



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Spain
Title:	New Education Bill
Date:	21 April 2020
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<u>Context</u>	
Issue at stake:	The Education Bill explicitly introduces equal treatment and non-discrimination based on sex, racial or ethnic origin, disability, age, illness, religion or belief, sexual orientation or gender identity
Grounds of discrimination:	All grounds
Field of application:	Education
Source:	National legislation

Content

Policy development: The government has sent to the Parliament one Bill amending Organic Law 2/2006 on Education¹ (OLE). This bill would change some relevant aspects of the school curriculum in Spain and introduce modifications that spell out equality of treatment and non-discrimination as principles applicable in the educational system.

From the point of view of non-discrimination, the four most relevant changes are the following:

1. Inspiring principles of the educational system: Article 1(a) of the OLE is modified to include the focus on children's rights among the guiding principles of the educational system, following the provisions of the UN Convention on the Rights of the Child of 1989, and recognising the best interests of the minor, his right to education, and the obligation of the State to ensure the effective fulfilment of his rights.
2. Inspiring principles of the educational system: the new Article 1(a)(bis) adds a new basic principle that must guide the educational system: 'The quality of education for all students, without any discrimination based on birth, sex, racial or ethnic origin, disability, age, disease, religion or belief, sexual orientation or gender identity or any other personal or social condition or circumstance'.
3. Equal treatment as an objective of education: among the objectives of the educational system during the High School phase, it is established that it will contribute to developing in the students the abilities that allow them to 'Promote effective equality of rights and opportunities of women and men, to analyse and critically assess existing inequalities, as well as the recognition of the role of women in history, and to promote real equality and non-discrimination based on birth, sex, racial origin or ethnicity, disability, age, illness, religion or belief, sexual orientation

¹ Proyecto de Ley Orgánica por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación.

or gender identity, or any other personal or social condition or circumstance' (Article 33(c)).

4. The obligations of educational administrators to guarantee equal treatment: Article 68(2) currently in force stipulates that 'It is the responsibility of the educational administrations (...) to periodically organise (academic) tests so that people over the age of eighteen can directly obtain the title of Graduate in Compulsory Secondary Education (...). Educational administrations shall ensure that the necessary measures are taken to ensure equal opportunities, non-discrimination and universal accessibility for people with disabilities who take these (academic) tests'. The present bill would extend the scope of this provision by establishing that 'educational administrations shall ensure that the necessary measures are taken to ensure equal opportunities and non-discrimination based on birth, sex, racial or ethnic origin, disability, age, illness, religion or belief, sexual orientation or gender identity, or any other personal or social condition or circumstance, and universal accessibility of people with disabilities who present themselves to such (academic) tests'.

Key points of analysis: Equal treatment and non-discrimination have been consolidated as basic principles of education in Spain. But until this Bill, the principles that favoured equal treatment and non-discrimination were more general and did not specify the discrimination grounds [OLE, Article 1(b)(c)(d)]. Therefore, for its application, it was necessary to make references to the principle of equality and non-discrimination established in Article 14 of the Spanish Constitution.

That is why it is of great interest that the bill explicitly includes grounds for equal treatment and non-discrimination. Among them are all those established in the European directives.

Internet link source:

http://www.congreso.es/public_oficiales/L14/CONG/BOCG/A/BOCG-14-A-7-1.PDF#page=1.