

# The Views of Spanish Undergraduates on Gender Equality, Parental Responsibilities and Joint-Custody

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In recent years we have witnessed concerted efforts to achieve real equality between men and women through legislative reform in the European Union (i.e., EU Directives 2002/73/EC; 76/207/EEC), and nationwide in Spain (e.g., Law 3/2007, of 22 March, for Effective Gender Equality) as well as regional legislation (e.g., Law 7/2004, 16 July, Galician Law for the Equality of Women and Men). In view of the principle of equal rights enshrined in legislative reform, one would expect social change entailing the removal of existing inequalities on the grounds of sex. In order to explore the views of Spanish youth regarding gender equality, a pioneering field study was carried out to assess their knowledge of current legislation, and to examine their views towards gender equality, particularly in relation to specific issues such as family, divorce, separation, joint-custody, sexual relationships, education, and employment. Moreover, perceived or real models of equality were contrasted with ideal or desired models of equality. Thus, a total of 2071 Spanish undergraduates were administered an ad hoc questionnaire. The results reveal the vast majority of undergraduates favoured gender equality, and the equal participation of women and men in family and working life as well as joint-custody in cases of divorce or separation. Nevertheless, differences in gender were observed i.e., more women supported policies promoting the principle of equality than men. The findings underscore the need for implementing intervention strategies designed to foster shared responsibility and address different forms of discrimination based on sex in the family and the workplace and to combat them.

**Keywords:** Spanish Undergraduates; Gender Equality; Joint-Custody; Shared Parenting

## The Principle of Gender Equality

The principle of equality between men and women is enshrined in a wide array of international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women Adopted by the UN General Assembly in December 1979, and ratified by Spain in 1983; the Nairobi Conference, 1985; and the Beijing Declaration, 1995. Likewise, the European Union has adopted a range of measures outlined in the Treaty of Rome, and several recommendations and directives promoting the principle of equality such as Directive 2002/73/CE, Directive 76/207/EEC on equal rights regarding access to employment and vocational training, and Directive 2004/113/CE, implementing the principle of equal treatment between men and women in the access to and supply of goods and services. In Spain, Article 14 of the Constitution declares the right to equality and protects citizens against any form of discrimination, as does Article 9.2 requiring public institutions and government agencies to promote equality in political, economic, cultural, and social life. Similarly, Law 3/2007, 22 March, implements the Effective Equality between Women and Men in all spheres of society by endorsing protection against discrimination, and enforcing policies promoting equality. By passing this law, Spain, provides legal and constitutional safeguards guaranteeing the representation of women in public institutions. A further decisive step to combat inequality in Spain is Law 1/2004, de 28 December, on Integrated Protection Measures Against Gender-based Violence that acknowledges

that any form of violence exercised against women constitutes a violation of their human rights. Thus Art 1 states that the purpose of this Act is to combat the violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, inequality, and the power relations prevailing between the sexes. In 2008, the Spanish Government set up the Ministry of Equality to enforce the laws and policies on equality and the previously mentioned Law Against Gender-based Violence. The role of the Local Authorities and Autonomous Communities in promoting equality in recent years is also worthy of mention. In the Autonomous Community of Galicia, Law 7/2004, 16 July, for the Equality of Men and Women provides a legal framework that strives to ensure equality between women and men. Chapter II seeks to mainstream gender equality in all spheres of life be it political, social, cultural or artistic.

The impact of legislative reform on education and employment (see Spanish Ministry of Equality, 2009), cannot be fully understood without taking into account the accompanying transformation in family structures and parental roles.

## Gender Equality and the Family

Relationships of equality within the family are good indicators of social change (Meil, 2006). As for views among the young regarding the family, the recent *Youth and Gender*

*Equality* survey (INJUVE) found that many young people (46%) acknowledged there were difficulties in overcoming gender inequality in the family (López et al., 2008). Most youngsters (60%) mentioned the need to remove existing inequalities at work and in the family, and viewed the ideal family in which both parents work as being based on shared parental responsibility in housekeeping and child rearing (CIS, 2007). The tendency to consider shared parenting as the ideal family model has steadily increased from 47.7% in the 90s to the current figure of 60% (Navarro, 2006). In reconciling work and family life, some authors have suggested that changing gender roles and legal reform on gender equality have brought about greater parental responsibility for men. Thus, Alberdi and Escario (2007) have drawn attention to the increasing commitment of men in shared parenting and child rearing which contrasts with their own family upbringing. Recommendation 19 (2006) of the Committee of Ministers to Member States of the Council of Europe on policy to support positive parenting strives to eliminate obstacles to positive parenting and to reconcile family and working life.

With reference to family breakdown, Spain is the EU-27 country with the highest increase in quantitative and qualitative terms of divorce in the last 10 years, and represents 69% of the increase in the EU-15, and 58% of the total of the EU-27 (Institute of Family Policy, 2010). Spain registered a total of 110,561 divorces in 2011, an increase of 0.3% with respect to the previous year (INE, 2012). The figures underscore the need for addressing the issue of joint-custody outlined in Law 15/2005, 8 July, that amends the Civil Code and the Code of Civil Procedure on matters of separation and divorce, and expounds shared parenting and joint-custody (Bauserman, 2012; Lathrop, 2009).

### **Divorce, Equality and Joint-Custody**

The Spanish national legislation concerning joint-custody is complemented by regulations and laws pertaining to each autonomous community that enforce the principle of equality between men and women. Thus, in the Autonomous Community of Aragón, the preamble of the Law of Equality of Family Relationships in situations of Family Breakdown, 2010, declares that social change demands legislative reform regulating child custody to ensure the continued contact of children with both parents and the equality of both parents. Moreover, the law states that joint-custody is to be understood as a progressive system designed to foster shared parenting in the exercise of parental authority on the grounds of gender equality in all spheres of life, to enhance the professional development of women, and to address the demand of men for a greater role in child rearing, a right which has traditionally been the exclusive domain of women. Thus, this law on joint-custody aims to contribute to the equality of gender roles, which still has a long road ahead. Similarly, the Autonomous Community Cataluña seeks to foster joint-custody as the preferred option of choice with Law 25/2010, 29 July, that amends the Second Book of the Civil Code of Cataluña regarding the family. The preamble of the said law mentions two innovative proposals regarding parental rights and obligations in circumstances of separation or divorce. The first is that all proposals by either party are subject to a judicial process to establish a parenting plan, which is an instrument designed to specify the parental rights and responsibilities concerning the child's wellbeing, rearing, and education.

Secondly, the traditional scenario of child separation from one parent in cases of family breakdown is rejected in favour of joint-custody whereby both parents retain equal or equivalent rights and obligations to ensure that above all the rights and wellbeing of children prevail in all circumstances. The underlying current of thought is that shared parenting and joint-custody serve the best interests of children by fostering stable relationships with both parents. In addition, the granting of equal parental rights and obligations dispels lingering feeling of winners and losers, enhances affective ties and mutual collaboration to achieve common educational and economic goals. Hence, Article 233-8 reminds litigating couples that the judicial process of divorce or separation does not alter or relieve couples from the parental rights and duties described in Article 236-17.1. Thus, current Spanish legislation takes a pro-active approach to promoting joint-custody as well as equal rights, responsibilities, and parental roles (Coloma, 2011).

Furthermore, the literature has reported a plethora of benefits for children living under joint-custody as opposed to those living the sole-custody of one parent, in particular, the former tend to maintain stable relationships with both parents (Bauserman, 2012; Luepnitz, 1982; Welsh-Osga, 1981), better family relations, ongoing and long-lasting contact with both parents (Bauserman, 2012; Luepnitz, 1980, 1982; Welsh-Osga, 1981), and are better adjusted than sole-custody children (Buchanan, Maccoby, & Dornbusch, 1996; Shiller, 1984, 1986), regardless of the degree of previous conflict (Gunnée & Braver, 2001). In terms of coparenting following divorce or separation, children are better adjusted when both parents maintain a positive relationship and are actively engaged in the child's upbringing (Amato & Gilbreth, 1999; Lamb, 2002), are more motivated at school (Buchanan, Maccoby, & Dornbusch, 1996), and achieve higher academic performance (Bauserman, 2002; Buchanan, Maccoby, & Dornbusch, 1991). The benefits of joint-custody are not limited to children only, parent also stand to gain from better child-parent relationships (Bauserman, 2012; Welsh-Osga, 1981), greater personal satisfaction (Bredfeldt, 1985); and in the long-term averts deteriorating parent-child relationships and reduces conflict (Bauserman, 2012; Pearson & Thoennes, 1990; Yarnoz, 2010). Mothers in joint-custody arrangements have better mental health, greater ability at solving mother-child disputes, receive more social support, and feel less burdened and stressed versus sole-custody mothers (Bauserman, 2012; Hanson & Boxett, 1985).

In contrast, joint-custody fosters cooperation between both parents (Patrician, 1984); the equal sharing of rights and obligations (Bauserman, 2002; Fariña, 2010; Ortuño, 2006), and minimizes the judicialization of parenting (Bauserman, 2012).

Notwithstanding, the rulings of the courts in child custody disputes appear to be impervious to recent research findings and guidelines advocating the joint-custody and shared parenting of children. The few case studies undertaken in Spain revealed the courts continue to grant sole-custody to one parent i.e., a review of 287 court rulings in child custody litigation revealed no joint-custody plans were granted by the courts, and in 91% of cases the mother was granted sole-custody (Catalán et al., 2008). Likewise, a case study of 498 court rulings under Law 15/2005, found joint-custody was granted in only 1.8% of cases of family breakdown (Alonso, 2011). The figures suggest that legislative reform has had little impact on child custody rulings, and traditional views of the mother as the "primary caretaker" of a child remain dominant and unchallenged.

Bearing in mind recent legislative reform in Spain concerning child custody, parenting, and gender equality as well as the findings and guidelines of current research, the aim of this study was threefold: to assess the knowledge of Spanish undergraduates regarding current Spanish legislation; to explore their views towards gender equality, particularly in relation to specific issues such as family, divorce, separation, joint-custody custody, sex, education, and employment; and to gauge the discrepancies between perceived levels of equality and ideal levels equality.

## Method

### Participants

The sample consisted of a random selection of 2071 Spanish undergraduates. The sample reflected the current gender distribution of the Spanish undergraduate population i.e., 72.7% women and 27.3% men, aged 18 to 30 years ( $M = 20.57$ ) ( $S_x = 2.66$ ).

### Measures

In order to explore their views, undergraduates were administered an ad hoc questionnaire consisting of 24 items with a yes/no response format allocated to three broad categories:

1) *Knowledge of the law*. Consisting of 3 items designed to assess the participant's knowledge of the law on gender equality and child protection i.e., *Law 3/2007 on Effective Gender Equality*, *Law 1/2004 for Integrated Protection Measures against Gender Violence*, and the *Convention on the Rights of the Child*.

2) *Views regarding gender equality*. Consisting of 12 items designed to examine discrepancies between perceived equality and ideal models of equality as well as to contrast the rights and obligations women and men in different spheres of life e.g., education, work, sexual relationships, and family).

3) *Views regarding gender equality in relation to separation and divorce*. Consisting of 9 items designed to explore views regarding joint-custody, and maternal and paternal roles and responsibilities following separation or divorce.

### Procedure

The questionnaire was administered at 5 Spanish universities selected at random by trained and experienced researchers during the 2010-2011 academic year. All of the undergraduates freely volunteered to participate in the study, were informed of the aims of the study, and assured their data would remain anonymous and confidential.

### Data Analysis

Data analysis was undertaken using the SPSS Version 19 statistical software package. The responses to the items on the questionnaire were used to generate the descriptive statistics, and to form contingency tables, chi-square and independent test in repeated measures.

## Results

### Knowledge of the Law

With reference to knowledge of the law, 50.6% ( $n = 1045$ ) of

subjects stated they were unacquainted with the laws mentioned in the questionnaire, 36.5% were acquainted with at least one law, and 12.9% ( $n = 266$ ) were acquainted with all of the laws. As shown in **Graph 1**, women were more acquainted with the current legislation than men,  $\chi^2(2, N = 1983) = 11.81, p < .05$ .

### Views Regarding Gender Equality

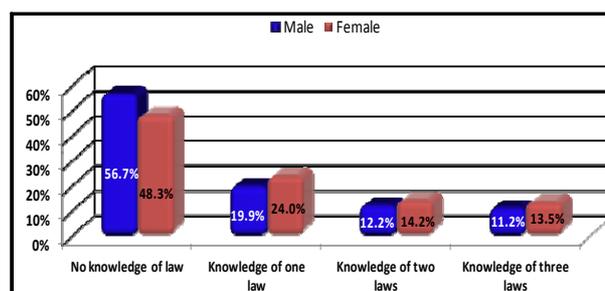
#### 1) Rights and Obligations

Though 96.8% ( $n = 2049$ ) of respondents favoured equal rights for both men and women, more women as opposed to men demanded more rights,  $\chi^2(1, N = 1983) = 16.76, p < .01, \phi = -.094$ . As for obligations, 95.9% ( $n = 1960$ ) of subjects favoured equal obligations for men and women, but once again more women in contrast to men demanded equal obligations for both genders,  $\chi^2(1, N = 1960) = 12.44, p < .01, \phi = -.081$ . In terms of concordance, it should be noted that 97.4% ( $n = 2043$ ) of subjects favoured equal rights and obligations for both men and women,  $\chi^2(1, N = 2047) = 334.35, p < .01, \phi = .41$ , and non-concordant responses were found according to gender.

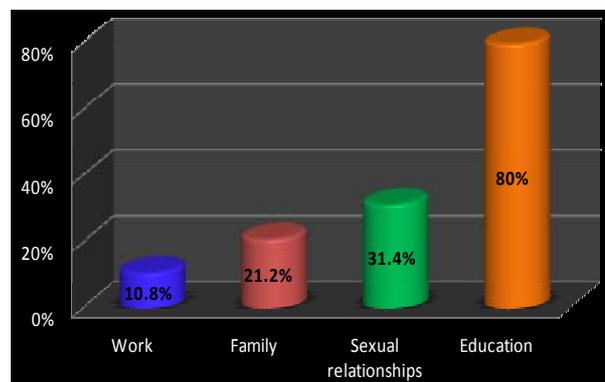
#### 2) Views of equality in specific spheres of life

**Graph 2** shows 80% ( $n = 1668$ ) of subjects thought there were equal rights in education, 31.4% ( $n = 650$ ) in sexual relationships, 21.2% ( $n = 439$ ) in the family, and 10.8% at work ( $n = 224$ ).

According to gender, significant differences were observed between men and women in relation to equality in the family,  $\chi^2(1, N = 2062) = 12.36, p < .01, \phi = .078$ ; sexual relationships,  $\chi^2(1, N = 2049) = 6.04, p < .01, \phi = .054$ ; and work,  $\chi^2(1, N = 2065) = 12.95, p < .01, \phi = .079$ ; with the exception of education,  $\chi^2(1, n = 2059) = .82, ns$ . In comparison to men, women perceived greater levels of gender equality in all spheres of life.



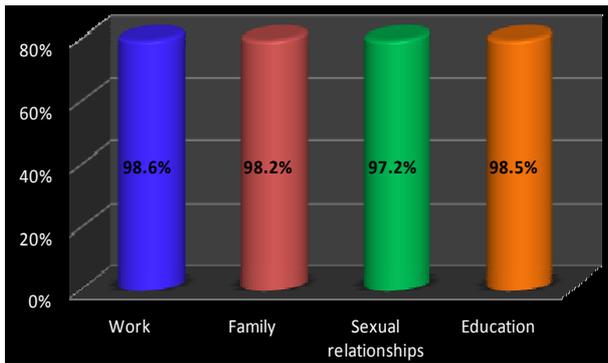
**Graph 1.** Knowledge of legislation according to gender.



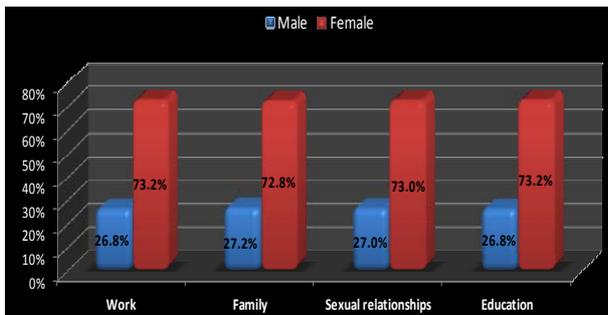
**Graph 2.** Perceived real equality according to different spheres of life.

With regards to the ideal family, 98.2% of subjects (n = 2049), stated men and women should have equal rights, a view that was also held for other spheres of life (see **Graph 3**). However, significant differences were observed according to gender i.e., family,  $\chi^2(1, N = 2060) = 156.80, p < .01, \phi = .27$ ; sexual relationships,  $\chi^2(1, N = 2049) = 140.99, p < .01, \phi = .26$ ; education,  $\chi^2(1, N = 2059) = 14.28, p < .01, \phi = .08$ ; and work,  $\chi^2(1, N = 2065) = 106.78, p < .01, \phi = .22$  (see **Graph 4**). A similar pattern was observed for perceptions of real equality with female undergraduates underscoring the need for greater equality in all contexts.

As for the assessment of the degree of concordance between perceptions of real equality and ideal levels of equality, the results reveal significant differences between both,  $\chi^2(1, N = 2062) = 26.24, p < .01, \phi = -.12$ . Moreover, nonconcordant responses were observed in each sphere of life under study (see **Table 1**) i.e., nonconcordant perceptions of real equality and perceptions of ideal equality in the family and at work.



**Graph 3.** Views on ideal levels of equality according to different spheres of life.



**Graph 4.** Ideal levels of equality according to gender.

**Table 1.** Perceptions of equality in specific spheres of life.

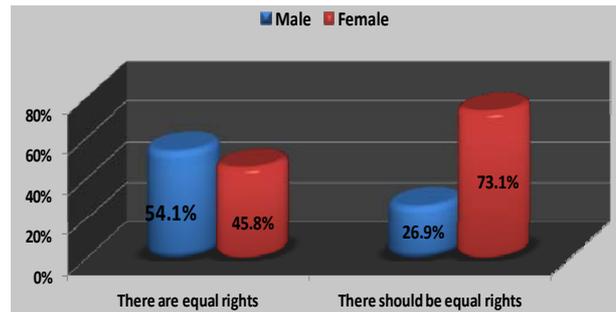
Sphere of life	$\chi^2$	p	McNemar	
			$\chi^2$	p
Work	29.99	.001	1797.24	.001
Education	.78	.379	363.57	.001
Sexual relationships	.22	.636	1337.45	.001
Family	4.77	.005	1573.27	.001

3) Views on equality in reconciling work and family life

Only a small number of respondents, 13.6% (n = 279), perceived real equality of rights in reconciling work and family life (see **Table 2**). As shown in **Graph 5**, of these respondents 54.1% were men (n = 151) and 45.8% were women (n = 128), with a significant difference between genders,  $\chi^2(1, N = 2055) = 116.02, p < .01, \phi = .24$ . As for ideal situations of equality, 98.7% of subjects favoured equal rights in reconciling work and family life; however, significant differences were found according to gender,  $\chi^2(1, N = 2056) = 12.51, p < .01, \phi = .08$ . **Graph 5** shows women (n = 1484) were more in favour of equality in reconciling work and family life (73.1%), than men (n = 545) 26.9%.

**Views on Equality of Parental Roles and Child Care Following Separation or Divorce**

In cases of family breakdown (see **Table 3**), 92.7% (n = 1889) respondents identified the mother with the primary role of care and upbringing of children,  $\chi^2(1, N = 2037) = 50.80, p < .01, \phi = -.16$ , of these 74.7% were women (n = 1412) and 25.3% men (n = 477). This percentage, however, fell to 67.7% (n = 1387) when respondents were asked about the ideal situation i.e., if women should be primarily responsible for the care



**Graph 5.** Perceptions of equality in reconciling work and family life according to gender.

**Table 2.** Real and ideal perceptions of equality in reconciling work and family life.

	Yes (%)	No (%)
Real equality*	13.6	86.4
Ideal equality**	98.7	1.3

Note: \*Men and women have equal rights; \*\*Men and women should have equal rights.

**Table 3.** Real and ideal perceptions of equality in the care and upbringing of children by the father and mother following separation or divorce.

		Yes (%)	No (%)
Is responsible for the care and upbringing of the child	Mother	92.7	73
	Father	54.6	45.4
Should be responsible for the care and upbringing of the child	Mother	67.7	32.3
	Father	86.3	13.7

and upbringing of children,  $\chi^2(1, N = 2048) = 71.52, p < .01, \phi = -.18$ , of these 78.4% were women ( $n = 1088$ ) and 21.6% ( $n = 299$ ).

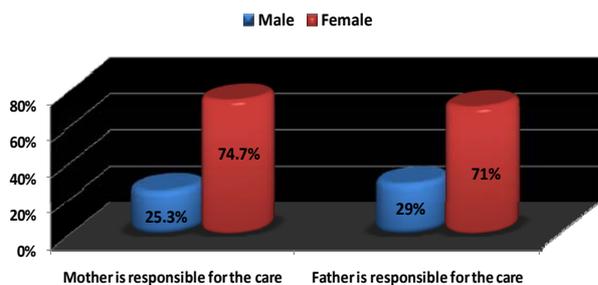
As for the role of the father, 54.6% ( $n = 1099$ ) of subjects thought the father was the primary carer of children  $\chi^2(1, N = 2013) = 2.95, ns$ , of these 71% were women ( $n = 780$ ), and 29% men ( $n = 319$ ) (see **Graph 6**).

In terms of the ideal situation (**Graph 7**), 86.3% ( $n = 1768$ ) of subjects thought the father should be the primary carer of children, 74.9% of these respondents were women ( $n = 1325$ ) and 25.1% men ( $n = 443$ ), revealing a marked difference between both genders,  $\chi^2(1, N = 2049) = 32.73, p < .01, \phi = -.12$ .

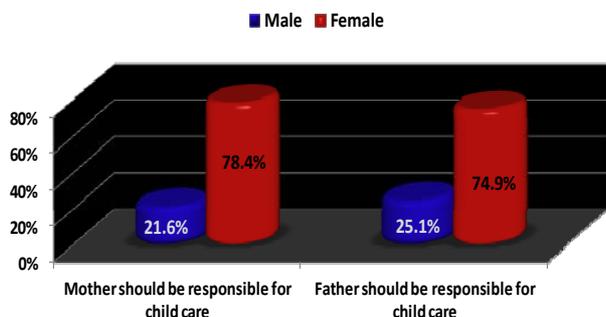
1) Joint-custody

**Graph 8** shows 97.2% ( $n = 2002$ ) of respondents were in favour of joint-custody, of which 73.2% were women ( $n = 1465$ ), and 26.8% men ( $n = 537$ ) as illustrated in **Graph 9**. Differences were found according to gender,  $\chi^2(1, N = 2061) = 12.52, p < .01; \phi = .07$ . Subjects in favour of joint-custody also believed it fostered gender equality,  $\chi^2(1, N = 2027) = 155.64, p < .01, \phi = .27$ . However, nonconcordant responses were found,  $\chi^2(1, N = 2027) = 80.52, p < .01$ .

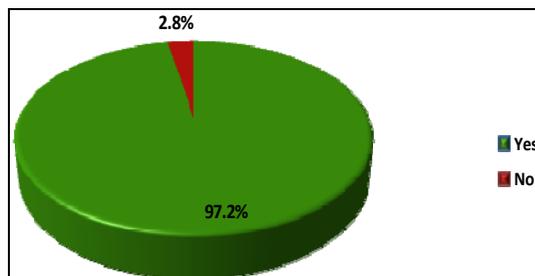
Joint-custody (see **Graph 10**) was understood as a right of parents and children (77.3%) ( $n = 1552$ ), whereas 15.5% ( $n = 312$ ) defined it as a right of both parents, and a right of the child 6.8% ( $n = 137$ ). Other responses obtained residual percentages. In terms of gender, of the 77.3% who thought joint-custody was a right of parents and children, 76.9% were women ( $n = 1190$ ), and 23.1% men ( $n = 357$ ); of the 15.5% who defined it as a right of both parents, 60.9% were women ( $n = 190$ ), and 39.1% men ( $n = 122$ ), and of the remaining 6.8% who defined it as a



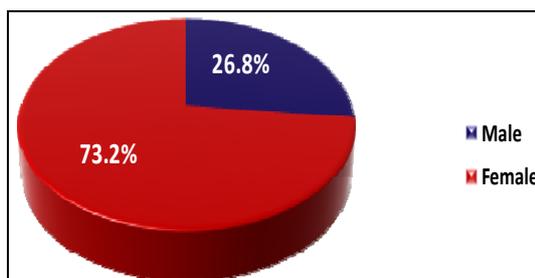
**Graph 6.** Perceptions of real equality in the care and upbringing of children by the father and mother following separation or divorce according to gender.



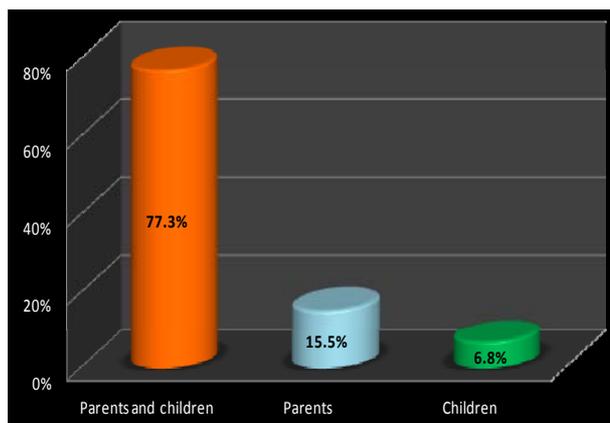
**Graph 7.** Perceptions of ideal equality in the care and upbringing of children by the father and mother following separation or divorce according to gender.



**Graph 8.** Agree with joint-custody following separation or divorce.



**Graph 9.** Agree with joint-custody following separation or divorce according to gender.



**Graph 10.** Joint-custody is a right of...

right of the child, 58.4% were women ( $n = 80$ ), and 41.6% men ( $n = 57$ ).

**Discussion**

Bearing in mind the limitations of this study in relation to sample size, and consequently the ability to draw generalizations to other populations we may consider the following conclusions:

1) As regards the understanding of the law relating to child protection and gender equality, more than 50% of undergraduates were unfamiliar with the current legislation. The results underscore the need for raising social awareness and sensitivity (European Commission of Member States, 2009), thus it is vital that this initiative should be conceived and implemented in terms of a rights-responsibility dichotomy. Strikingly, most undergraduates, even those undertaking teacher-training, were un-

acquainted with basic legislation on child protection such as the Convention on the Rights of the Child. This highlights the need for tackling these issues in cross curricula topics at higher education (Aneca, 2011).

Though 97.4% of subjects supported equal rights and obligations, the findings of this study show that sexual inequality remains widespread in the family and work, underlining the need for intervention programmes in these areas of life. The concordance between real versus ideal perceptions of equality in the family and at work was low, which corroborated the findings of previous surveys (e.g., CIS, 2007; López et al., 2008). According to the Global Report on Gender Inequality, 2012 (Hausmann, Tyson, & Zahidi, 2012), Spain has lost headway in its efforts to achieve gender equality in reconciling work and family life.

2) As for family-breakdown, most undergraduates viewed women as the primary child career and the linchpin of emotional support though this was not considered to be the ideal scenario. Thus, parental responsibilities continue to be a source of inequality in situations of family-breakdown. Nevertheless, joint custody was the preferred option by the vast majority (97.2%) of respondents. As previously mentioned, in Spain few studies have been undertaken on views towards joint custody; nevertheless, our results have corroborated the findings of other studies such as the SOS PAPA (2005) in collaboration with Gallup Spain, a survey undertaken on a sample of 964 Spanish adults showing 83.6% favoured joint custody in cases of divorce even in cases involving child dispute litigation. A greater number of women 86.6% than men 80.5% were in favour of joint custody even in cases of child custody disputes.

The results of this study reveal two prevailing social tendencies towards joint custody i.e., it is primarily conceived of as a right of parents and children, and as crucial step towards equality between men and women (Bauserman, 2002, 2012; Fariña, 2010).

3) In terms of gender, female undergraduates had a better understanding of the law, supported more equal rights and obligations, and demanded more rights to reconcile work and family life. Moreover, they favoured shared custody on the grounds that it is a right of parents and children. These demands should be addressed in the design and implementation of programmes and policies on gender equality. Accordingly, the report of the European Commission of Member States (2009): policies on reconciling work and family should be focused on men given that promoting gender equality entails social change and fresh opportunities for both sexes.

Hence, efforts must be undertaken to promote equality between men and women by fostering shared parenting and the empowerment of women (Zimmerman, 2000). Legislative reform enables legal equality, but it must be accompanied by real change in all spheres of life, particularly in reconciling work and family life, to achieve real equality.

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