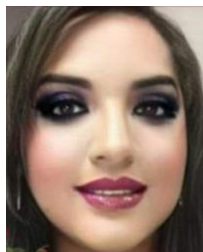


## ICTS IN THE GENDER EQUALITY AUDIT FOR MIGRANTS IN SPAIN

## TICS EN LA AUDITORÍA SOBRE LA IGUALDAD DE GÉNERO PARA LOS MIGRANTES EN ESPAÑA



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### RESUMEN

El objetivo de esta investigación fue analizar las TIC en la auditoría de igualdad de género para los migrantes en España. Se realizó una investigación para determinar las características de la migración femenina en España así como describir el marco legal vigente en materia de migración en ese país. Se utilizó una metodología de alcance cualitativo, transversal, etnográfico y descriptivo. Se concluyó que gracias a las nuevas tecnologías se obtiene una visión más concisa de la realidad en materia de igualdad de género para las trabajadoras migrantes, lo que permite un acceso más rápido y eficiente a la información.

**Palabras clave:** Tics, Igualdad de Género, Auditoría, Migrantes.

### ABSTRACT

The objective of this research was to analyse ICTs in the audit of gender equality for migrants in Spain. Research was carried out to determine the characteristics of female migration in Spain as well as to describe the current legal framework for migration in that country. A qualitative, transversal, ethnographic and descriptive methodology was used. It was concluded that new technologies provide a more concise vision of the reality of gender equality for women migrant workers, allowing for faster and more efficient access to information.

**KEYWORDS:** Icts, Gender Equality, Audit, Migrants.

Fecha de recepción: noviembre 2019

Fecha de aprobación: enero 2020

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## **INTRODUCTION**

The idea of migrations is perceived worldwide. Thus, since there are factors such as the globalization of markets, you might think that the greater mobilization of people has also been allowed. However, as Flores (2016) points out, "Globalization, like other comprehensive processes, has had a differentiated development according to the area of influence and the country's economic, political and social position" (p.28).

With regard to this differentiated development process, it must be said that, at least from the legal point of view, since migration is an issue that countries have preferred to regulate differently, it has also been influenced by globalization because, while it is true that moving objects from one place to another is not easy, the same is not true of people, who are necessarily affected by the legal rules that exist in the host countries.

This regulation, although it is a factor to take into account also comes hand in hand with other factors such as culture, ethnicity, immigration, religion, which in the case of our study group is oversized, determining processes of exclusion and social reproduction that explain inequalities for our study group, but they do not justify them. Although as Camas (2017) points out "all migrant workers should enjoy the principles and rights contained in the ILO Declaration and in the relevant United Nations Conventions on Human Rights" (p. 62), the truth is that many migrants and especially vulnerable groups within them, such as women, do not even have a guarantee of compliance with the rights that are recognized.

## **PROBLEM FORMULATION**

The problem of this research revolves around analyzing the ICTs in the gender equality audit for migrants In Spain

### **QUESTIONS THAT SUPPORT THE GENERAL AND SPECIFIC OBJECTIVES**

How can the ICTs in the gender equality audit for migrants in Spain be analyzed?

What are the characteristics of female migration in Spain?

What is the current legal framework regarding female migration in Spain?

What is the incidence of ICTs in the gender equality audit for migrants in Spain?

### **GENERAL OBJECTIVE**

Analyze the ICTs in the gender equality audit for migrants in Spain.

## **SPECIFIC OBJECTIVES**

1. Determine what are the characteristics of female migration in Spain.
2. Describe what is the current legal framework regarding female migration in Spain.
3. Identify the incidence of ICTs in the gender equality audit for migrants in Spain

## **LITERATURE REVIEW**

### **CHARACTERISTICS OF FEMALE MIGRATION IN SPAIN**

Female migration in Spain, as Contreras (2016) points out, since the beginning of the economic crisis, the flow of female migration from Latin America and the Caribbean has decreased considerably. Migration is also generating a greater impact on the migrant population, as Martin, Fouassier and Moreno (2017) indicate, when there is a crisis; economies affect migrant women differently, starting with the fact that they begin to move to host countries that have greater economic conditions. In fact, in 2008, 123,574 women arrived in Spain, while in 2009 and 2010 this figure decreased to 73,965 and 61,852 respectively; in 2011 this figure increased to 65,313, in 2012 and 2013 it decreased again to 50,390 and 44,126 respectively, and in 2014 it increased to 50,172. Moreover, as Pérez and Redinha (2017) point out, the fact that there are economic crises "has helped to give mobility of persons and workers a markedly normative character, insofar as its techniques and principles have been reviewed in terms of their impact on the labour market". (p. 80).

Concerning this feminization of occupations, we are witnessing a phenomenon that harms migrant women not only from the discrimination that remains for them but from the perspective of the common precariousness of these occupations, which as Arranz, Carrasco & Masso (2017) point out that they generate "A set of contributions that clearly illustrate the concept of intersectionality understood as those situations in which a specific class of discrimination, in our case gender interacts with two or more discrimination groups (...) creating a unique situation" (p. 333).

The reason for the feminization of occupations does not respond to a single factor but rather to a series of factors that generate in the scientific community a series of several theories in this regard. For Moreno & Lopez (2018), these reasons are due to "the destruction of jobs in masculinized sectors and, also, in the impact of legislative changes that offer greater protection to groups such as domestic workers, strongly feminized and with an important presence foreign" (p. 68).

Now, if reference is made to the specific case of Spain, Contreras (2016) warns that the reason that induces immigrant women to this type of occupation in Spain is not related to their level of qualification but rather goes hand in hand with profound transformations of a sociodemographic and economic nature of European societies that are also more complicated for those who do not have a regular administrative situation.

Another factor that should be mentioned is the economic one. Thus, immigration in Spain is characterized by being "economic-labor" in nature. Thus, according to Monereo and Triguero (2011), "foreign immigrants are industrialized, commercialized, regulating or rather controlling their access, their permanence, and even return or departure, taking into account the national economic situation" (p.397); therefore, the immigration policy of the Spanish State not only intervenes actively within the migratory flows but also comes to determine the reception capacity considering the conditions of the labor market.

Besides, it is also important to relate the hiring of foreign women with the sexual division of labor, that is, that traditional scientific trend that indicates that, as indicated by Brunet and Santamaria (2016),

the work of reproduction brings to the table the problem of the sexual division of labor and that of the relationship between what is understood as the sphere of production of goods and services in the market and the so-called sphere of social reproduction (p. 1).

Therefore, as they are also facing a job market with feminized occupations, the problem for migrants becomes ever more profound.

## **LEGAL RULES ON MIGRANT WOMEN IN SPAIN**

In this way, it should be mentioned that to achieve a specific regulation in Spain, there was not always a previous regulatory development. Some examples of this last approach can be pointed out as a legal background in this regard: Law 29/1968 of June 20 on exactions for issuing work permits to foreign subjects, Decree 1870/1968 of July 27, which regulated the employment, work regime and establishment of foreigners in Spain, Decree 522/1974 of 14 February, which regulated the regime of entry, stay and departure of foreigners in Spain and Decree 1884/1978 of July 26, which regulated the legal possibility of foreigners to open commercial establishments in Spain, as indicated the same sector.

Therefore, we must take into consideration in this study the Organic Law 4/2000 of January 1 on the rights and freedoms of foreigners and their social integration, current legal norm and which is the result of an express recognition of the rights of assembly, association, demonstration, strike and unionization of

foreigners. Furthermore, the regulations are the result of a political and social consensus that had not been established in this area until then.

At first, in Title 1 of Chapter 1, Article 3 refers to the rights and freedoms of foreigners. Specifically, it indicates, by the constitutional provisions that in the case of foreigners, they will enjoy in Spain those rights and freedoms established by the Magna Carta under "conditions of equality with the Spanish". In this regard, there is also in Article 3 a second provision that refers to fundamental human rights whose norms "will be interpreted following the Universal Declaration of Human Rights and with international treaties and agreements on the same matters in force in Spain (. . .)". We will have to make some considerations in this regard.

In this way, the right to documentation is recognized in Article 4, where the regularity of the immigration status of these people is promoted through the so-called "foreigner identity card" indicated by the same article in the comment. Regarding the type of hiring that foreigners can access in Spain, it should be said that it may be subject to temporary or indefinite hiring which, in addition to being scarce in Spain, is rare that it can occur for foreigners since according to Mellado and Fabregat (2006) "surely more for a social belief than for a legal reason of economic cost, it is difficult for employers to finally decide to hire foreign workers indefinitely" (p. 2).

On the other hand, Law 4/2000 on the visa regime establishes the regulations that exist visas for transit, stay, residence and residence and work, study, and research, all referred to in Article 25 bis. Most types of visas are characterized by a temporary regime, which subjects them to a specific term or period. For its part, Article 26, regarding the prohibition of entry into the Spanish State, states that foreigners who have been expelled while this entry ban lasts cannot do so. In any case, the refusal to enter the country will be motivated and may be subject to appeals as established in the same article.

Regarding this expulsion, the norm contemplates it for those who have carried out an infraction classified as "serious" or "very serious". Regarding these, the standard refers almost exclusively to the world of work. Thus, serious infractions are, among other things, being working irregularly in Spain or being in Spain irregularly, according to Article 53 of the law, while very serious infractions are employing a person who is in an irregular situation, carrying out discriminatory behaviors. , the hiring of foreign workers, and the labor simulation of some hiring with a foreign person among other conducts, according to Article 54, which also indicates other assumptions that can be verified in the regulations.

The article in comment expressly states around this issue of expulsion that "following the principle of proportionality, expulsion from Spanish territory may be applied instead of the fine." It is also interesting that the normative provision in question prevents the expulsion of pregnant migrant women in Article 57.6.

This leads us to regret, what about migrant women? First of all, the norm states that within the migration policy, it must be established under Article 2 bis Equality between men and women. Thus, the norm in comment states in its Article 31 bis that regardless of the administrative situation of foreign women who have been victims of this type of violence, they have protections established in Spanish territory for this special circumstance. When making such complaints, suspensive effects are produced around this same article around this situation of irregularity, which allows foreign women victims of this to apply for residence and work, although this issue will not be resolved until that the corresponding criminal procedure is concluded.

## **IMPACT OF LEGAL RULES ON GENDER EQUALITY FOR MIGRANTS IN SPAIN: THE USE OF ICTs IN THE AUDIT**

Now, once the current norm has been studied, it can be said that the normative analysis of these legal policies concerning migrant women in Spain leads us to think: How is the incidence of these legal norms in practice studied? For this, it is necessary to make an initial comment and it is that as we have said the irregular migration of many women in Spain leads them to make their situation invisible to the authorities, so getting to know these figures would be complex without the implementation of electronic and media channels technological that allow reaching more people. It is there where the way of auditing the influence of these norms is raised, whether positively or negatively in the migrant society in Spain for the pertinent purposes.

The technology revolution has also been a revolution for regulatory trends since the study of their impact and, of course, their audit can also be determined by electronic means or can be accessed through these ICTs channels. In this study, a report carried out by the ACOGE NETWORK called the "Report on psychosocial care for migrant women" from March 2017, which had a sample of 204 migrant women to analyze their integration process from various points of view within Spanish society (in total there would be ten: 1. General demographic and personal data. 2. Economic situation. 3. Psychosocial and health situation. 4. Housing situation. 5. Languages. 6. Employment. Family relations. 7. Relationships with the environment and social participation 8. Migratory project. 9. Experience of integration. 10. Identification and gender), for which the most important will be analyzed.

Firstly, the report shows that immigrant women in Spain are currently most active in the workplace (specifically 89.22%). It should also be analyzed that of this figure, 50% declare that they are over-qualified for the job they have that does not fit their training or skills. The latter may be because in Spain, when migrant women's employment is so closely related to the domestic sector, a segregated labor market has been generated, according to the same report.

Thus, 39.90% of the women in the analysis reveal that they do not receive any salary, while the rest earn less than 600 euros per month. This last factor could also be related to the influence that the migratory project of these people has and its materialization in reality. On the other hand, almost 50% of the women in the sample consider that their migratory experience does not meet their expectations. In fact, in 36.54% of cases there is a worsening of their quality of life conditions as a result of migration, and only 20% consider that a positive factor of migrating has been their freedom as women. All this can be seen more concretely in the following table:

**Table 1. Analysis carried out by the red welcomes migrant women in Spain year 2019**

Labor-Active Migrant Women (with or without remuneration)	89.22%
Active women who are overqualified for the work they do	fifty%
Migrant women working without any remuneration	39.90%
Migrant women whose remuneration is less than 600 euros per month	60.1%
Migrant women who consider having a worsening of their living conditions in the host country	36.54%
Migrant women who consider that migration has been positive for their lives	twenty%

Source: Own elaboration through statistical data Acoge Network (2019)

From this study we can perceive a reality that perhaps without the use of electronic means could not have been verified with the truth. In this way, the importance of technology can be noted within the forms of auditing the effectiveness of legal norms, since it is presented as a true tool for even invisible populations such as migrant women in Spain to find ways to make themselves known to analyze the legal norms that govern them from a social point of view.

## **METHODOLOGY**

This is a qualitative-quantitative cross-sectional research since, as established by Gomez, Alvarez, Romero, Castro, Vega, Comas and Velazquez (2017), this type of design characterizes specific moments in the phenomena and is responsible for collecting data and describing variables to analyze phenomena at a given moment. In turn, this design is ethnographic because it describes or interprets a social group that in this case is migrant women in Spain and the research has a descriptive scope that analyzes as indicated by Gomez *et al.*

(2017) "how it is and how it manifests itself a phenomenon and its components" (p.107).

## CONCLUSIONS

In conclusion, it should be said at first instance that integration within the Spanish system is difficult for immigrant women both from the legal point of view and from access to employment, since many of their occupations respond to sectors traditionally reserved for women, as is the case of the sexual division of labor that segments the labor market. These issues ultimately influence the integration of migrant women negatively, without considering other issues that keep them in this classification of discrimination such as the inability to get the job for which they are qualified.

That is why it could also be said as a conclusion that it is an especially vulnerable group that has remained in large numbers through the years and has not been fully attended by the migration policies of that country. As we see, from the factors that lead them to migrate, these in many ways are related to the world of work. In this way, upon arrival in Spain, most of them are used irregularly, a matter that, according to the studied law, is sanctioned with the legal figure of voluntary return.

So that is where the importance of using technological means that doing not only allow surveys and other types of statistical studies to be carried out anonymously to analyse the impact of legislative measures on vulnerable populations stands out. This is an effective way of reaching these groups whose condition is sensitive to legal regulations that do not guarantee that their condition as migrants is optimal, but rather classify them within different types of indirect discrimination.

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