

UN Women Georgia

## Study Tour on Prevention and Response to Domestic Violence in Spain

(17-21 November 2014)

### **FINAL REPORT**

Best practices of the Spanish model to prevent and respond to VAW



**Rocío Rodríguez Martínez**  
International Consultant

15 December 2014

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*“The situation of women in the world has been gradually improving, although there is still a long road ahead for full equality of men and women and the end of discrimination and violence against them. Spain has also seen some progress: today there is more equality of men and women and there has been progress in respect for the fundamental rights of women. However, inequalities between men and women and sex discrimination linger on”.*

“National Strategy for the Eradication of Violence Against Women 2013-2016”  
Ministry of Health, Social Services and Equality (MSSSI), Government of Spain, 2013.

## **1. Background**

The *UN Joint Programme to Enhance Gender Equality in Georgia* (“UNJP”), implemented by UNDP, UN Women and UNFPA was launched in March 2012 with the overall goal of promoting gender equality and women’s empowerment through strengthening capacities in the government, civil society organizations and grassroots level.

Since then, UN Women leads work under the second outcome of the UNJP: “**Creating enabling environment to eliminate violence against women, especially domestic violence (DV) in Georgia**”. To achieve this outcome, further enhance the existing mechanisms in Georgia for the prevention and response to DV and support them in the exchange of information and experience acting legislation and best practices in this field, UN Women organized a study tour for the representatives of government agencies working in the area to Spain during the second part of November 2014 (See Annex 1 Georgian Delegation).

Spain was identified as one of the countries with successful and effective model of responding to DV. The information, experience and learning gained during the study visit will be used to address the existing gaps in the Georgian system for enhanced prevention and response of DV.

### **1.1. Main objectives of the Study tour**

The main objective of the study tour was to build capacity of the inter-agency coordination mechanism within the executive branch of the Government of Georgia ( “DV Council”) in the area of elimination and prevention of DV by facilitating exchange of information with the respective government and civil society organizations working on the DV issues in Spain.

Other objectives:

- Increase awareness and foster learning among members of the DV Council (and other members of the study visit delegation) about the legislation system of the destination country with focus on laws on gender equality and the Spanish system of DV prevention and response;
- Learn about the experience and current practices of the Spanish system of DV prevention and response by establishing good working relations with their Spanish counterparts for experience sharing and learning;
- Learn about the experience and good practices on DV prevention and response in regions and municipalities in order to get acquainted with information from regional and local governments (*Comunidades Autónomas and Municipios*) for experience and best practices sharing.

## **1.2. Developing of the study tour in Spain**

The visit between 17-21 November produced 14-16 working meetings with 15 different Spanish institutions. It responded to all the requests made by UN Women during the preparatory phase.

In general, these meetings were headed by top-ranking Spanish authorities, from the Government's executive branch and its legislative area, which included the General Council of the Judicial Authority (CGPJ) and the Public Prosecutor's Office and the judiciary. Many were held at Director-General level, while others were of a more technical nature. In addition, there were various parallel meetings with one or two Delegation members<sup>1</sup>, together with various informal working lunches and dinners.

The meetings/visits took a similar form: the full Delegation was received by the authorities and state officials, who provided information and responded to questions. There was a lot of exchange of information and debates. All this took place with the aid of a Georgian-Spanish interpreter. English was occasionally used for meetings (in general, the representatives of the Spanish institutions do not speak English). Some more practical visits allowed for a more informal exchange (courts for violence against women, police etc.)

The visits took in almost all the institutions that form the model for combating gender-based violence in Spain, except the media (See Annex 2 Agenda of the visit).

Exchanges embraced the legal, judicial and police frameworks, together with the experiences at the level of the Government's executive arm for institutional coordination. This includes all the social service aspects for women who suffer violence, provided by governmental and non-governmental organisations (NGO), both from the General Administration and the Autonomous Communities (Andalusia and Madrid) and municipalities (like Seville).

## **1.3. Structure of the report**

The Report below contains the main topics covered in the meetings held between the Georgian Delegation and UN Women with the Spanish institutions acting within the gender-based violence prevention and response system at each of its levels: **legislative, executive and judicial.**

The report structure does not follow the chronological order of the meetings but attempts to provide a coherent, ordered presentation of the Spanish model according to its areas of competence. It begins with a general framework for understanding the role of all the institutions visited and, subject by subject, it contains the exchanges at the meetings, sometimes expanded with information provided by the institutions.

The report is completed with 28 Annexes.

## **2. General framework on violence against women in Spain**

### **2.1. Spain: fundamental rights and gender violence**

The Spanish Constitution of 1978 establishes the right to equality and non-discrimination on the grounds of sex (article 14: "Spaniards are equal before the law, and may not be discriminated against in any way on account of birth, race, sex..."). Its Title 1 includes a list of fundamental rights that are among the most advanced in the EU and makes specific reference to the principles of equality and

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<sup>1</sup> Meeting with the Ombudsman office of Spain (Ms Carmen Marín).

non-discrimination, the dignity of the person and the inviolability of his/her rights. In its article 1, it refers to “peace, justice and equality” as higher values of the legal system; in article 10, it establishes that “the dignity of the person, the inviolable rights which are inherent, the free development of the personality, the respect for the law and for the rights of others are the foundation of political order and social peace”.

These precepts recognise the fundamental rights as the true objective foundation of the political order established in the Constitution. They are essential elements, the framework for fair and peaceful human coexistence. Therefore, violence against women (VAW) is considered a transgression of these fundamental rights.

After the Constitution, the Organic Law on Integral (Comprehensive) Protection Measures against Gender Violence (Organic Law 1/2004, of 28 December, into effect since January 2005, is the cornerstone of the Spanish approach to fight gender-based violence. The Law addresses gender based violence for the first time in Spanish legislation, as opposed to the former domestic violence approach. The new Spanish **legislation defines gender based violence as a manifestation of discrimination, inequality and power relations of men and women**. This is a noteworthy feature of the Law<sup>2</sup>. That means that, although intimate partner violence and domestic violence remain the most prevalent forms of violence, “violence against women cannot be understood or addressed outside the context of the broader issues of gender-based discrimination and unequal power relationships”<sup>3</sup>.

Consequently, the end of violence against women implies a contribution to the total fulfilment of the constitutional mandates: ensuring respect for the fundamental rights and their exercise; enabling the participation of women who, as a result of the violence exercised against them, find themselves isolated and unable to contribute freely to building the society they live in<sup>4</sup>. As provided for in article 9.2 of the Constitution, violence against women is an obstacle to be removed by the state: *“It is the responsibility of the public authorities to promote the conditions that will ensure ... freedom and equality of individuals and ..., to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life”*). This view regards that the elimination of gender-based violence against women in all spheres is crucial for women's empowerment<sup>5</sup>. It is a cross-cutting issue that involves all the areas: public and political life; economic and social life; family and culture; health and safety.

## 2.2. Some data of Spain

The data on violence against women, and, specifically, abuse, reflect the continued existence of this injustice and scourge in the Spanish society of the 21st Century. The number of mortal victims in 2013 was 54.

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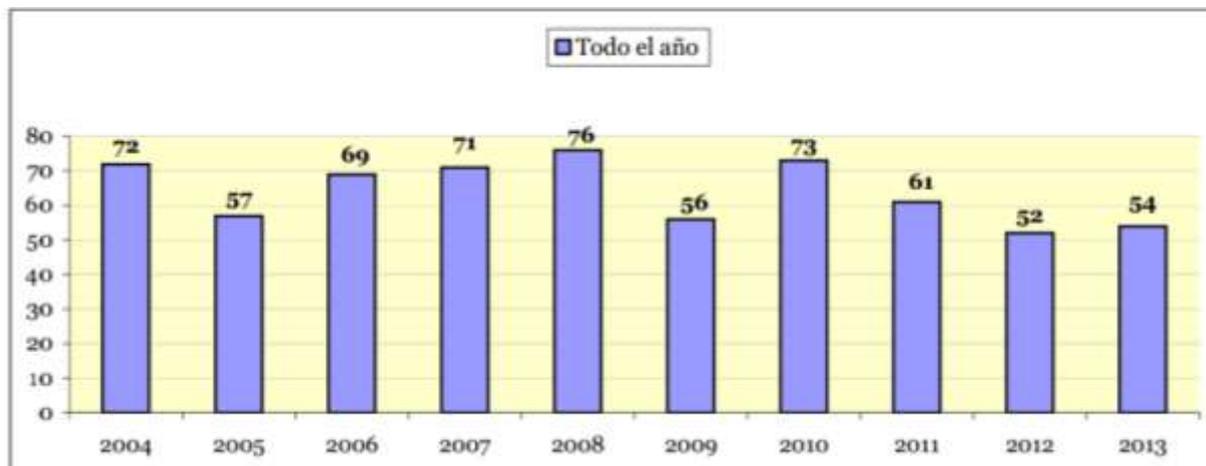
<sup>2</sup> <http://eige.europa.eu/content/los-malos-tratos-y-la-violencia-de-g%C3%A9nero-una-visi%C3%B3n-interdisciplinar>

<sup>3</sup> This is also the view of the UN: Frances Raday’s statement during the fifty-seventh session of the Commission on the Status of Women (CSW, 11 March, 2013, New York). Ms Raday is the Vice-Chairperson of the *Working Group on discrimination against women in law and in practice*, Office of the United Nations High Commissioner for Human Rights (OHCHR).

<sup>4</sup> “National Strategy for the Eradication of Violence Against Women 2013-2016”, Ministry of Health, Social Services and Equality (MSSSI), Government of Spain, 2013. See Annex 3.

<sup>5</sup> This is the view reflected in the Agreed Conclusions of the 57th CSW (2013) [www.un.org/womenwatch/daw/csw/csw57/CSW57\\_agreed\\_conclusions\\_advance\\_unedited\\_version\\_18\\_March\\_2013.pdf](http://www.un.org/womenwatch/daw/csw/csw57/CSW57_agreed_conclusions_advance_unedited_version_18_March_2013.pdf)

Between 1 January 2003 and 31 December 2012, there were 658 mortal victims of gender-based violence in Spain. Therefore, since this data began to be collected in 2003, the annual average is 65.8 and the monthly average is 5.5 women murdered in Spain.



\*The figures refer to women killed by their partner or ex-partner, as defined in article 1 of Organic Law 1/2004 of 28 December, on integral protection measures against gender-based violence.

It seems that there has been a fall in the average number of women murdered as a result of gender-based violence. In the years from 2005 to 2008, the annual average was 68.25, whilst in the period 2009-2012 the annual average was 60.5 mortal victims. So far, 2012 has been the year with the lowest number of mortal victims, which fell to 52.

### **3. Results of the Study Tour: Spanish model to prevent and respond to violence against women. Learning gained through the visits to relevant Spanish institutions at legislative, executive and judicial level**

#### **3.1. Legislative**

##### **3.1.1. Summary of the legal framework to prevent and respond to violence against women in Spain**

(\*Mainly extracted from the 18 November meeting and additional information provided by the Association THEMIS<sup>6</sup> and by ZONTA<sup>7</sup> (more inputs from Zonta: see Annex 25 and 26).

<sup>6</sup> **THEMIS** ([www.mujeresjuristasthemis.org/](http://www.mujeresjuristasthemis.org/)). The Association of Jurist Women THEMIS was founded in 1987 with the main purpose of promoting legal equality between men and women by means of carrying out all types of actions to ensure the effectiveness of the rights of women and developing proposals for changes in laws which infringe the rights of women. The Association is a non-profit organization of national scope, established in all the Autonomous Communities of Spain. To fulfill its objectives, the Association carries out the following activities: i) Promoting meetings, symposiums, work panels, seminars, conferences and similar activities in order to analyze and unify criteria on the above issues; ii) Supporting legal actions aimed at defending the rights and liberties of citizens; iii) Training young lawyers through juridical practice seminars; iv) Ongoing training for members through subject-specific courses; v) Inclusion of the gender perspective in the law. Since 1989, the Association provides legal practice seminars for the defense of women's rights. Since

The Spanish legal system aimed at eradicating violence against women relays mainly in three laws:

- *Organic Law 3/2007* of 8th March on Equality.
- *Act 27/2003* of 31st July, on Court Orders for the Protection of Victims of Domestic Violence
- *Organic Law 1/2004* of 28th December on Measures for Integral Protection against Gender Violence.

**The Organic Law on Equality (2007):** The Law for the facto equality between women and men defines the basic legal concepts and categories relating to equality such as those of direct and indirect discrimination, sexual abuse and abuse for reasons of sex, establishes the general action guidelines to be adopted by public powers and provides a general framework for the adoption of so-called positive actions in order to achieve de facto equality. It also defines the principle of mainstreaming as well as the instruments to be used for its integration in the elaboration, execution and application of the regulations. In Spain the principle of equality is reflected in the general system of public policies by the establishment of action criteria for all public powers, including in specific or sectoral spheres, for example in policies concerning education, health, the media, rural developing, work and employment, companies or housing.

**The Protection Order (2003):** The Order of Protection is a court judgment that, in cases where there is strong evidence of the commission of crimes or misdemeanors of domestic violence and in cases where there is an objective situation of risk to the victim, a judge orders their protection through the adoption of civil and/or criminal **precautionary measures**, in addition to activating the necessary **social assistance** and **protection measures**, by reference to the Order of Protection concerning the coordination points of the Autonomous Communities. It unifies the various instruments aimed at protecting victims of crimes and offenses of domestic violence and gender violence, providing protection through a quick and simple legal proceedings and coordinating an injunctive action (cautionary) of civil and criminal nature that guarantees the victims to remain in their place of residence. It also allows that a single ruling shall provide both measures restricting freedom of the aggressor to prevent new approach to the victim, together with other measures aimed at providing security, stability and legal protection to the victim and their family<sup>8</sup>.

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1990 and within the various subsidies granted by the Ministry of Health, Social Services and Equality, chargeable to 0.5% of the collected Income Tax, the Association has carried out programmes for claiming in Court payments derived from judicial decisions for women who are divorced, separated or single parents and which have not been made. Since 1993, THEMIS provides free legal advice for women on any issue. This service is supplied by lawyers-partners on a volunteer basis at the headquarters of the Association from Mondays to Fridays from 9 AM to 6 PM.

<sup>7</sup> **ZONTA International** ([www.zonta.org/](http://www.zonta.org/)) Founded in 1919, Zonta International is a global organization of executives and professionals working together to advance the status of women worldwide through service and advocacy. With more than 30,000 members belonging to more than 1,200 Zonta Clubs in 67 countries and geographic areas, Zontians all over the world volunteer their time, talents and support to local and international service projects, as well as scholarship programs aimed at fulfilling Zonta's mission and objects. The main objective is to improve the legal, political, economic, educational, health and professional status of women at the global and local level through service and advocacy. Zonta International and Zonta International Foundation have been longstanding partners of UN Women and crucial allies in global efforts to end violence against women. Since 2008, Zonta funding for UN Women's Safe Cities programmes have resulted in improvements measures to prevent violence in urban spaces. Zonta's continued strong support and funding of the UN Women-managed UN Trust Fund to End Violence against Women has helped expand much-needed services for women and girl survivors of violence. **Zonta Madrid Km 0** (Spain), as member of Zonta International (29th international district) is a non-profit, non-political, non-denominational professionals working to improve the situation of women in terms of education, health, legal, profession and political participation. (<http://zontamadridkm0.wordpress.com>)

<sup>8</sup> General Council of Judicial Authority of Spain (CGPJ) <http://www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/La-orden-de-proteccion>, consulted on 4December 2014

**The “Gender Violence Law” (2004):** Unanimously adopted by the Spanish Parliament, the existing Organic Law 1/2004, of 28 December, on Comprehensive (Integral) Protection Measures against Gender-based Violence (the “Gender Violence Law”) is a very strong tool to fight against this crime. It covers aspects ranging from preventive, educational, social to care and aftercare for victims. It tackles gender-based violence with a comprehensive and multidisciplinary approach against a violence which is considered the most serious manifestation of the discrimination due to the position of inequality and the power relationships of men over women. The 2004 Law amends several articles of the Spanish Penal Code, the Code of Criminal Procedure, the Employment Act and other Workers’ By-laws, the Act on Judiciary Power, the Act on Civil Service Reform and the General Social Security Act.

### **Other laws and legislative amendments on VAW**

- *Organic Law 3/1989*, of 21st June, amended the Penal Code and introduced the crime of habitual violence in Article 425.
- *Criminal Code of 1995* (as amended), which sets out criminal offences and punishments.
- *Law 35/1995* of 11th December, regarding financial help and assistance to the victims of violent crimes and crimes against sexual freedom.
- *Organic Law 11/2003* of 29th September on Specific Measures relating to public safety, domestic violence and social integration, first introduced the "crime of occasional abuse" in Article 153.
- *Organic Law 15/2003* of 25th November, Reform of the Penal Code, which established mandatory provisions like the penalty of approach ban in all crimes on domestic violence and violence against women.
- *Organic Law 2/2009* of 11th December, Reform of the Organic Law 4/2002 of 14 January on the rights and freedoms of foreigners in Spain, which introduced Article 31 bis on irregular foreign women victims of domestic violence to obtain residence permit and legal aid (Art 22).
- *Organic Law 5/2010* of 22th June, that modifies the Organic Law 10/1995 of 23 November: the Penal Code is amended and a new title on "Human beings Trafficking" is inserted (modification of articles relating to parental rights and the substitutability of imprisonment).
- *Law 12/2009 of 30 October*, regulating the right of asylum and subsidiary protection, which introduces persecution on grounds of gender, including gender violence as a reason for qualifying for international protection afforded our country.

This regulatory framework recognizes a 'statute of rights' to women victims of domestic violence. I.e., establishes and guarantees a series of **rights to women who are or have been victims of gender-based** aimed at helping them to put an end to the violent relationship and resume their life plan. These rights are universal, in the sense that they are guaranteed to all women who have suffered acts of gender-based violence, regardless of their origin, religion or any other personal or social status or circumstance.

### **3.1.2. Spanish Parliament: Equality Commission (meeting on 18/Nov)**

**Ms Carmen Quintanilla** (President): After welcoming and acknowledging the Head of the Georgian Delegation, Ms Magradze, and all the Georgian Government representatives, she recognises the endeavour and will of the Georgian Parliament to undertake the reforms necessary to comply with human rights and move closer to the European confluence. She is particularly pleased with Georgia’s wish to sign and verify the Istanbul Convention, contained in the Equality Strategy 2011-2016.

Spain has a good gender-based violence response system although it should not lower its guard. It needs to maintain its interest in legal progress. For example, this Commission has created a Sub-Committee on people trafficking for sexual purposes. Moreover, a new law containing the “Victim’s Statute”, which will include not only the victims of violence in relationships but also the victims of trafficking, terrorism etc., is being worked on both at legislative and executive level. The Statute will clearly define the rights of all victims.

**Ms Guguli Magradze:** After her words of appreciation to the Spanish Parliament, she says that the visit to Spain is very useful and thanks UN Women for its support. Georgia has possessed a law on domestic violence since 2005. Great efforts have been made. Georgia is firmly committed to signing the Istanbul Convention. Combating domestic violence is a priority for Parliament and the President of the Republic. The Georgian Parliament has a Committee on Equality and various working groups with representatives from ministries like the Interior, Justice, Equality etc., which are currently addressing some necessary changes. She admits that there are many problems to solve before gender equality can be achieved and it is a slow process. This is why there is a need to know how to improve laws and practice.



Ms Tamar Sabedashvili and Ms Guguli Magradze at the Spanish Congress, November, 18 2014

**Ms Lourdes Ciuró i Buldó** (Catalan Parliamentary Group, CiU): Real equality between men and women needs to be state policy. This is vital for the eradication of gender-based violence: education and awareness work has to be strengthened to eradicate certain conduct, images, television advertisements etc. It is also important to overcome other obstacles to women’s autonomy by encouraging, for example, the reconciliation of family and work life: men in Spain are still not involved in childcare.

**Ms Susana Ros Martínez** (Socialist Parliamentary Group): The existence in the Spanish Parliament of an Equality Commission of a legislative nature demonstrates that this is a priority policy in Parliament. Without equality, there is no democracy. There are two key laws in Spain: the Equality Act of 2007 and the Gender-Based Violence Act of 2004. The former must be continuously supervised, and even more so during the economic crisis (this affects women more) and because

inequality continues to be present in our society: there is a large wage gap between men and women, despite 54% of the university population in Spain being female. As regards reconciliation, the Equality Commission has created a Subcommittee on the Reconciliation of personal, professional and family life.) Violence is the social scourge of the 21st century. The 2004 Act, which will be 10 years old on 28 December 2014, is a vital tool that has raised awareness in society. However, it is also education that must lead future generations to live in a violence-free society.

**Ms Marta González Vázquez** (Popular Parliamentary Group): Georgia is a very old civilisation whose history is very similar to Spain's. Both countries have had to build a democratic state and, in both cases, joining the Council of Europe and the EU are crucial for democracy to be built. The Spanish Constitution of 1978 provides for equality between all people. However, this was not enough. It was necessary to create specific legislation on joining the EU. At present, the cornerstones of Spanish policy are: equality of opportunity, equality of treatment, salary and the reconciliation of personal and working life. However, in the past 4-5 years, the effects of the crisis have been extremely serious. Policy has been directed at stabilising the economy and recovering employment, both for men and women. With the crisis easing slightly, work will continue on achieving real equality not only in terms of employment.

**Ms Sophio Japaridze**: As has already been noted, Georgia is doing its utmost to reach the level of EU. The Spanish example is very interesting. Georgia has a Human Rights Strategy that includes the struggle for gender equality and against domestic violence. The Prime Minister participates in the Committee on Equality, which includes domestic violence. There are several bodies geared to the same goals, but to be effective, coordination is key. She agrees that education and civil society awareness are vital in this struggle. The problem is that women do not come forward and changing their attitude is very difficult.

**Ms Carmen Quintanilla**: Political participation is also a very important area. In 1977, only 7% of Spanish parliamentarians were women. The figure is now 36%. In democratic history, equality policies have evolved through women's associations and their work in the area of decision-making. The Equality Act of 2007 amended the electoral law by including the 40/60 quota and it should be noted that it was introduced by the Socialists. Title 8 of the Spanish Constitution establishes Autonomous Communities with their own regional parliaments. The percentage for women in the Castile-La Mancha Parliament, for example, is 50%. We Spanish women have engineered a quiet revolution in politics, employment and other areas. But challenges remain, for example, as we have already said. They include the reconciliation of personal and working life and co-responsibility; employment, equality in employment and wage equality. How have we worked to combat gender-based violence? Firstly, making it visible (statistics); secondly, breaking the circle of fear. How? Institutions and society have to make women aware that they are not alone, that everyone (judges, police, public prosecutors, the media etc.) is working to protect them.

This commitment will be reaffirmed with the holding of the CSW in 2014, at Beijing+20. Ms Quintanilla hopes to see both UN Women and the Georgian government there and at the Council of Europe meetings beforehand.

(See Annex 4: Members of the Equality Commission of the Parliament of Spain)

## 3.2. Executive

### 3.2.1. Government Office for Gender Violence<sup>9</sup>

(meetings 18/19 Nov)

Spain has a high level of territorial decentralisation. The competences and services for women are distributed between a variety of offices and administrations. The 1978 Constitution provided for the distribution of competences between the various public administrations into which Spanish territory was divided:

- 1) Central administration: the Government, on behalf of the Spanish State: has competences in the area of the right to asylum, in the administration of justice (although some competences are transferred to the Autonomous Communities), criminal law and civil law. The State Law on gender-based violence is Act 1/2004.
- 2) Autonomous or regional administration: 17 Autonomous Communities (CCAA) plus 2 Autonomous Cities (Ceuta and Melilla): The CCAA are responsible for social welfare (primary health care, social services, social reintegration etc.) and for other areas like education in which the State does not hold exclusive responsibility. Some competences are shared with local councils. With regard to violence, there are different instruments regulated in the statutes of the 17 CCAA<sup>10</sup>. Each has a law on violence that complements the state version.
- 3) Provincial and municipal administration: 50 provinces (plus the 2 autonomous cities Ceuta and Melilla) and 8,118 local councils or municipalities .

Law 1/2004 on Gender Violence includes, among its institutional innovations, the establishment of a **Special Government Office for gender violence** and the National Observatory on Violence against Women. Both institutions were created as coordinating bodies to monitor and to evaluate the implementation of legal measures.

**Ms Blanca Hernández** (Government Delegate on Gender Violence, head of the Office for Gender violence): This Office is located in the government's executive arm, as part of the Ministry of Health, Social Services and Equality (MSSSI). Its inter-institutional coordination work largely consists of compiling figures, data and statistics on gender-based violence. It analyses and publicises them and makes recommendations to other institutions. It must run a transparent system of official statistics. It will inform the Autonomous Communities and at the same time will receive information from them from their territories. This is a complex task that requires sensitivity, diplomacy and tact. Furthermore, it is responsible for prevention and raising awareness in society as a whole, including the media, and it undertakes advertising campaigns. For specific target groups like young people, the Office of the Government Delegate undertakes campaigns, employing appropriate language and the right technologies and going beyond formal education to reach their targets. With regard to young women, one of the aspects worked on is the importance of young women recognising and detecting violence.

**Coordination**, together with **transparency** and **awareness**, is key to providing the idea that there is a generalised consensus on the part of state institutions to fight against the scourge of violence,

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<sup>9</sup> <https://www.msssi.gob.es/ssi/violenciaGenero/DelegacionGobiernoVG/home.htm>

<sup>10</sup> Funding always comes from the General State Budget that depends on the collection of Spanish general income tax. A percentage of this goes to the State and another percentage goes to the Autonomous Communities in accordance with the distribution criteria established previously with these regions, but there has to be a common minimum guaranteed for all of them.

giving the idea that they are all pulling together and there are no rifts. Moreover, it is important for there to be good **monitoring** of the cases where female victims/survivors make use of the services and resources to which they are entitled (police, health services, judges).<sup>11</sup>

Below are the topics covered at meetings with the team of the Government Office for Gender Violence in the different areas: coordination, statistics, information and prevention measures, etc.<sup>12</sup>

### **3.2.2. Inter-agency coordination**

#### **What does the function of institutional or inter-agency coordination consist of?**

1. Proposals for Government policy against the different forms of gender-based violence;
2. Promotion, coordination and advice in all the measures carried out and especially the following functions:
  - a) Promotion of the application of the principle of mainstreaming.
  - b) Citizen awareness and prevention (education on equality, information and awareness campaigns).
  - c) Promotion of coordination between the different services (risk evaluation and management, plans, protocols, procedures for prevention, detection, care, protection and pursuit).
  - d) Cooperation with the CCAA and local councils to provide comprehensive social assistance to female victims and their children.
  - e) Coordination in the area of trafficking in human beings for sexual exploitation.
  - f) Creation, promotion and dissemination of reports, studies and research.
  - g) Design, creation and continuous updating of an information system based on the collection, analysis and dissemination of data (coordination with the National Statistics Institute)
  - h) Promotion of professional training and specialisation.
  - i) Promotion of the cooperation and participation of civil society entities, associations and organisations.

#### **How does the Government Office reach the whole of Spain?**

Through:

- 17 Coordination Units in the Autonomous Communities (in the Offices of the Government Delegate in the CCAA).
- 52 Violence Units in the Provinces (in the Offices of the Government Delegate at provincial level).

These are very small units, sometimes trained by a single person, normally a state official with special training. These units monitor victims and evaluate the level of risk. (See Annex 5).

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<sup>11</sup> The proposal by the Government Delegate's Office for the "*Victim's Statute*" will be presented soon. The "recognition of a victim is the recognition of their rights". The new statute will include the different forms of violence: sexual, female genital mutilation (FGM) and others. The statute will prevent a woman being a victim all her life, because "it is better to talk of *women who have suffered violence*" (Ms Hernando).

<sup>12</sup> Team members: María José Martín (on interagency coordination); Mario García (on National Observatory on VAW); Rogelio Cózar (on National statistical information); Rebeca Palomo (on Electronic bracelet).

These units are assisted by the law enforcement authorities: the National Police Force in the cities and the Civil Guard in the small towns and villages (rural areas). The Units refer to the social services of the CCAA when they need to. The functioning of these Units is regulated by the “Joint Instructions of the Ministries of Justice, the Interior, Finance and Public Administrations, Employment and Social Security and Health, Social Services and Equality”. (Annex 6).

Organic Act 1/2004 considers that VAW must be treated in an interdisciplinary and comprehensive manner. Effective coordination with all the actors is necessary.

More info at the Annex 7: “Presentation on Institutional Coordination, by María Jose Martín”

What are the instruments for coordination within the Government Office for Gender Violence?

### **3.2.3. State Observatory on Violence Against Women**

The State Observatory on Violence Against Women is one of the bodies of institutional protection and inter-agency coordination. Created by the 2004 Act and regulated in *ROYAL DECREE 253/2006, of 3 March* (Annex 8): it is the state collegiate body responsible for gathering all the information from public or private institutions in all the fields (social, health, educational, judicial and police) concerned with the struggle against gender-based violence. It uses this to continuously analyse the problem and this enables it to advise and assess all policies and propose measures. With the data it gathers, the Observatory creates files and monthly newsletters, annual reports and disseminates them.

**Composition of the State Observatory on Violence Against Women:** a President (the Government Delegate for Gender-Based Violence); two Vice Presidents: 1 from women’s associations and 1 from the CCAA. There are also 12 members from various ministries, 6 members from the CCAA, 1 representative from the Spanish Federation of Municipalities and Provinces (FEMP), the Public Prosecutor of the Special Court for Violence Against Women, 1 representative from the General Council of the Judicial Authority, 5 members from women’s associations, 2 members from companies, 2 representatives from trade unions, 1 member from consumer associations and 3 members from social action NGOs (Red Cross, disability and migrations) and 2 experts.

The Plenary meets at least twice a year and the Commission whenever it is called. There is a *Permanent Executive Commission* (approximately half of its members who meet more often). It also possesses specialised *working groups* that create their own reports, such as the Women and Disability group, the group on Childhood, the group on PAS (Parental Alienation Syndrome), and the Justice Response to Gender-Based Violence group.

### **3.2.4. Statistical information in the area of violence**

There is a dynamic statistical online portal that citizens may use to access these publications as well as updated data on gender-based violence.

All the information and data on VAW are published in the [Statistics Portal](#) as follows:

- Statistics Sheet (updated mortal victims data)  
[https://www.msssi.gob.es/ssi/violenciaGenero/portalestadistico/docs/VMortales\\_2014\\_09\\_12\\_.pdf](https://www.msssi.gob.es/ssi/violenciaGenero/portalestadistico/docs/VMortales_2014_09_12_.pdf)
- Monthly Statistics Bulletin  
<https://www.msssi.gob.es/ssi/violenciaGenero/portalestadistico/boletinmensual/home.htm>
- Annual Statistics Report  
[https://www.msssi.gob.es/ssi/violenciaGenero/portalestadistico/Boletines\\_Anuales/home1.htm](https://www.msssi.gob.es/ssi/violenciaGenero/portalestadistico/Boletines_Anuales/home1.htm)

- Gender Violence reports  
<https://www.msssi.gob.es/ssi/violenciaGenero/portalEstadistico/InformesViolenciaGenero/InformesVG.htm>
- Autonomous Community Data  
<https://www.msssi.gob.es/ssi/violenciaGenero/portalEstadistico/CCAA/home.htm>

What are the features of the data collection process? Initially, when a victim is killed, the Violence Units of the Provinces and the Autonomous Communities send data on the victim in accordance with a file (See Annex 9). The data on deaths is updated each day<sup>13</sup> The most important information in the statistic sheet is:

- a) Institutional protection:
  - Whether maltreatment was reported or not (institutional protection)
  - If it was reported, whether there was an order of protection.
- b) Personal data:
  - Nationality and country of birth, age, living circumstances with the assailant, relationship
- c) Geographic scope (Autonomous Community)
- d) Information on perpetrators:
  - Country of birth, age, suicide or not. (socio-demographic characteristics)

In January, a yearbook is shared with the Public Prosecutor's Office and the General Council of the Judicial Authority (the body that governs the judiciary). See the Monthly Statistic Bulletin VAW of October 2014 Annex 10 and the yearbook 2013 in Annex 11

On the website, there is also access to 5,000 resources that may be located easily at: <http://wrap.seigualdad.gob.es/recursos/search/SearchForm.action>. This site includes information services, women's associations, police attention, psychological care, courts, etc. They may be classified according to the distance of the interested party (proximity to her city, town or village).

### **3.2.5. The system for electronic monitoring of restraining measures and punishments**

- a) The **electronic bracelet** is used after a court judgement in two cases:
  - As a precaution (if the judge decides this measure during the investigation process in order to protect the possible victim);
  - In the case of the conviction of an perpetrators (to comply with the restraining order).

The system consists of a double device with a bracelet for the accused and another device for the victim. It has three levels of alarm: the GPS tracking system, the GSM system (mobile phone antennas) and radiofrequency. The Control Centre detects both the infringement of the stay-away distance (minimum 500 metres) and the breaking of the device or its separation from the perpetrators (either he takes it off or throws it away) together with the battery level. In these cases, the system creates alerts that immediately implement a security operation. (See the "Presentation of the System for electronic monitoring of restraining measures and punishments" in Annex 12).

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<sup>13</sup> There are cases where it is not known whether gender-based violence is responsible. These remain as "*cases under investigation*".

The system is governed by the “Protocol of Action” agreed by the Ministry of Justice, the Ministry of the Interior, the General Council of the Judicial Authority, the Public Prosecutor’s Office and the Ministry of Health, Social Services and Equality (updated in October 2013). (Annex 13)

- b) The **telephone support and protection system (ATENPRO)** for the victims of gender-based violence and domestic violence is a **mobile tele-assistance service**:

It reduces the vulnerability of women who suffer violence especially by increasing their safety when they go out. This functions with a device that resembles a light, technologically-modern mobile phone and operates 24 hours a day. In the case of emergency, the Control Centre (located at the Red Cross headquarters in Madrid) that receives a call from a woman rings the police at the same time as it receives the call.

The pilot project began in 2004 and officially commenced the following year, in collaboration with private companies (Tunstall platform and Vodafone). The system is based on tracking and communication.

This system for electronic monitoring of the measures and punishments of restraining orders has been used by 2,600 people since 2009, and over these years there have been no deaths. Control and Care Centre There are currently 720 devices in use in Spain.



Control and Care Centre of operations of the telephone support and protection system (ATENPRO)  
RED CROSS, Madrid. November, 19 2014

The Control and Care Centre operates in the 52 provinces 24 hours a day and tracks the positions of women. There is telephone contact 24 hours a day, 365 days a year. It serves both at times of alarm (police) and to offer the victim psychosocial care, providing security and support to increase the self-esteem of those women who suffer gender-based violence. There is a communication system for hearing- or visually-impaired women.

There are three types of call:

- 1) Emergency call from a woman to the Care Centre: the call to the police is activated.
- 2) Call to receive psychological support, which is provided instantaneously by phone.
- 3) Calls from the Centre to women (at least twice a month) for monitoring.

Since 2005, there have been 10,420 female users up to 31/10/2014. There are 686 registrations a month and 597 cancellations a month. There are 14,600 calls a month from women to the Centre and 30,000 calls to women from the Centre.

There are also pre-alarms, used when the perpetrators breaks the restraining order: in October 2014, there were 171. With regard to the number of calls following attacks at the time, in October 2014 it was 20 (most occurred within or near the home and were made by the partner or former partner)

At the Centre in Madrid, there are 18 operators, 6 psychological supervisors and one IT platform.

### 3.2.6. Other services: Helpline 016

The Helpline 016 is a free confidential helpline offering information on: social resources, financial aid, access to sheltered housing, employment advice, legislation on residence papers for foreigners, legal issues on criminal and civil affairs (children and family relations). <http://www.msssi.gob.es/ssi/violenciaGenero/Recursos/telefono016/home.htm>

## 3.3. Judiciary

In 2002 the General Council of the Judicial Authority (CGPJ), the body that governs the judiciary in Spain, created the

- Observatory for Domestic Violence and Gender-Based Violence

With regard to other measures of the Judiciary, in order to specialize the response to gender violence, the organs (organic nature) of the Spanish penal system are the following:

- Prosecutor (Articles 70-72 the Gender Violence Law 2004): **Prosecutor on Violence against Women**, specialized sections for the purpose and the Chief of the Office of Attorney.
- Judicial Organs (Articles 43 et seq Additional Provision 10th of the Gender Violence Law 2004): the **Court of Violence against Women (CVAW)**; and powers to certain Criminal Courts and Provincial Courts.
- Forces of State Security (Article 31 of the Gender Violence Law 2004) **units specializing** in preventing gender violence and controlling the enforcement of measures taken; and cooperation of the local police.
- Prison administration (Article 42 of the Gender Violence Law 2004). In the judicial sphere, the punishments (prison or alternatives) includes **rehabilitation programmes** on gender violence for the aggressors.

Additionally, collaboration between institutions and public authorities is mandatory (Articles 32 and Second Additional Provision of the Gender Violence Law 2004). This is possible through a series of *Collaboration Plans* and *Action Protocols*; including the **Action Protocol for the Security Forces and in coordination with the Judicial Bodies** (Article 31.3 of the Gender Violence Law 2004) (Annex 14). Other protocols are: the “**Protocol of coordination between civil and criminal jurisdictions for the protection of victims of domestic violence**” (Annex 15); the “Guidelines of the system of communication between the judicial authorities and the Judicial Police”, among others. (See more about Protocols at: <http://www.poderjudicial.es/cgpj/es/Temas/Violencia-domestica-y-de-genero/Guias-y-Protocolos-de-actuacion> )

### **3.3.1. Observatory for Domestic Violence and Gender Violence of the General Council of the Judiciary (meeting on 20 Nov)**

The Observatory was created in 2002 by the Judicial Authority called the **General Council of the Judiciary** (CGPJ in Spanish). The CGPJ is a constitutional collegiate, autonomous body, composed of judges and other jurists, who exercise government functions within the Judicial with a view to guarantee the independence of the judges during the exercise of the judicial function before everybody.

**Ms Ángeles Carmona** (President): This is a legal Observatory whose mission is to coordinate all legal protection in the area of gender-based violence and domestic violence. It was created prior to the 2004 Act, and its aim is to eradicate violence. The Observatory is formed by the following institutions: General Council of the Judiciary (CGPJ), which holds the presidency; the Ministry of Justice; the Ministry for Equality (currently MSSSI); the Office of the State Public Prosecutor; the autonomous regional governments with competence in justice affairs, represented through a yearly rota system, and the General Council of Spanish Lawyers.

The Observatory has also a **Group of experts** in Domestic and Gender-based that contributes and advises the General Council of the Judiciary in this matter. Today it is made up of six judges, with a lawyer of the Council contributing to their work. Judicial members of the Observatory are present at the meetings. The Group of experts, among other activities, is in charge of the following: i) to draw up guidelines that contribute to a good judicial practice; ii) to study the application of a Gender Violence Law; iii) to analyze the sentences passed by the Courts of the Jury in Spain and by the Provincial Courts in cases of homicide and murder perpetrated by the partner or ex-partner.

The Observatory also carries out awareness work: every two years it hosts a Congress (the one in 2014 focused on the 10 years of the Gender-Based Violence Act).

More at: <http://www.poderjudicial.es/cgpj/en/Subjects/Domestic-and-gender-violence/Spanish-Observatory-on-Domestic-Violence>

### **3.3.2. Special Prosecutor on Violence against Women (meeting on 19/Nov)**

**Ms Soledad Cazorla**: the Special Prosecutor's Office on Violence Against Women was created in 2004 to work exclusively against gender-based violence within the Public Prosecutor's Office. This court office does not investigate. It serves to give the instructions to all the prosecutors that must be present in the VAW processes, as the Public Prosecutor's Office has to maintain uniformity throughout Spain (unified action). In addition, it is protective: Act 1/2004 conceived the role of the prosecutor not only as traditional "accuser" but has attempted to empower its "protective nature" towards women due to the social interest in the problem. It has territorial representation. Each Public Prosecutor's Office in Spain has a section devoted to violence against women with a specialized prosecutor.

The Public Prosecutor's Office is a hierarchical career. Therefore, the courts have to comply with what the court prosecutor says. This is important because in Spain there have been many legal changes in a short space of time that could lead to different interpretations of the rule.

Despite the 10 years of the Act, Spain and the other European countries have the same problems: combating gender-based violence is very difficult. Spanish Act states that the essence of the problem is that a group of people (men) violate the human rights of other people because they are women. The 2004 Act has been able to slightly reduce the most serious cases. In Spain, when a woman

reports maltreatment, she generally has an order of protection (meaning that the State helps her with different measures). However, there are many serious cases where women are involved but, for whatever the reason, do not report it to the police. This means that they cannot be protected. There are many cases of this type and this means that without information the problem of violence may not really be known, as it goes unseen.

This, unfortunately, occurs in every country and continent. We are talking about a victim who is unlike other victims. She is *special*, gender-based violence is different to other types of violence. Because of this, these victims need to be looked after more, favoured, protected more.

In Spain, crimes are public crimes, that is, actionable by the prosecutor (ex officio). The bygone days when they were crimes that remained within the four walls of the home are now over. The police can file a complaint and begin the criminal procedure but for all that it is a public crime, the victim can remain silent. (Why? The law says because of family reasons or family solidarity). When it is women who report it, there is a difference of opinion between the prosecutors: some think that they should not remain silent. In any event, it places the prosecutors in situations where they cannot produce evidence however much they try; and it results in acquittal. This is a criticism that may be levelled at the Spanish Law.

Another issue we, the prosecutors, discover in Spanish law is that for any criminal offence, a stay-away order is imposed: this is obligatory, the women cannot live with the perpetrators and this raises practical problems.

Can criminal law establish itself as the sole tool for solving such a serious and obstinate problem as violence? No. Education is what the most important in eradicating violence in all societies.

**Ms Soledad Martín Nájera:** The Order of Protection<sup>14</sup> focuses on the partner or former partner. The legislation also protects men but the term “gender-based violence” is only used when it is committed against a woman due to the fact that she is a woman.

The aim of the 2004 Act is for violence to cease at the same time as it occurs. For this reason, the police may arrest the aggressor and take criminal precautionary measures together with adopting measures of legal protection: they decide whether to apply a preventative prison sentence or adopt restraining and non-communication measures. In addition, the Act enables the judge to decide on how the family is to be organised while the case is being investigated: a decision will include civil matters (custody of children, visits, housing, maintenance etc.)

Penalties may be of different duration and may be criminal or civil. Criminal ones are determined by the judge and civilian ones must be validated in a procedure different to that involving the couple. In 30-60 days. The prosecutor orders civil measures if children or disabled people are involved or if the woman is disabled.

This ruling by the judge states the time and the distance that will affect the defendant (it is a crime to be closer than the stay-away distance), with a fast-track procedure (1-15 days, or even on the same day if the defendant agrees) being possible. Otherwise, the ruling can take 15-20 days.

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<sup>14</sup> (See more about **Order of Protection** at: <http://www.poderjudicial.es/cgpj/en/Subjects/Domestic-and-gender-violence/The-order-of-protection> )

It is essential to complete victim protection with surveillance, which the police cannot perform. In this case, electronic bracelets are used (since 2008).

**Ms María Teresa Peramato:** Also thanks to the order of protection, the Public Prosecutor has a protective function. When a victim has an order of protection or has the prosecutor's opinion or report stating the existence of gender-based violent crime, this victim may request a series of measures beyond the criminal procedure.

This document or the Order of Protection<sup>15</sup> provides, for example, the right to suspension of an employment contract with assurances, like receiving a grant so the woman can move on in life: and other types of labour, financial and psychological rights.

When the judge and the prosecutor face an order of protection there has to be an objective evaluation of risk (See Annex 5). The police report (see Annex 14 page 23 “*Atestado policial*”) is where the police evaluate the risk (through a computer system with levels from “risk not observed” to “extreme risk”).

What is most important is for the police to take measures immediately and although the police report is not binding, it is taken into account by the judge. In addition, forensic doctors can perform an examination of risk evaluation at the request of the Public Prosecutor's Office or the judge. There are specialised Police Prevention, Assistance and Protection Units (UPAPs [http://www.policia.es/org\\_central/seguridad\\_ciudadana/upap/inicio.html](http://www.policia.es/org_central/seguridad_ciudadana/upap/inicio.html) ). There are also police stations that offer special family care. Anyway, the key element for prevention is education, which in Spain is a social problem. This is strengthened through police action.

How is obligatory uniformity made possible? Are prosecutors trained?

Yes. There are mandatory legal documents that all the prosecutors throughout Spain have to know and abide by them.<sup>16</sup> Additionally there are *Annual seminars* for all prosecutors where, after discussing the problems, their conclusions help the Public Prosecutor's Office to decide the criteria to be adopted regarding to the concrete matter.

Who can be prosecutors?

Law degree is needed additionally to the public-sector examinations to apply for the Public Prosecutor's Office, in the same way as there are public-sector examinations to apply to become judges for courts. The examination for judges and prosecutors is the same in Spain.

### **3.3.3. Court of Violence against Women (visit on 18 Nov)**

With regard to legal protection, additionally to the special Prosecutor's Office for Violence Against Women, the Organic Act 1/2004 created specific bodies like the **Special Courts for Violence Against Women (CVAW)**, specialized criminal courtrooms associated to the Inquiry Courts that also have powers in the civil jurisdiction acting as Courts of First Instance and Inquiry (Article 43 of the Gender Violence Law). This combination of criminal and civil powers in one court is especially interesting.

Georgian Delegation visited one of these courts, the CVAW number 7 and attended two hearings.

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<sup>15</sup> See Annex 16 Order of Protection: Application model (English)

<sup>16</sup> See Annex 17: Legal instruction No. 6 containing the criteria (mandatory). See more at [www.fiscalia.es](http://www.fiscalia.es) and at [https://www.fiscal.es/fiscal/publico/ciudadano/fiscal\\_especialista/violencia\\_sobre\\_mujer/](https://www.fiscal.es/fiscal/publico/ciudadano/fiscal_especialista/violencia_sobre_mujer/)



Meeting at the Special Courts for Violence Against Women (CVAW) number 7, Madrid. November, 18 2014

**Mr. Javier Martínez Derqui** (head of the court judge #7): the existence of this type of court was controversial at the beginning when they were created in 2004, with the Gender Violence Law (Article 43). But the prevailing opinion is that courts specialized in gender violence **give better response to victims**. It is also a 1998 Recommendation of the United Nations (UN A/RES/52/86, par. 10 d.<sup>17</sup>).

The Gender Violence Law provides that at least one court with powers of the Courts of Violence against Women must exist in each judicial district, so that all victims are guaranteed to have specialized judicial response regardless her home location. The Law also provides several modalities of Courts of Violence against Women:

- Exclusive: courts that have only the powers of the Court of Violence against Women, without assuming different ones: there are 17 courts of this type which are located in the following cities: Madrid (3) Barcelona (2), Bilbao, Vitoria, San Sebastian, Valencia, Alicante, Seville, Malaga, Granada, Las Palmas, Santa Cruz de Tenerife, Murcia and Palma de Mallorca.
- Compatible: courts that assume all matters specific to the Courts of Violence against Women within the judicial district matters, but also know of other criminal and civil matters (the number of matters depends on the workload).

The CVAW #7 is exclusive. In Madrid there are 11 CVAW with functions of instruction and 25 (public) prosecutors. Some Autonomous Communities that have the competence in justice (Andalusia, Aragon, Asturias, Canary Island, Cantabria, Catalonia, Galicia, La Rioja, Navarra, Madrid, Basque Country and Valencia) have so many detachments as possible depending on their public resources. In Madrid, the CVAW has: forensic surgeon, social worker, psychologist expert and judge<sup>18</sup>.

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<sup>17</sup> “d) to provide for court mechanism and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases”.

<sup>18</sup> The judges of CVAW have to pass a specialization course.

How is the process? If the court finds that the victim is objectively in situation of ‘immediate risk’ an order of protection may issued (as described above) deciding on interim measures, both a) on the penal level: injunction to keep a distance, interim imprisonment of the aggressor, etc.; and/or b) on the civil level: use of the family home, interim deprivation of guardianship rights, alimony obligations, etc.<sup>19</sup>

If the victim wishes to be a party to the penal procedure she shall have to appoint a lawyer and appear as private prosecution (the public attorney service will proceed with public prosecution if it considers a penal offence has been committed, whether the victim decides to go through or not)<sup>20</sup>. Even if the victim decides not to be a party to the proceedings, she will still be entitled to be kept informed of any developments, especially if such developments could have consequences to her personal safety (e.g. prison order or release of the aggressor). The court ruling and any appeals will also be notified to the victim<sup>21</sup>.

**Women shelters:** For those cases when the victim is in immediate need of assistance or shelter, the Autonomous Regions have created a network of women shelters serving for the different stages of the victims: emergency shelters, women homes, rehabilitation homes and monitored housing. The location of these centers is kept secret to protect the victims’ safety.

### **3.3.4. Forces of State Security: units specialized in preventing gender violence: Diana Group (meeting 21 Nov)**

In order to improve the protection of the victims and to assure the effectively enjoyment of the rights the law has recognised to them, on the area of prevention and protection of the forces of security cooperation is essential. It is being made a huge effort to draw collaboration to agree on protocols aimed at a successful police response to the instances of violence against women.

During the Study tour, the Georgian delegation had the opportunity to learn about the local police force in the City of Seville, called **DIANA Group**. This experience is the result of a protocol signed between the Department for Equality and the Local Government Office of Seville City Council to create a specialist unit within the local police force to deal with gender-based violence. It has been described as the best practice by UNODC as well as by Amnesty International. The specialist unit, the Diana Group, came into being after it was realized that, although women who had been subjected to abuse frequently used police services, they often experienced the police as being remote from them. Consequently, and to avoid secondary victimization, the Diana Group is geared towards providing survivors with ongoing specialist care so that, rather than having to deal with many different officials who are unaware of their overall situation, they are seen by a specially trained group who know about the specific issues facing them. Recognition of the specific dynamics that exist with crimes of this type and the impact they can have on the lives of victims has determined the criteria on which intervention is based: immediacy, proximity and continuity.

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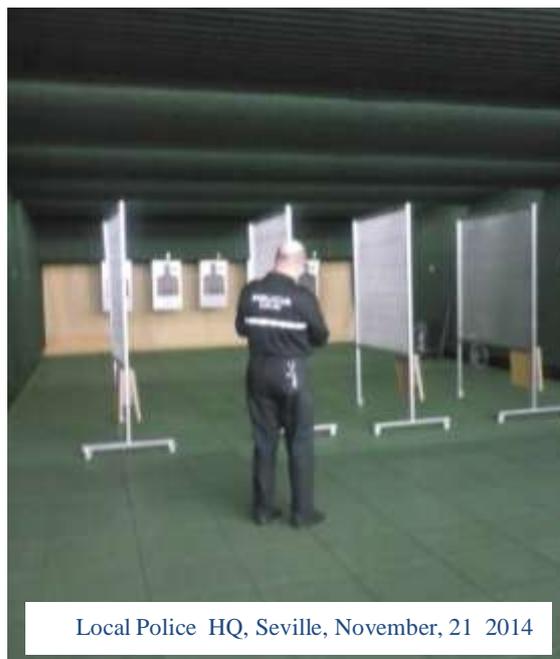
<sup>19</sup> In the case of foreign victims, the order of protection will allow the victim to obtain a temporary residence permit on her own, even if she entered the country illegally (in which case the visa will only be valid until proceedings come to an end).

<sup>20</sup> Options of free legal counsel are provided to victims without means.

<sup>21</sup> During the procedure, the victim has reinforced privacy rights, meaning that her personal details (including new address, new job, children’s new school, etc.) will be kept secret so as not to jeopardize the victim’s safety.

**Mr. Miguel Acuña** (head of the Diana Group): The DIANA Group, created in 2002, comprises 13 police officials, of which three are women. To help the local police unit get closer to survivors, it adopted a name that did not consist of an acronym or “official” sounding title and, to ensure that the service provided is as effective as possible, its officers wear plain clothes and work in pairs, on the street or wherever they are needed.

**What happens when there is a call?** They come to the woman’s aid and create a document for the judge (the statement, with evaluation of risk) and then they take the woman home. From then on, they provide constant monitoring, with highly personalised attention, and always accompany her when she needs it. They built trust with the woman, who has the police officer’s telephone number (she knows him/her by name).



This makes a difference, but in addition to providing care, the DIANA Group monitor restraining orders.

Of importance is their coordination with the Municipal Points for Women<sup>22</sup>, the courts for violence against women (there are four in Seville, of the 22 for criminal cases), and with the National Police and the prisons where aggressors are held. In addition, they undertake legal procedures (civil) when there are children or other relatives involved. When they are not available, the rest of the police take charge and follow a special protocol.

The special group accesses Ministry of the Interior of the Government of Spain data in real time, which facilitates national coordination, and has a very sophisticated database (S.A.R.A.)

See more at: [http://www.sevilla.org/ayuntamiento/areas/area-de-seguridad-y-movilidad/a-policia-local/nuestra-labor/grupo-diana/grupo-diana?set\\_language=en](http://www.sevilla.org/ayuntamiento/areas/area-de-seguridad-y-movilidad/a-policia-local/nuestra-labor/grupo-diana/grupo-diana?set_language=en)

### 3.3.5. Prison administration (meeting on 20 Nov)

Georgian Delegation maintained a meeting with representatives of the Secretary-General for Penitentiary Institutions (SGIP), Ministry of the Interior, on administration of justice in prisons and specifically on the Gender-Based Violence Programme in Alternative Sentencing.

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<sup>22</sup> The City of Seville ([www.sevilla.org](http://www.sevilla.org)) which has 700,000 inhabitants, possesses the following resources for violence: i) Municipal points for women (with social workers and psychologists that attend to female victims and their children and provide information by utilizing all the resources at their disposal); ii) a gender unit that prepares prevention and awareness programmes (in schools, with associations etc.); iii) a unit specialized in trafficking (exploitation/prostitution is a criminal offence with penalties to users and banning of advertisements in the press). Additionally Seville City Council has a guide for women who suffer sexual exploitation. (Ms **Macarena Smith**, Director General for family and Health, Municipality of Seville, Meeting 21 Nov. 2014).

**Ms Myriam Tapia** (Deputy Director of SGIP): After the court judgement, aggressors accused of gender-based violence may receive sentences: within the penitentiary environment (prison<sup>23</sup>) or outside prison (alternative sentences). There are three types of alternative sentences:

1. Community work
2. Suspended sentences (suspended prison sentences)
3. Substituting a custodial sentence (prison sentence) with community work.

**The Alternative Sentences and Measures (ASM)** that are the competence of the Penitentiary Administration (Ministry of the Interior) may be: i) drug addiction ii) mental health iii) gender-based violence iv) sexual assault v) paedophilia vi) pro-social vii) family violence and viii) Proseval (road safety). All alternative sentences are mandatory (in prison they are voluntary) and are served in a group. Although lacking in motivation, they are served in freedom (with continuous risk assessment-reports by a team with a psychologist), preventing a break from daily life.

#### Gender-Based Violence Programme in Alternative Sentencing

Act 1/2004 makes this obligatory, clarifying that this violence is a manifestation of inequality and the subjugation of women by men. (If the woman is the perpetrators in a partnership, this is not gender-based violence). It exists when there is or has been a relationship.

The Secretary-General for Penitentiary Institutions began working on a Programme with aggressors prior to the Act. The “Prison Treatment Programme for Gender Violence Convicts in the Family Environment” of 2004 evolved to become the current **PRIA: Intervention Programme for Gender Violence Convicts** (2010), for all type of convicted persons, both inside and outside prison. Quality criteria come from the Ministry of Equality (now the Ministry of Health, Social Services and Equality, MSSSI) and international criteria are applied, with funding from the Ministry of the Interior (internal affairs). Sometimes the MSSSI contributes financially and, on occasions, this is implemented through NGOs, like ASPACIA.

The goal of the PRIA is to eradicate violent behaviour between partners or former partners and encourage convicted persons to adopt new values in the face of sexism<sup>24</sup>. (On specific goals and structure of the PRIA see more in the Annex 18). The methodology is common: a) an intervention phase (interview, assessment, report to the judge). Six months’ duration and 25 weekly sessions of two and a half hours each. And b) a monitoring phase for changes, post treatment: 3 months’ duration with two sessions.

Together with the Programme, there is always a *restraining and non-communication order* when the convicted person is either not in prison or is serving a third-degree sentence. If the judge should so decide, the convicted person is made to wear an electronic bracelet as a precautionary measure.

In 2013, there were 25,000 PMA and 14,000 PRIA. Recidivism was 10%.

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<sup>23</sup> The prison sentence may be: first degree, second degree (occasional temporary leave), third degree: only spending nights in prison. Third-degree categorisation acts as an incentive to undertake the Programmes.

<sup>24</sup> The judge may ask them to do other programmes (drug, health etc.)

Socio-demographic study on convicted persons who undertake the PRIA in prison (sample of 387 people in prison)

The PRIA<sup>25</sup> in prison has the same characteristics as in alternative sentencing: it is a therapeutic psychological intervention programme; for gender-based violence crime, it is voluntary. It is undertaken in a group (8-10 people), with a weekly session of 2-4 hours, over one year. It is divided into five blocks: 1) group cohesion 2) accountability 3) management of emotions 4) skills training 5) relapse prevention.

Since 2004, 4,400 inmates in 45 prisons have taken the PRIA. (All convicted persons can take it: if their prison does not provide it they will be taken to another that does.)

There are currently 4,000 men who have been convicted of this crime, 7% of the prison population.

Characteristics of the perpetrators(in prison), according to the study:

60% are under 40 and 75% are Spanish. 12.8% take drugs, 9.8% are considered habitual alcohol drinkers and 20% occasional alcohol drinkers. Drugs and alcohol can never justify violence although it can be a trigger. 70% do not own their own homes.

The average length of prison terms for the population studied was 3 years 10 months. 40% received a term of less than 2 years (in such cases, the term is short and the Programme is long). 90% have been convicted and 10% are awaiting conviction; for 55% it is the first time that have been sent to prison.

73% have not been diagnosed with any mental pathology. **They are normal people.** Only 15% have a background of maltreatment, i.e. they learned the behaviour in the family. 76% play down the severity of the crime and 72% justify it. This means that it is very important to work with them to refute these arguments and replace them with other values. 22% are emotionally dependent on their partners.

30% of inmates who take the Programme do not complete it.

On leaving prison, only 8-10% commit a gender-based violence crime again. This usually occurs during the first year of freedom (normally a failure to comply with the restraining order).

### **3.4. Autonomous Communities**

Spain has an administrative system relatively complex partially due to the decentralized and federal-state-like structure. Spain is divided into administrative regions (known as **Comunidades Autónomas**) which are called to be part of the system to prevent and response to violence against women.

There are 17 autonomous regions in Spain. Autonomous Communities are divided into provinces which in turn has a number of municipalities (more than 8,100 municipalities in Spain). There are region with only one province (e.g. **Madrid**, with 179 municipalities) or with many provinces (e.g. **Andalusia**, which has 8 provinces and 772 municipalities).

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<sup>25</sup> It has been published: Study No. 7. There is also a manual created by psychology experts from the SGIP and the University.

The government of Spain has *Regional Delegations* in each Autonomous Communities (17). In each Regional Delegation, the Government has set up a Coordination Unit to Combat Violence against Women and, in every Provincial Delegation, a Unit to Combat Violence against Women. The aim of these bodies (very small in general) is to ensure the monitoring and coordination of actions taken concerning gender violence. These Units began functioning in March 2007 within the framework of the National Plan for Awareness and Prevention of Gender Violence, in fulfillment of the commitment made by the Spanish Central Administration to promote measures enabling women to better respond to any violence they might be subjected to. These Coordination points of the regions notify to the competent Courts.

CCAA have the capacity to pass **regional legislation**. Also accordingly to the 1978 Constitution, competent authorities for the adoption of the appropriate **social and welfare measures** are the Autonomous Communities.

On a regional level, some of Spain's Autonomous Communities have approved their own Equality Acts, covering their political and territorial scope: Galicia (Act 7/2004, of 16 July, on Equality between Men and Women), the Basque Country (Act 4/2005, of 18 February, on Equality between Men and Women), Balearic Islands (Act 12/2006, of 20 September, on Women), Murcia (Act 7/2007, of 4 April, on Equality between Men and Women, and Protection against Gender Violence), Castile and Leon (Act 7/2007, of 22 October, modifying Act 1/2003, of 3 March, on Equal Opportunities for Men and Women), and Andalusia (Act 12/2007, of 26 November, on Promoting Gender Equality).

Also there are regional laws on gender violence, mostly passed after the national Gender Violence Law of 2004 and are similar to that: Andalusia (Act 13/2007, of 26 November, on Measures for Comprehensive Protection and Prevention of Gender Violence); Cantabria (Act 1/2004, of 1 April, Comprehensive Law for the Prevention of Violence against Women and for the Protection of Victims), Galicia (Act 11/2007, of 27 July, for Prevention of and a Comprehensive Approach to Gender Violence), Madrid (Act 5/2005, of 20 December, Comprehensive Law against Gender Violence), Aragon (Act 4/2007, of 22 March, on Prevention of Violence against Women and Comprehensive Protection for Victims), Catalonia (Act 5/2008, of 24 April, on Women's Right to Eradicate Male Sexist Violence) and Murcia (Act 7/2007, of 4 April, for Equality between Men and Women, and for Protection against Gender Violence).

Some regional laws use a similar concept of gender violence. The violence covered by Organic Act 1/2004 is the violence between partners or ex-partners. In regional laws, the concept of gender-based violence may vary, normally broadens the concept to include forms of violence like sexual violence. For example, Madrid (Law 5/2005 of 29 December) and Andalusia (Law 13/2007 of 26 November).

### **3.4.1. Madrid region (Meeting on 18 November)**

**Ms Pilar Lourido:** The Madrid Region (Autonomous Community of Madrid), which has 179 municipalities, is governed by Law 5/2005, which expands on the State version as it defines **violence** as “force exerted by a man on a woman as **an expression of inequality**”. Therefore, it includes all the possible forms in which gender-based violence manifests itself: FGM, sexual harassment both in the work and social environments. (Annex 19 Law 5/2005 of Madrid).

The victims are women and their children, with special emphasis on the most vulnerable women, such as immigrants and the disabled. The Law has a *comprehensive* perspective. It is implemented by the Directorate General of Women (DGM) of the Madrid Region<sup>26</sup>, whose functions are:

- Comprehensive care
- Equal education
- Training of professionals
- Awareness
- Coordination point of Orders of Protection
- Coordination, through the Regional Observatory

The Comprehensive Care Network of the Madrid Region is composed of:

- 23 Residential centers
  - 16 for victims of affective relationships (5 Emergency Centers, 4 Refuge Centers and 7 Supervised Apartments)
  - 2 centers for victims of trafficking and women in prostitution who wish to stop
  - 4 centers for young women
  - 1 centre for women prisoners and former prisoners
- 5 Non-residential centres: 1 for psychosocial care (MIRA project), 1 for trafficking (ESPERANZA project), 1 sexual violence (CIMASCAM) and 2 for immigrant women (from Morocco and Latin America).

The maximum stay time in the centres are: 2 months for Emergency Centres, 1 year for Refuge Centres and 18 months for Supervised Apartments. (Art. 16, Law 5/2005)<sup>27</sup>. In 2014, there are 299 places, which are taken up by 331 women and 260 children.

In addition, there is a Municipal Points Network of the Regional Gender Violence Observatory of the Madrid Region (PMORVG Network). Each Municipal Point has a multidisciplinary team comprising a social worker, psychologist and legal advisor who undertake prevention and awareness work, together with comprehensive care. Women who suffer violence may receive financial assistance of two types:

- Individual: to help with their autonomy after they have lived in a temporary refuge. In 2014, 22 payments have been provided for a sum of 37,635 €. Funded by the Madrid Regional Authority.
- Single payments: for women with particular difficulties in finding work (Art. 27 of Act 1/2004). They are charged to the General State Budget. In 2014, six payments were made for a sum of 28,116 €.

See the following Annexes :

- Annex 20 Madrid Comprehensive Care Network – Staff (Spanish)
- Annex 21 Madrid Judicial Resolutions by nationalities (Spanish)
- Annex 22 Madrid Presentation- Meeting Pilar Lourido (Spanish)

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<sup>26</sup> Budget of 21 million Euros: 13 million for gender-based violence.

<sup>27</sup> See further women's services and resources at [www.madrid.org/recursosmujeres](http://www.madrid.org/recursosmujeres)

### 3.4.2. Andalusia (Meeting on 21 November<sup>28</sup>)

**Andalusian Women's Institute (IAM)** <http://www.juntadeandalucia.es/institutodelamujer/>

**Ms Silvia Oñate** (Director): Andalusia (the Community of Andalusia), which has eight million inhabitants, has pioneered work against gender-based violence in Spain. Its most recent budget analysis of the impact of gender reveals that 73% of expenditure is connected with equality issues (gender mainstreaming in all policies). Current budget is some 28 billion euros.

The IAM was founded 25 years ago. At present, it is governed by the *Andalusian Equality Pact* (<http://www.juntadeandalucia.es/institutodelamujer/index.php/pacto-andaluz-por-la-igualdad-de-genero>): this is a political commitment that involves all the administrations and other actors. There are gender units in all the Regional Ministries in the Andalusian Government. The IAM has a budget of 40 million euros, and its staff numbers 90 people, 10-12 in each of Andalusia's eight provinces. In each municipal centre (162 municipalities), there are 2 or 3 people. In addition, it has the Refuge Network for women who suffer violence, where 200 people work.

The 2014-2019 Strategic Plan of the IAM aims to implement the culture of equality throughout Andalusia, together with the prevention of gender-based violence, employment, information technologies and the promotion of the reconciliation of family and working life.

The IAM is highly involved with women's associations, above all through the Andalusian Council for Women, a consultative body with 2,000 associations and 235 female associates.

In the area of violence, the Act 13/2007, of 26 November, on Measures for Comprehensive Protection and Prevention of Gender Violence of Andalusia (Annex 23) goes further than the Spanish Law; it considers the victims of gender-based violence to be women who suffer it within and beyond the relationship (rape, FGM – which carries a prison sentence of 15 years-, trafficking) and their children. Another form of violence is soon to be included. This is called “submission by drugs” (forcing into prostitution).

Andalusia runs a database on violence against women in coordination with the National Police and the Ministry of Justice at State level (VIAGEN system), with an exchange in real time.

#### **Joint protocol for the health response to gender-based violence<sup>29</sup>**

Andalusia has one of Spain's top primary healthcare networks. Basic health centres extend throughout the region and are staffed by some 4,500 health professionals (doctors and nurses) together with 4,500 non-medical personnel. All these professionals have received training in gender-based violence – *Trainers' training programme* (FORMA) (Something similar exists in the public education network: all State schools have at least 1 person specialised in VAW).

The health **Protocol** has three cornerstones: coordination, intervention and regulations (laws) that whose obligations come through protocols: on the one hand, emergencies, and on the other, the other healthcare areas. Prevention and detection action begins in the initial interview with the woman. (See the protocol in the Annex 24).

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<sup>28</sup> See Press release of the meeting with the Georgian Delegation on 21 November at the web site of the IAM: <http://www.juntadeandalucia.es/institutodelamujer/index.php/noticias/1729-onu-mujeres-visita-andalucia-para-conocer-las-buenas-practicas-del-iam-en-materia-de-violencia-de-genero>

<sup>29</sup> In 2007, the first Joint Protocol was established for prevention and early diagnosis. In 2012, this was revised and updated, based on the experience accumulated in the health services of the Autonomous Communities.

There are three intervention protocols that depend on:

- whether the woman does not recognise that she suffers violence (but there is a suspicion);
- whether the woman recognises that she suffers violence but does not wish to do anything about it;
- whether the woman is in extreme danger.

A full assessment is made with high priority. Both for direct and indirect victims. There is study of: a) whether she has physical injuries; b) whether there is a suspicion with indicators for this to be investigated; c) the Public Prosecutor's Office should intervene; d) a report should be made to the duty court or the court for violence against women.

The IAM has a cooperation agreement with the Public Prosecutor's Office to facilitate and coordinate action. It also has a complete, fully-updated list of social resources that women may utilise.

### **3.5. Civil society**

There is a large women movement in Spain with numerous active women's rights groups that focus on such areas as violence against women and the economic advancement of women organizations along the country. Some of these groups have been successful in effecting government policy due to a long, strong advocacy that made visible the enormous problem of gender-based violence, but also in managing public social resources for women who suffer violence. So they are also part of the system to prevent and response to violence against women.

#### **3.5.1. Association for Coexistence ASPACIA (meeting on 19 November)**

ASPACIA is a Spanish non-profit organization that aims to eradicate violence in all its forms, protecting victims, promoting equality in relationships and defending human rights with the purpose of achieving an abuse-free society. ASPACIA brings about initiatives for peace and non-violence, promotes care and support of violence and abuse victims.

In the area of violence against women, ASPACIA maintains several principles: 1) the importance of the situation of women who suffer violence; 2) the need of identify the resources and capacities for women to face these situations; 3) the urgency for women to abandon their victim conditions by working to empowerment them and strengthen their autonomy; 4) a comprehensive attention is key.

ASPACIA carries out interventions with victims of all forms of gender violence (some 450 women per year); it also works with the aggressors, trains professionals, develops studies and manages public resources for victims (from Autonomous regions and municipalities).

ASPACIA <http://blog.fundacion-aspacia.org/> also participates in the European Network **WAVE** (Women against Violence in Europe). <http://www.wave-network.org/>

ASPACIA is maintained with private resources (personal contributions from affiliates, services like training , seminars and other products), and also public resources (various subsidies granted by the Ministry of Health, Social Services and Equality, and the Ministry of the Interior and other bodies, under transparency, demonstrated experience and capacity competency criteria). For example, the programme with aggressors is funded by the Ministry of the Interior, Penitentiary Secretariat General); this programmes with public resources –mandatory in prison and voluntary for alternative

sentences - are polemic due to that historically women's associations think that these funds should be invested on the victims. But ASPACIA maintains the opinion that working with convicted persons is an additional way to guarantee women's security. Indeed, on finishing the ASPACIA programmes, none of the 1,500 men commit gender violence crime again (recidivism 0% ).

ASPACIA also works with young people, both women and men: violence prevention programmes with adolescent boys who live in public centers; and programmes for young women to learn how to recognize negative relationships (romantic love, personal values, good treatment , etc.).

### **3.5.2. Federación de Mujeres Progresistas (Meeting on 20 November)**

The FMP is a non-profit organization with presence in all the regions of Spain that aims to advocate for a more equal society free of violence. FMP offers comprehensive outpatient programs: legal, psychological support for victims, women's empowerment (self-esteem); recovery support for economic autonomy (employability programs); and other services.

One central area of the FMP is violence against women: they have a team composed of 1 supervisor, 1 lawyer, 5 psychologists, 1 social worker They have a free telephone line and provide support to victims of all forms of gender violence, not only to women who suffer violence exercised by their present or former spouses (affective relations).

FMP also pays much attention to the media and awareness campaigns to prevent violence (especially devoted to young people. E.g. "*El amor no es la hostia*" campaign.

20% of the users are victims of sexual harassment, trafficking, sexual violence, sexual exploitation, and other forms of violence, like violence at work, including some gender-based family violence (father against daughters). 63% are Spanish. 50% are women older than 40. 29% completed high education, 46% medium education, 23% basic education; 2% no education; 50% are unemployed.

Finally, 73% of these women have children and 75% of them do not live with the partner or former partner anymore when they arrived to the association in pursue of services.

#### 4. **Main findings: features of the Spanish model to combat violence against women and to respond to specific rights of women victims through legislation, institutional actions and social services**

*“An adequate anti-violence legislation, responding to the needs of women threatened by violence, taking the human rights of women seriously, is a precondition for successfully fighting against gender based violence.”*

Iris Golden, WAVE office, Austria (ASPACIA website)

##### **Spanish model main features**

- The **existing Organic Law 1/2004**, of 28 December, on Comprehensive Protection Measures against Gender-based Violence (the “Gender Violence Law”) is a very strong tool to fight against this crime.
- **Spirit of the Law:** it is condensed in Article 1 (purpose): *“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, the situation of inequality and the power relations prevailing between the sexes.”*
- One of the features of the Spanish legislation is that there is strong conceptual link between **gender inequality** as the main source of violence against women. Gender violence is not a problem confined to the private sphere but stands as a symbol of the inequality persisting in society, constituting a clear violation of basic rights such as freedom, equality, life, integrity and non-discrimination upheld by the Constitution.
- To response to this crime an enormous amount of work has been done by a lot of institutions (a public system has been created to combat it) including NGO and women's associations.
- The Law offers a comprehensive and multidisciplinary response against violence against women involving public administrations at all levels. So **public authorities**, under the terms of the Spanish Constitution, are obliged to take **positive action** to guarantee victim’s rights, removing any obstacles that prevent full exercise thereof.
- Gender Violence Law includes, among its **institutional innovations**, the establishment of a Special Government Office on gender violence and the National Observatory on Violence against Women. Other institutions were created such as a Public Prosecutor Office specialized in cases of Violence against Women and Specialized Courts. One of the big results of the Law is the strengthening of the criminal and procedural framework.
- Law also adopts a series of measures involving many areas such as penal, education, health, social, police, judiciary and media field. It expects to be, then, a coordinated response and a comprehensive protection aimed at preventing, punishing and eradicating this form of violence, and attending to its victims.
- Progress has been made also in **raising the visibility** and acquiring knowledge of the problem, raising social awareness and providing assistance to women and her children. Violence against women in general and gender-based violence in particular are no longer taboo subjects.
- The Public Administrations of Spain have allocated a large part of their different resources to setting up specialized services to provide assistance to women.
- Competent authorities for the adoption of the appropriate **social and welfare measures** are the **Autonomous Communities**. Main services to ender violence victims/survivors are outsourced to NGOs, for example crises centers and shelters.

- **Inter-sectorial coordination** on state and autonomous region level is key (coordination among institutions/agencies/organizations including civil society and NGOs in charge of the implementation and monitoring of the Law). Another string result of the national Law and all the regional Laws is the strengthening and coordination of social services to provide victims with information, welfare and emergency services, and support, and to enable their full recovery.
- The **pillar** of the Spanish whole legal /administrative institutional structure to fight against gender violence is the recognition of a number of subjective rights ensuring quick, transparent and effective access to social services: The recognition of the **rights of women who are victims of gender violence** from an all-inclusive perspective (rights whose application required many regulatory amendments to guarantee their exercise) constitutes one of the most important advances of the Gender Violence Law.

### Who are women victims of gender-based violence?

- Under Organic Law 1/2004, any woman subjected to any act of physical or psychological violence, including crimes against sexual freedom, threats, coercion or arbitrary privation of freedom, perpetrated by her spouse or ex-spouse or by the person with whom she holds or held a similar relationship of affectivity, even without cohabitation, is a victim of gender-based violence.
- Under other regional Laws, the concept of gender-based violence normally broadens the concept to include all forms of violence.

### What are their specific rights?

- Organic Law 1/2004 establishes and guarantees a series of rights to women who are or have been victims of gender-based. In short, the law provides at least the following rights<sup>30</sup>:
  - Right to prevention measures: zero tolerance to VAW and no impunity for the aggressors; that means strengthening the prevention and intensifying the detection. This is the main and general objective of the “National Strategy for the eradication of violence against women (2013-2016)”, Ministry of Health, Social Services and Equality (MSSSI).
  - Right to information: guaranteed through the 016 helpline for information and legal advice and other means (website for support and prevention resources, active maps of resources like police, legal, information, assistance and advice).
  - Right to free legal assistance: it includes free legal advice prior to the proceedings; free defense and representation by a lawyer and a court solicitor.
  - Right to comprehensive social assistance (welfare measures, health care and social protection): for example, women victims of gender-based violence are a collective entitled to receive preferential protection in the area of access to housing.
  - Economic rights and social security benefits: aimed at women who receive a monthly income of less than 75 per cent of the national minimum wage or have special difficulties in finding employment. Among the social security rights, there exist for example, the right to geographic mobility, the right to reorganize working time... There are also a Child Support Guarantee Fund whose beneficiaries are generally children who are entitled to but are not receiving a child support allowance recognized by a court.
  - Rights in the area of employment and insertion in the labor-market: for example right to receive specific training programme to facilitate social and labor insertion on an employee-

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<sup>30</sup> Additionally to these, there are also other rights for foreign women victims of gender-based violence, for example, the residence status of foreign women victims of gender-based violence in Spain; measures of protection to undocumented foreign women victims of gender-based violence; and the right of asylum.

basis; incentives to encourage initiating a new activity on a self-employed basis, agreements with companies to facilitate hiring women victims of gender-based violence, etc.

- These rights are universal, in the sense that they are guaranteed to all women who have suffered acts of gender-based violence, regardless of their origin, religion or any other personal or social status or circumstance<sup>31</sup>.

### **How to detect gender violence? What happens when it is detected?**<sup>32</sup>

- Much emphasis has been placed in the Spanish protocols for the different agencies on how to recognize cases of VAW as early as possible.
- As an example, **health protocols:** family doctors have a *route plan* showing what kind of signs to look for in patients, what sort of questions should be asked to detect potential victims (Protocols and health-care action guidelines).
- Law enforcement agencies teams have also been trained in **procedures to detect cases**, perform the necessary examinations and tests to gather the necessary evidence in an early stage of the process as painlessly and carefully as possible. Law enforcement agencies also have specialized teams and internal instructions on how to deal with this sort of cases.
- The authorities may become aware of an instance of VAW from information knowingly or unknowingly provided by the victim or they may be alerted by a third party (generally a relative or close friend of the victim).
- Once a professional detects a case of VAW or gender violence, he/she should inform the victim of her rights and which entities can be of assistance to her in her situation. (In Spain, for example health personnel have the legal obligation to inform the judicial authority of the possible existence of a criminal offence<sup>33</sup>). If the victim denies the violence or decides not to do anything but the professional is convinced there has been violence, the professional is obliged to notify this to the public prosecutor for further investigation..
- **Legal proceedings** start with the filing of a claim or a request for an order of protection before the legal enforcement agencies, the court or the public prosecutor. The claim is transmitted to a specialized courts for violence against women, within the penal courts system.

### **Other resources for prevention, protection and the prosecution of convicts:**

- Telematic control of aggressors system (bracelet)
- Mobile Tele-assistance service (ATENPRO)
- A new database with 100.000 records built on the records collected through the risk assessment protocol.
- Homogenization of the indicators and pooling of information collected by the various bodies.
- Awareness-raising through advertisement campaigns, statements and actions carried out by famous artists and other celebrities and authorities
- School materials to foster equality and social sharing.

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<sup>31</sup> Generally, a situation of gender-based violence which gives rise to the recognition of the corresponding rights is accredited with a **sentence** of the judge, the **court protection order** in favor of the victim and, exceptionally, pending the court protection order, the **report from the Public Prosecutor's Office** (pointing to existing evidence that there is a victim of gender-based violence). However, the specific regulation on certain rights establishes the means by which the situation of gender-based violence should be accredited.

<sup>32</sup> Mainly extracted from the Annex 25 Zonta report on VAW in Spain (2011)

<sup>33</sup> According to the "Criteria for unity of the specialised action by the Public Prosecutor's Office with regard to violence against women", "*confidentiality is not an absolute obligation and the medical secret must be revealed... if there is suspicion of a crime and in the case of being called to give evidence in court proceedings*".

(See Annex 28 with a list of links to websites on gender violence resources and info in Spain )

#### 4.1. Main conclusions

- One of the most important lessons and a main feature of the Spanish model is that all the institutions adopt a common focus derived from the recognition of the causal link between gender inequality and violence against women in all the laws and policies that aim to eradicate it.
- This focus is present both in the Parliament and in healthcare staff, refuge centres, the police and the justice system.
- The existence of special courts, special police units and even a special Public Prosecutor's Office for violence, mark Spain out from other European models. Civil society participation is vital, together with the special protocols in prevention (health) and in the rehabilitation of convicted persons. In such a complex and wide-reaching system, intersectoral coordination between the State and the regions (Autonomous Community and local councils) is vital.
- In Spain, as in most countries, the key challenge is **education** as a basic tool for preventing domestic violence.

#### 4.2. Other lessons learnt

Apart from the unexpected communication problems with the transport company, there were generally no difficulties other than those caused by the large size of the Delegation, which comprised 21 people.

Three lessons:

1. Delegation size and thematic specialisation: the numerous thematic goals meant the Delegation had an extremely broad representation from Georgian institutions. As a result, there was a certain lack of focus and topics were sometimes repeated. A delegation (smaller, more cohesive and motivated) that is more specialised in fewer topics would increase interest and therefore optimise the benefit gained from meetings.
2. Duration: Tiredness and lack of motivation may result from long missions.
3. Interpreting: Communication is key to exchange. Given the number and intensity of meetings, a second interpreter would have been useful so they could take turns, as is customary.

## 5. List of Annexes

Annex 1	List of Delegates
Annex 2	Agenda
Annex 3	National Strategy for the Eradication of Violence Against Women 2013-2016”, Ministry of Health, Social Services and Equality (MSSSI), Government of Spain, 2013 (English)
Annex 4	Members of the Equality Commission of the Parliament of Spain)
Annex 5	Instruction 10-2007 Interior Risk assessment (Spanish)
Annex 6	Joint Instructions of the Ministries of Justice, the Interior, Finance and Public Administrations, Employment and Social Security and Health, Social Services and Equality on Gender Violence Units (Spanish)
Annex 7	Presentation on Institutional Coordination Maria Jose Martín (Spanish)
Annex 8	<i>Royal Decree 253/2006, of 3 March: creation of the State Observatory on Violence Against Women (Spanish)</i>
Annex 9	Mortal Victim Sheet State Observatory on VAW (Spanish)
Annex 10	Monthly Statistic Bulletin VAW October 2014
Annex 11	Yearbook 2013 on VAW (Spanish)
Annex 12	Presentation of the System for electronic monitoring of restraining measures and punishments Rebeca Palomo (Spanish)
Annex 13	Protocol of Action on telematic device October 2013 (Spanish)
Annex 14	Protocol of Action security forces and judiciary (Spanish)
Annex 15	Protocol of Action among penal and civil judiciary organs (Spanish)
Annex 16	Order of Protection Application Model (English)
Annex 17	Instruction # 6 on Criteria to Prosecutors on VAW 2011(Spanish)
Annex 18	Gender-Based Violence Programme in Alternative Sentencing (Spanish)
Annex 19	Madrid Law 5-2005 of the Comunidad de Madrid against Gender Based Violence (English)
Annex 20	Madrid Comprehensive Care Network – Staff (Spanish)
Annex 21	Madrid Judicial Resolutions by nationalities (Spanish)
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Annex 23	Andalusia Gender violence Law 13-2007 (Spanish)
Annex 24	Andalusia Joint protocol for the health response to gender-based violence (Spanish)
Annex 25	Zonta VAW Report of Spain (2011) (English)
Annex 26	Zonta VAW General Presentation (English)
Annex 27	Websites resources related to VAW in Spain
Annex 28	Spanish institutions contact data