclusion of new topics related to equality and violence. The Decision of the Plenary of the CGPJ of the 20<sup>th</sup> of December 2012: Approve the syllabus, the content of the exercises and the complementary rules that are to regulate the competitive examination for entry into the Judiciary and State Prosecution Service.
- Commission the department of planning and analysis of judicial activity to provide sociological analyses and to undertake a study on the factors that influence the low number of applications from women to occupy posts in governing bodies or discretionary posts.



## **2. EQUALITY PLAN**

The principles that inspire the Commission for Equality - reflected in the activities carried out in the previous section - articulate the contents of the Equality Plan around 11 main lines of action that comprise the content of the Plan. These 11 main lines of action are:

- I. Access to Judicial Careers
- II. Career advancement within the judiciary
- III. Vocational training and awareness raising
- IV. Reconciliation
- V. Occupational health and safety
- VI. Non-sexist language
- VII. Remuneration
- VIII. Inspection procedure
- IX. International relations
- X. New technologies
- XI. Information and participation

### **OBJECTIVES OF THE EQUALITY PLAN**

#### *GENERAL:*

To promote real equality between men and women within the judiciary inspired by the principle of balanced presence; and to combat all continuing manifestations of discrimination, removing obstacles and social stereotypes, through the CGPJ's Commission for Equality.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

*SPECIFIC:*

- i. To promote the presence of the Commission for Equality internally.
- ii. To promote the presence of the Commission for Equality externally.
- iii. To promote the balanced presence of women and men within the judiciary.
- iv. To introduce the mainstreaming of the implementation of a gender perspective in all Council activity.
- v. To promote measures of co-responsibility and of the reconciliation of family, personal and working life.
- vi. To combat discrimination on the grounds of sex.
- vii. To prevent and mitigate situations involving particular risk or vulnerability.
- viii. To implement non-sexist language within the judicial sphere.

### **3. ORGANIZATIONAL STRUCTURE OF THE COMMISSION FOR EQUALITY**

**a) BACKGROUND.-**

The Commission for Equality was created by a Decision of the Plenary of the 25<sup>th</sup> of April 2007, on compliance with Article 136 bis of Organic Law 6/1985 of the 21st of July on the Judiciary, introduced by Organic Law 3/2007, of the 22<sup>nd</sup> of March, on Effective Equality Between Women and Men.

Prior to Law 3/2007, there was already a Commission for Equality in the CGPJ that had been created via the **Decision of the Plenary no. 24 of the 9<sup>th</sup> of February 2005.**

*Current composition.-*



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

5 Members elected annually by the Plenary of the CGPJ by three-fifths majority taking into account the principle of balanced presence of women and men, presided by one of the members.

**b) LEGAL FUNCTIONS.-**

- To advise the Plenary on the required or appropriate measures to actively integrate the principle of equality between men and women in performing the duties of the CGPJ.
- To draw up prior reports on the gender impact of Regulations.
- To improve the equality parameters within the judicial profession.

**c) ADMINISTRATIVE ORGANISATION.-**

The Technical Office of the Commission for Equality does not have its own distinct administrative structure within the Departments of the CGPJ's Technical Office.

The Technical Office of the Commission for Equality is comprised of a Lawyer of the CGPJ's Technical Office, currently the Head of Section of the Observatory on Domestic and Gender-Based Violence. It also comprises a Head of Unit of the CGPJ's Technical Office, currently the Head of Unit of the Observatory on Domestic and Gender-Based Violence and an Administrative Officer of the CGPJ's Technical Office, presently the Administrative Officer of the aforementioned Observatory.

*Working Conditions:*

The Technical Office of the Commission for Equality does not have its own separate physical space within the Departments of the CGPJ's Technical Office. It is located within the CGPJ's Section of the Observatory on Domestic and Gender-Based Violence, and boasts an office occupied by the Head of Section and an official who share the Observatory and the Judicial



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

Office. This office is on the third floor of the CGPJ headquarters located at Calle Marqués de la Ensenada no. 8.

It has sufficient material resources to carry out its functions.

*Functions:*

The main tasks of the Technical Office are to provide advice and technical support to the Commission for Equality to ensure that it fulfils all of its functions and activities.

**d) DIAGNOSIS.-**

For each of the main lines of action, the existing situation was studied in order to perform an analysis that enabled us to identify whether inequality or discrimination existed. To do this, it was necessary to gather information on the judicial profession, disaggregated by gender, which enabled us to prepare an analysis of the situation with respect to the principle of equality between women and men throughout the profession. The results of this analysis-diagnosis are adjoined as an Appendix.

This diagnosis enables us to design actions to eradicate any discrimination and inequalities found, promoting effective equality and the principle of balanced presence of women and men within the judiciary.



## **STRATEGIES FOR MEETING THE OBJECTIVES OF THE COMMISSION FOR EQUALITY: ACTIVITIES TO BE UNDERTAKEN BY THE COMMISSION**

### *MAIN LINES OF ACTION*

#### **I.- Access to Judicial Careers**

Access to Judicial Careers should not show significant imbalances in equal opportunities for women and men, as it is governed by the principles of equality, merit and capacity.

Nevertheless, it is necessary to analyse the following aspects in relation to both the entry procedure entailing competitive examinations and the entry procedure entailing competitive examination and evaluation of candidates' merits:

- Sex of the candidates.
- Gender composition of the Competitive Examination Board.
- Sex of the candidates who have passed the selection process for access to judicial careers.
- Review of the syllabus in order to guarantee compliance with the legislation in force on equality and the principle of gender mainstreaming.

In order to do so, it will be necessary to carry out the following activities:

- 1.** The elaboration of a diagnosis of the situation, including at least one list of numbers and percentages distributed by sex, of candidates admitted to the selection process and passes in each of the tests carried out - success rate by sex.
- 2.** An analysis of the composition of the Selection Boards.

The boards must meet the criterion of parity. Inequality in the profession is seen at the highest levels, which is also reflected in the boards: their presidents are, in general, men. According to the information gathered for drawing up this Plan, only



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

one woman was president in the ten selection boards convened in 2011. There have only been two women in the different selection boards formed in recent years. The reason is obvious and lies in the fact that very few women have attained the category of Magistrate of the Supreme Court or State Prosecutor attached to the High Court, a requisite to occupy these posts.

**3.** It is also necessary to analyse whether gender issues have been introduced into the syllabus in compliance with the Equality Law, specifically in relation to policies of equality and against gender-based violence.

**4.** The principle of equality and gender perspective should be included in the syllabus as an independent core subject in the Judicial School and taught in a cross-disciplinary manner, both in initial and continuous training in accordance with the stipulations of Articles 310.5 of the Organic Law on the Judiciary and Article 433 bis.

## **II.- Career advancement within the Judiciary**

The career consists of the set of opportunities and expectations of professional advancement in accordance with the principles of equality, merit and capacity which manifests itself fundamentally in the appointment of discretionary posts, selection for carrying out training activities, involvement in international activities, etc. It is necessary to ensure a balanced participation in the composition of shortlists in the terms indicated in the Law on Effective Equality between Women and Men (60-40%).

To meet the objectives of the Commission for Equality different activities are carried out in this sphere:

**1.** The elaboration of a gender impact report, including at least one list of numbers and percentages distributed by sex, for the different categories of the judicial profession and for discretionary posts. For discretionary posts, the number of holders of these posts who have made use of the right to reconciliation will be specified, disaggregating, at the same time, between women and men.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

2. Promoting the elimination of the lack of balanced participation of women in discretionary posts appointed by the Council, in teaching activities, in international relations, etc.
3. Encouraging and developing policies that facilitate the promotion of women with merit and capacity in the processes of appointing government posts within the judicial profession and Magistrates of the Supreme Court.
4. Guaranteeing that the fact of having made use of the right to reconciliation is not taken into consideration, either directly or indirectly through an objective evaluation of performance, as a negative circumstance for professional advancement, even where this involves leave on personal grounds.
5. Permanent updating of the gender-disaggregated data on the Judiciary website.
6. Undertaking research or studies with the aim of monitoring modifications to the lack of applications for, and presence in, posts of greater responsibility within the judiciary in order to propose legislative and regulatory measures to achieve parity.

### **III.- Vocational training and awareness raising**

The aim is simply to promote equal participation of both speakers and participants in training courses; and to promote the implementation of gender mainstreaming in all the training activity of the CGPJ.

1. The elaboration of a gender impact report or reports, including at least one list of numbers and percentages distributed by sex, for the speakers and participants in the training courses.
2. Proposing training courses relating to Equality or intervening in the elaboration of the training plan in order to guarantee the implementation of gender mainstreaming in all the training activity of the CGPJ.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

- 3.** Establishing the obligation of all those running training courses to include at least one presentation on equality of treatment or equal opportunities in relation to the content of the course; or, if that is not feasible, because the impact of equality of treatment or equal opportunities on the subject in question is considered insufficient for a presentation, to justify this properly.
- 4.** Setting up online training courses and, in general, establishing distance training, always with the corresponding licence, to facilitate vocational training especially for magistrates with family responsibilities.

#### **IV.- Reconciliation**

- 1.** Promoting the adoption of measures of co-responsibility and of the reconciliation of family, personal and working life through informative and awareness-raising activities. The adaptation of work to the person is considered as a fundamental principle for the reconciliation of professional and personal life.
- 2.** The introduction of measures to prevent excessive problems in personal and family life, in those cases where professional requirements are especially significant in terms of time commitment (training activities at night or on public holidays, or mass trials).
- 3.** Promoting the collection of data on beneficiaries of reconciliation measures, via the Government Chambers of the High Courts of Justice.
- 4.** The drawing up of gender impact reports including at least one list of numbers and percentages distributed by sex, for magistrates who have benefitted from reconciliation measures.
- 5.** Drawing up reports on the Appeals to higher bodies lodged by magistrates against the decisions of the Government Chambers of the High Courts of Justice in matters of reconciliation.
- 6.** In view of the data and the experience gained through the previous measures, the Commission for Equality of the CGPJ could make proposals to the Plenary to



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

introduce or amend Regulations governing Judicial Careers and improvements relating to co-responsibility and reconciliation.

**V.- Occupational health and safety**

**1.** The promotion, through the CGPJ's Occupational Health and Safety Section, the incorporation of equality and reconciliation in the activities of drawing up and implementing the plan on risks in the workplace, seeking especially (1.1) to develop a procedure within the CGPJ for dealing with cases of sexual harassment, harassment on the grounds of gender and psychological harassment, (1.2) to analyse the situations of stress arising from the assumption of family responsibilities by judges and magistrates, and (1.3) to guarantee the adequate protection of the occupational health of judges and magistrates who are pregnant, have recently given birth or are breastfeeding.

**2.** Promoting the development of safeguards that ensure the protection of members of the judicial profession and, in particular, facilitate the recovery of the professional project of judges and magistrates subject to violence in the workplace or in their relationship with their partner:

- facilitating the professional integration of a magistrate who is a victim of sexual harassment, harassment on the grounds of gender or psychological harassment in his or her employment relationship,
- elaborating follow-up reports on the mobility of the post due to being a victim of gender-based violence, whilst guaranteeing the confidentiality of the victim's identity.

**VI.- Non-sexist language**

Adopting the necessary measures to implement non-sexist language in the administrative sphere and promote it through the training of the members of the judicial profession.



## **VII.- Remuneration**

The basic remuneration of judges and magistrates is regulated by **Law 15/2003**, governing the system of remuneration of the Judiciary and State Prosecution Service. There should be no differences on the grounds of sex.

The same can be said of additional and variable remuneration - the aforementioned Decision of the Plenary no. 49 of the 27<sup>th</sup> of January 2011 on the interpretative criterion to be adopted in the application of the distribution formulae of variable remuneration must be taken into account.

Nevertheless, it will be necessary for this information to be verified, as it is necessary to carry out an analysis of the additional and variable remuneration and the remuneration arising from secondments (support personnel).

## **VIII.- Inspection procedure**

The legislation on reconciliation may not be effective if, in the inspection procedure, aspects of the personal and family life of judges and magistrates are not taken into consideration. At the same time, inspections may be less effective if the incidence of family responsibilities on the effective performance of each judge or magistrate is unknown.

Thus, the following actions are considered to be necessary:

- to disaggregate the disciplinary and follow-up files by gender, especially those referring to inefficient performance;
- to integrate the incidence that exercising the right to reconciliation may have on performance into the systems of performance measurement;
- to examine whether the inspection procedure criteria adequately take into account the mainstreaming of reconciliation;
- to introduce into the inspection procedure criteria that take into consideration the adaptation of work to the person, offering judges and magistrates subject to the inspection procedure the possibility - always of their own free will - of



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

putting forward, prior to the drawing up of the inspection report, the personal and family circumstances that may have affected their professional duties, which will be borne in mind when drawing up the inspection report.

### **IX.- International relations**

In the sphere of the International Relations Department, amongst those working in the pools of consultants or in the judicial networks, the numbers of men and women will be examined, and measures will be taken to obtain an appropriate gender balance in accordance with the stipulations of the Organic Law on Effective Equality Between Women and Men.

### **X.- New technologies**

The use of new technologies, as well as improving the service, may facilitate the reconciliation of personal, family and working life; hence the opportunity for the Commission for Equality to collaborate with all the services or commissions that are created in relation to this issue within the CGPJ, the Ministry of Justice or the competent bodies of the Autonomous Regions.

### **XI.- Information and participation**

**1.** In order to effectively implement equality of treatment or equal opportunities for women and men within the judicial profession the following measures will be adopted:

- Information on the contents of the Equality Plan and of all the relevant measures that are adopted in the execution of the plan via the CGPJ website, affording adequate visibility, where applicable, to the notifications to the people individually affected.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

- Assigning to the Commission for Equality the function of providing information and advice in response to all the requests sent by members of the judiciary in connection with the right to gender equality.
- Creating a suggestion box for equality issues for all magistrates and giving it appropriate dissemination amongst the entire judiciary.

**2.** The Commission for Equality will draw up an annual report on all matters relating to equality and reconciliation within the judiciary that will be incorporated into the Annual Report to Parliament on the state, functioning and activities of the General Council of the Judiciary.

**REVISION OF THE EQUALITY PLAN.**

A Monitoring Commission for the Equality Plan for Careers within the Judiciary will be created, comprising a representative of each judicial association and one non-associated representative, and members of the Commission for Equality, which will make the appropriate assessments, revisions and proposals in order to meet the Commission for Equality's objectives.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

## **APPENDIX: DIAGNOSIS DATA**

### **I. MAIN LINE OF ACTION I: ACCESS TO JUDICIAL CAREERS**

1. Demographic situation
  - a. Sex
  - b. Age
  - c. Distribution by sex in the different bodies
2. Admission:
  - a. Entry procedure entailing competitive examination
  - b. Entry procedure not entailing competitive examination
  - c. Specialisations
  - d. Success rate by sex
3. Selection Boards:
4. Presidencies and Secretariats by sex



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

**1. CURRENT SITUATION**

**MEMBERS OF THE JUDICIARY IN ACTIVE EMPLOYMENT**

	Age range					Total	Average age	Average seniority
	From 20 to 30	From 31 to 40	From 41 to 50	From 51 to 60	From 61 to 70			
<b>F</b>	59	919	926	452	48	2404	44.1	13.5
<b>M</b>	30	467	841	779	369	2486	50.1	18.4
<b>Total</b>	<b>89</b>	<b>1386</b>	<b>1767</b>	<b>1231</b>	<b>417</b>	<b>4890</b>	<b>47.1</b>	<b>16.0</b>

**PERCENTAGE OF WOMEN BY TYPE OF BODY**

<b>SUPREME COURT</b>	<b>11.3%</b>
<b>NATIONAL HIGH COURT</b>	<b>34.4%</b>
<b>PROVINCIAL COURT</b>	<b>33.3%</b>
<b>CENTRAL COURT FOR ADMINISTRATIVE EXAMINING MAGISTRATE'S COURT</b>	<b>33.3%</b>
<b>COURT FOR ADMINISTRATIVE MATTERS</b>	<b>54.6%</b>
<b>COURT OF COMMERCIAL MATTERS</b>	<b>39.6%</b>
<b>CRIMINAL COURT</b>	<b>28.6%</b>
<b>COURT OF SOCIAL MATTERS [JUZGADO DE LO]</b>	<b>57.7%</b>
<b>JUVENILE COURT</b>	<b>49.1%</b>
<b>COURT OF FIRST INSTANCE</b>	<b>57.3%</b>
<b>COURT OF FIRST INSTANCE AND EXAMINING</b>	<b>59.1%</b>
<b>COURT FOR PRISON SUPERVISION</b>	<b>65.3%</b>
<b>COURT FOR VIOLENCE AGAINST WOMEN</b>	<b>56.0%</b>
<b>SOLE EXCLUSIVE CIVIL REGISTRY</b>	<b>65.3%</b>
<b>HIGH COURT OF JUSTICE</b>	<b>50.0%</b>



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

**MEMBERS OF THE JUDICIARY OCCUPYING A PERMANENT POST BY FORM OF ADMISSION**

Form of admission	Number	Sex		Age	Seniority
		F	M		
Entry procedure for jurists of recognised competence - 6 years	221	65	156	58.16	19
Entry procedure for jurists in administrative matters 311.3 and 6	26	10	16	46.94	2.7
Entry procedure for jurists 10 years civil art. 311.3 and 6	39	20	19	45.76	1.7
Entry procedure for jurists 10 years civil-penal art. 311.3 and 6	55	27	28	46.87	1.7
Entry procedure for jurists 10 years criminal art. 311.3 and 6	42	18	24	46.31	1.7
Entry procedure for jurists 10 years social art. 311.3 and 6	31	12	19	47.84	2
Entry procedure for jurists of recognised competence - 10 years	184	43	141	57.62	15
Entry procedure for jurists of recognised competence - 15/20 years	12	1	11	59.94	8.8
Tests for specialisation in administrative matters	10	3	7	45.91	9.5
Selection tests for specialisation in social matters	2	1	1	50.17	12
Transitional provision 17 of the Organic Law on the Judiciary	10	1	9	64.29	27
Appointed via Autonomous Region entry procedure	21	6	15	58.95	12
Entry procedure for the military legal corps	5	0	5	61.72	9.5
Entry procedure entailing competitive examination	3893	2079	1814	45.75	17



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

<b>Total</b>	<b>4551</b>	<b>2286</b>	<b>2265</b>	<b>47.03</b>	<b>16</b>
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## 2. ADMISSION

As far as access to careers within the judiciary is concerned, we see that the success rate is very similar for men and women. With respect to access via the entry procedure entailing competitive examination, in the last exam period the success rate was 10% for men and 9.6% for women.

*Table: Access to judicial careers via the entry procedure entailing competitive examination by sex*

### Applicants admitted

Exam period	Men	%	Women	%	Total
<b>60</b>	1093	29.52	2,610	70.48	3,703
<b>61</b>	1,053	29.41	2527	70.59	3580
<b>62</b>	1101	29.95	2575	70.05	3676
<b>63</b>	1177	31.15	2601	68.85	3778
<b>64</b>	1250	30.20	2889	69.80	4139

### Successful applicants

Exam period	Men	%	Women	%	Total
<b>60</b>	84	35.00	156	65.00	240
<b>61</b>	55	26.32	154	73.68	209
<b>62</b>	91	29.07	222	70.93	313
<b>63</b>	120	32.43	250	67.57	370



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

The success rate of those who enter the career via the entry procedure entailing competitive examination and evaluation of candidates' merits (jurists of recognised competence) is also similar for candidates of both sexes. In the last exam period, the success rate was 11.1% for men and 9.7% for women.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

*Table: Access to judicial careers via the entry procedure entailing competitive examination and evaluation of candidates' merits (jurists of recognised competence) by sex.*

Applicants admitted					
Exam period	Men	%	Women	%	Total
15	245	57.51	181	42.49	426
16	292	54.48	244	45.52	536
17	290	44.55	361	55.45	651
18	243	44.02	309	55.98	552

Successful applicants					
Exam period	Men	%	Women	%	Total
15	19	59.38	13	40.63	32
16	27	57.45	20	42.55	47
17	35	58.33	25	41.67	60
18	27	47.37	30	52.63	57

With regards to specialisation, in recent years a total of 191 men (57.5%) and 141 women (42.5%) have taken a test to gain access to a specialisation; of these 40 men (58%) and 29 women (42%) were successful.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

*Table: Specialisation within the judiciary, by sex.*

<b>Applicants admitted</b>						
<b>Speciality</b>	<b>Year</b>	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
<b>ADMINISTRATIVE MATTERS</b>	2009	24	53.33	21	46.67	45
<b>ADMINISTRATIVE MATTERS</b>	2007	31	70.45	13	29.55	44
<b>ADMINISTRATIVE MATTERS</b>	2005	28	63.64	16	36.36	44
<b>SOCIAL MATTERS</b>	2009	17	45.95	20	54.05	37
<b>SOCIAL MATTERS</b>	2007	22	55.00	18	45.00	40
<b>SOCIAL MATTERS</b>	2005	25	52.08	23	47.92	48
<b>COMMERCIAL MATTERS</b>	2010	7	63.64	4	36.36	11
<b>COMMERCIAL MATTERS</b>	2009	8	57.14	6	42.86	14
<b>COMMERCIAL MATTERS</b>	2008.2	13	65.00	7	35.00	20
<b>COMMERCIAL MATTERS</b>	2008.1	16	55.17	13	44.83	29
<b>Successful applicants</b>						
<b>Speciality</b>	<b>Year</b>	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
<b>ADMINISTRATIVE MATTERS</b>	2009	5	71.43	2	28.57	7
<b>ADMINISTRATIVE MATTERS</b>	2007	6	66.67	3	33.33	9
<b>ADMINISTRATIVE MATTERS</b>	2005	4	66.67	2	33.33	6



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

<b>SOCIAL MATTERS</b>	2009	2	25.00	6	75.00	8
<b>SOCIAL MATTERS</b>	2007	4	50.00	4	50.00	8
<b>SOCIAL MATTERS</b>	2005	0	0.00	2	100.00	2
<b>COMMERCIAL MATTERS</b>	2010	3	50.00	3	50.00	6
<b>COMMERCIAL MATTERS</b>	2009	3	50.00	3	50.00	6
<b>COMMERCIAL MATTERS</b>	2008.2	7	77.78	2	22.22	9
<b>COMMERCIAL MATTERS</b>	2008.1	6	75.00	2	25.00	8

Article 29 of the Regulations on the Judiciary specifies that the selection boards for the tests will be appointed by the General Council of the Judiciary, in accordance with the stipulations of Articles 314 of the Organic Law on the Judiciary and 19.2 of these Regulations. The composition of the Board will be of balanced participation, pursuant to the provisions of Article 53 of Organic Law 3/2007, of the 22<sup>nd</sup> of March, on Effective Equality Between Women and Men.

### 3. SELECTION BOARDS

*Table: Composition of the Selection Boards by sex of the members and by sex of the presidencies and secretariats.*

<b>Boards</b>					
<b>Type</b>	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
<b>Competitive Examination 2007</b>	37	62.71	22	37.29	59
<b>Competitive Examination 2008</b>	38	66.67	19	33.33	57
<b>Competitive</b>	33	57.89	24	42.11	57



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

<b>Examination 2009</b>					
<b>Competitive Examination 2010</b>	34	58.62	24	41.38	58
<b>Competitive Examination 2011</b>	30	54.55	25	45.45	55
<b>Jurists 2008</b>	23	54.76	19	45.24	42
<b>Jurists 2009</b>	6	46.15	7	53.85	13
<b>Jurists 2010</b>	16	51.61	15	48.39	31
<b>Specialists 2005</b>	19	70.37	8	29.63	27
<b>Specialists 2007</b>	12	57.14	9	42.86	21
<b>Specialists 2008</b>	10	71.43	4	28.57	14
<b>Specialists 2009</b>	16	57.14	12	42.86	28
<b>Specialists 2011</b>	15	55.56	12	44.44	27

<b>Presidencies and Secretariats of the Boards</b>					
<b>Type</b>	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
<b>Competitive Examination 2007</b>	7	58.33	5	41.67	12
<b>Competitive Examination 2008</b>	7	58.33	5	41.67	12
<b>Competitive Examination 2009</b>	6	50.00	6	50.00	12
<b>Competitive Examination 2010</b>	6	50.00	6	50.00	12
<b>Competitive Examination 2011</b>	6	50.00	6	50.00	12
<b>Jurists 2008</b>	7	87.50	1	12.50	8
<b>Jurists 2009</b>	2	100.00	0	0.00	2



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

<b>Jurists 2010</b>	4	66.67	2	33.33	6
<b>Specialists 2005</b>	4	66.67	2	33.33	6
<b>Specialists 2007</b>	4	100.00	0	0.00	4
<b>Specialists 2008</b>	2	50.00	2	50.00	4
<b>Specialists 2009</b>	4	66.67	2	33.33	6
<b>Specialists 2011</b>	3	50.00	3	50.00	6



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

**II. MAIN LINE OF ACTION II: CAREER ADVANCEMENT WITHIN THE JUDICIARY**

1. Qualification Commission: Discretionary posts offered and success rate
  - a. Applicants - Persons selected, by post: Discretionary Appointments
  - b. Alternate members and substitutes

<b>DISCRETIONARY APPOINTMENTS</b>									
<b>APPOINTED</b>	<b>1<sup>st</sup> quarter 2012</b>		<b>2<sup>nd</sup> quarter 2012</b>		<b>3<sup>rd</sup> quarter 2012</b>		<b>Annual total</b>		
	Men	Women	Men	Women	Men	Women	Men	Women	Total
Supreme Court Magistrates	2						2	0	2
National High Court	1						1	0	1
Presidents of High Courts of Justice	1						1	0	1
Presidents of Provincial Courts	3	1	1				4	1	5
Presidents of Administrative Chambers of High Courts of Justice	1		1				2	0	2
Presidents of Social Chambers of the High Courts of Justice	2	1					2	1	3
Magistrates of Civil and Criminal Chambers of the High Courts of Justice			1				1	0	1
Magistrates of the Technical Office of the Supreme Court			1				1	0	1
Lawyers of the Technical Office of the Supreme Court			1				1	0	1
Technical Bodies of the C.G.P.J.				1	2	1	15	2	17
<b>Totals:</b>	<b>10</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>30</b>	<b>4</b>	<b>34</b>

<b>APPOINTED</b>	<b>1<sup>st</sup> quarter 2012</b>		<b>2<sup>nd</sup> quarter 2012</b>		<b>3<sup>rd</sup> quarter 2012</b>		<b>Annual percentage</b>	
	Men	Women	Men	Women	Men	Women	Men	Women
Supreme Court Magistrates	100%						100%	0%
National High Court	100%						100%	0%
Presidents of High Courts of Justice	100%						100%	0%
Presidents of Provincial Courts	75%	25%	100%				80%	20%
Presidents of Administrative Chambers of the High Courts of Justice	100%		100%				100%	0%
Presidents of Social Chambers of the High Courts of Justice	67%	33%					67%	33%
Magistrates of Civil and Criminal Chambers of the High Courts of Justice			100%				100%	0%
Magistrates of the Technical Office of the Supreme Court			100%				100%	0%
Lawyers of the Supreme Court			100%				100%	0%



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

Technical Bodies of the C.G.P.J.			100%	67%	33%	88%	12%	
<b>Totals:</b>	<b>77%</b>	<b>15%</b>	<b>100%</b>	<b>20%</b>	<b>67%</b>	<b>33%</b>	<b>88%</b>	<b>12%</b>

DISCRETIONARY APPOINTMENTS APPLICANTS									
APPLICANTS	1 <sup>st</sup> quarter 2012		2 <sup>nd</sup> quarter 2012		3 <sup>rd</sup> quarter 2012		Annual total		
	Men	Women	Men	Women	Men	Women	Men	Women	Total
Supreme Court Magistrates	29	7					29	7	36
National High Court	6	1					6	1	7
Presidents of High Courts of Justice	4	0					4	0	4
Presidents of Provincial Courts	7	1	1	0			8	1	9
Presidents of Administrative Chambers of the High Courts of Justice	2	1	1	0			3	1	4
Presidents of Social Chambers of the High Courts of Justice	4	1					4	1	5
Magistrates of Civil and Criminal Chambers of the High Courts of Justice			2	1			2	1	3
Magistrates of the Technical Office of the Supreme Court			5	3			5	3	8
Lawyers of the Technical Office of the Supreme Court			16	31			16	31	47
Technical Bodies of the C.G.P.J.			5	6	24	14	77	46	123
<b>Totals:</b>	<b>52</b>	<b>11</b>	<b>30</b>	<b>41</b>	<b>24</b>	<b>14</b>	<b>154</b>	<b>92</b>	<b>246</b>

APPLICANTS	1 <sup>st</sup> quarter 2012		2 <sup>nd</sup> quarter 2012		3 <sup>rd</sup> quarter 2012		Annual total	
	Men	Women	Men	Women	Men	Women	Men	Women
Supreme Court Magistrates	81%	19%					81%	19%
National High Court	86%	14%					86%	14%
Presidents of High Courts of Justice	100%	0%					100%	0%
Presidents of Provincial Courts	88%	13%	100%	0%			89%	11%
Presidents of Administrative Chambers of the High Courts of Justice	67%	33%	100%	0%			75%	25%
Presidents of Social Chambers of the High Courts of Justice	80%	20%					80%	20%
Magistrates of Civil and Criminal Chambers of the High Courts of Justice			67%	33%			67%	33%
Magistrates of the Technical Office of the Supreme Court			63%	38%				
Lawyers of the Supreme Court			34%	66%			63%	38%
Technical Bodies of the C.G.P.J.			45%	55%	63%	37%	34%	66%



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

Totals:	83%	17%	42%	58%	63%	37%	63%	37%
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GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

**MAGISTRATES AND JUDGES PRO TEMPORE**

APPOINTED	1 <sup>st</sup> quarter 2012			2 <sup>nd</sup> quarter 2012			3 <sup>rd</sup> quarter 2012		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Emeritus Magistrates	6		6				14		14
Magistrates pro tempore	5	4	9	147	191	338	3	5	8
Judges pro tempore	11	15	26	278	856	1134	7	4	11
<b>Totals:</b>	<b>22</b>	<b>19</b>	<b>41</b>	<b>425</b>	<b>1047</b>	<b>1472</b>	<b>24</b>	<b>9</b>	<b>33</b>

APPOINTED	1 <sup>st</sup> quarter 2012	
	Men	Women
Emeritus Magistrates	100%	
Magistrates pro tempore	56%	44%
Judges pro tempore	42%	58%
<b>Totals:</b>	<b>54%</b>	<b>46%</b>

2 <sup>nd</sup> quarter 2012	
Men	Women
43%	57%
25%	75%
<b>29%</b>	<b>71%</b>

3 <sup>rd</sup> quarter 2012	
Men	Women
100%	
38%	63%
64%	36%
<b>73%</b>	<b>27%</b>



### **III. MAIN LINE OF ACTION III: VOCATIONAL TRAINING AND AWARENESS RAISING**

1. Continuous Training:
  - a. List of participants in courses
  - b. List of directors, speakers...

*Table: Number of applicants and persons selected to participate in the most recent Continuous Training Plan.*

<b>Applicants</b>					
Type	Men	%	Women	%	Total
<b>In situ course</b>	1351	<b>48.63</b>	1427	<b>51.37</b>	2778
<b>Online course</b>	223	<b>53.86</b>	191	<b>46.14</b>	414
<b>Sojourns (Abroad)</b>	338	<b>48.84</b>	354	<b>51.16</b>	692
<b>Summer School</b>	149	<b>48.69</b>	157	<b>51.31</b>	306
<b>Decentralised training</b>	791	<b>49.22</b>	816	<b>50.78</b>	1607

<b>Persons selected</b>					
Type	Men	%	Women	%	Total
<b>In situ course</b>	1210	<b>48.95</b>	1262	<b>51.05</b>	2472
<b>Online course</b>	151	<b>57.41</b>	112	<b>42.59</b>	263
<b>Sojourns (Abroad)</b>	22	<b>56.41</b>	17	<b>43.59</b>	39
<b>Summer School</b>	47	<b>40.87</b>	68	<b>59.13</b>	115
<b>Decentralised training</b>	729	<b>49.09</b>	756	<b>50.91</b>	1485

It is not known how many men and women have participated in training courses whilst on paternity/maternity leave.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

With regards to the collaborators teaching on the courses, work has been done and it has been emphasised to those running the courses that they should seek parity or a balanced presence of male and female speakers, although we see that this has still not been attained. The category where women are most represented is that of rapporteur, where they account for 46%.

*Table: Collaborators on the courses by sex:*

	Men	%	Women	%	Total
<b>Directors</b>	141	70.50	59	29.50	200
<b>Speakers</b>	592	72.37	226	27.63	818
<b>Coordination</b>	50	58.82	35	41.18	85
<b>Tutors</b>	52	59.09	36	40.91	88
<b>Rapporteur</b>	26	54.17	22	45.83	48
<b>Other categories</b>	278	63.33	161	36.67	439

With regards to the activities programmed in the latest National Plan, 2012, 33.3% more activities relating to violence against women or equality issues have been implemented in comparison to the previous plan.

*Table: Participants in activities relating to violence against women or equality issues. Training plan 2012.*

<b>PARTICIPANTS</b>					
Activity	Men	%	Women	%	Total
<b>Updating of interpretative criteria for gender-based violence</b>	19	51.35	18	48.65	37
<b>Meeting of Courts of Violence Against Women and Family Courts: Common reflections in the face of diverse situations</b>	6	20.69	23	79.31	29
<b>1<sup>st</sup> Meeting of Judges and Magistrates with jurisdiction for Violence against Women</b>	6	60.00	4	40.00	10
<b>4<sup>th</sup> Conference of the Observatory on Domestic and Gender-Based Violence</b>	13	27.66	34	72.34	47



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

**IV. RECONCILIATION**

**VOLUNTARY LEAVE FOR CHILD CARE**

Age range						
	From 20 to 30	From 31 to 40	From 41 to 50	Total	Average age	Average seniority
F	1	16	10	27	40.1	9.4
Men	0	0	0	0		
Total	1	16	10	27	40.1	9.4

Appeals to higher bodies lodged for issues relating to reconciliation and equality:				
	Women	%	Men	%
Maternity/paternity leave	1	33%	2	67%
Breastfeeding leave	1	50%	1	50%
Variable remuneration	6	100%	0	
Training during leave	0		0	
For denial of reduction of working hours to care for minor children	2	100%	0	
For denial of reduction of working hours to care for dependent family members	0		0	
Others: specify				

**V. HEALTH AND SAFETY**

**VI. SEXIST LANGUAGE**



## **VII. REMUNERATION**

### **The reply from the Department is adjoined:**

#### **File: remuneration-modules**

“Additional and variable remuneration and the remuneration arising from secondments (support personnel) by sex.

With regards to variable remuneration, this Unit prepares a list, previously commissioned by the Standing Committee or the Plenary, which if approved is sent to the Ministry of Justice for the purpose of the accrual of variable remuneration for fulfilment of objectives. The last period that this list was drawn up for was 2010. We understand that we have been asked what is the proportion of each sex in this list. In 2010 the list included all members of the judicial profession who were actively involved in jurisdictional duties during this period (except in the Supreme Court), so the proportion tends to be identical to that which exists in the judiciary.

If this is the figure that we have been asked for, the list for 2010 included 2371 men and 2263 women. These figures have not been recorded in the table in case they have to be added to additional remuneration or remuneration arising from secondments.

“Fulfilment of modules/objectives during periods of maternity/paternity leave”

During periods of leave, of this type or any other, neither modules nor objectives are fulfilled. In other words, *time off work* does not equate to *calculable points for a measurement of fulfilment of objectives*. It is a different matter that the fulfilment of objectives during periods not on leave may be projected on to units of time, taking into consideration whether there has been leave and of what type.



GENERAL COUNCIL OF THE JUDICIARY  
COMMISSION FOR EQUALITY

**File: family responsibilities**

No figure has been provided, as our essential task in this area is to exploit a database, but in any event we do not even have data for family responsibilities, nor any indication from the Plenary or the Standing Committee that such data should play a part in any measurement of performance.



### VIII. INSPECTION PROCEDURE

56.6% of the follow-up files drafted in 2011 concerned magistrates, although no problems with family reconciliation were perceived. 3.8% of the reports made in relation to the situation in the courts were on bodies with jurisdiction in matters of violence against women, and none of them appear to have functional problems, as the staff of these bodies is considered to be good.

### IX. INTERNATIONAL RELATIONS

<b>Table: Pool of consultants</b>					
<b>COMPONENTS OF THE POOL OF CONSULTANTS Department of International Relations</b>					
	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
Judges	372	72%	143	28%	515

<b>Table: Judicial networks (REJUE [Spanish Judicial Network for International Judicial Cooperation], REDUE [Network of Experts in European Union Law], Red Iberoamericana [Ibero-American Network for international Legal Cooperation], the Civil Legal Network.....)</b>					
<b>Participants</b>					
	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
Judges	51	71%	20	28%	71

<b>Table: Participants in activities of the Department of International Relations during 2011.</b>					
<b>Participants</b>					
	<b>Men</b>	<b>%</b>	<b>Women</b>	<b>%</b>	<b>Total</b>
Judges, Magistrates	349	73%	126	27%	475