

**“PLAN AGAINST GENDER-BASED
VIOLENCE IN THE IMMIGRANT
POPULATION”**

2009-2012

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BACKGROUND

Organic Law 1/2004, of 28 December, on comprehensive protective measures against gender-based violence (hereinafter, Comprehensive Law), sets out that one of the priority lines of action to prevent, eradicate, and prosecute gender-based violence, as well as to protect its victims, is to address the specific situation of immigrant women. In this regard, Article 17 of the Comprehensive Law guarantees the rights of all women victims of violence regardless of origin, religion, or any other social or personal circumstances.

In addition, collaboration efforts planned by public authorities to achieve the objective of preventing, addressing and prosecuting acts of gender-based violence must, in accordance with Article 32 of the Comprehensive Law, give special consideration to the situation of women who, due to personal and social circumstances, may be at greater risk of suffering gender-based violence or have greater difficulty accessing the services provided for in this Law.

Since the passing of the Comprehensive Law, a variety of actions targeting the immigrant population have been implemented.

In the area of immigration law, following approval by Royal Decree 2393/2004, of 30 December, of the Regulation governing Organic Law 4/2000, of 11 January, on the rights and liberties of foreign nationals in Spain and their social integration, it was established that in cases of family reunification, victims of gender-based violence issued with a protective court order may receive independent residence authorisation. In the case of persons without legal status, domestic violence was added as a circumstance under which residence authorisation may be granted on humanitarian grounds.

Similarly, addressing the needs derived from the vulnerability of immigrant women was one of the inspiring principles of the National Plan for Raising Awareness and the Prevention of Gender Violence, and of the Strategic Plan for Citizenship and Integration.

The National Plan for Raising Awareness and the Prevention of Gender Violence 2007-2008, adopted by the Council of Ministers of 15 December 2006, specifies that, in order to achieve its objectives (improving the response to gender-based violence and achieving a change in social relations), special attention should be paid to those groups of women in positions of greater vulnerability, including immigrant women, who, suffering double discrimination, require additional efforts to remove the social and cultural obstacles that impede full and effective exercise of their citizenship and affect their quality of life.

The Strategic Plan for Citizenship and Integration 2007-2010, adopted by the Council of Ministers on 16 February 2007, includes among its objectives facilitation of social integration of immigrant women victims of gender-based violence.

The specific situation of immigrant women is also provided for in the action protocols applicable in cases of gender-based violence. This is the case of the Action Protocol for Coordination between Law Enforcement Agencies and Judiciary Bodies for the Protection of Victims of Domestic and Gender-based Violence (2005), the Common Protocol for a Health Care Response to Gender-based Violence (2006) and the Action Protocol for National Law Enforcement Agencies and Lawyers for dealing with Gender-based Violence (2007).

Lastly, noteworthy actions have been carried out in collaboration with regional government and local authorities to implement innovative comprehensive social-assistance projects within the framework of the Support Fund for the Admission and Integration of Immigrants, and through subsidies to non-profit organisations.

The situation as regards gender-based violence in Spain demands comprehensive action within the framework of the Comprehensive Law and the plans adopted for implementation to address and prevent such violence against immigrant women.

1. JUSTIFICATION

In recent years, Spain has received immigrants from many regions of the world and non-Spaniards now account for 11.3% of the country's total resident population.¹ According to available data, the proportions of both immigrant women victims of gender-based violence and non-Spanish aggressors are overly represented in relation to the size of their populations in Spain.

With respect to the scale of gender-based violence against immigrant women, as is indicated in the report *An Evaluation of the Application of Organic Law 1/2004 of 28 December on Comprehensive Protection Measures against Gender-based Violence*, drawn up by the Government and regional authorities three years after the law came into force, and according to the data collected in the Macro-survey on Violence against Women (2006)², a greater proportion of immigrant women claim to be victims of gender-based violence than non-immigrant women:

- 12.1% of immigrant women claimed to have been abused by their partners or ex-partners at some point in their lives, compared to an average of 6.0% of Spanish women (average: 6.3%).
- 4.8% of immigrant women claimed to have been abused by their partners or ex-

¹ According to the most recent available data, taken from the provisional Municipal Register as at 1 January 2008. At said date, 5.22 million foreign citizens were registered, of which 2.1 million were EU citizens.

² Figures taken from the latest Macro-survey on Violence against Women. Data compiled by the Government Delegation for Gender-based Violence from the perspective of gender-based violence. The information refers to women of 18 years of age or more resident in Spain.

partners in the last year, compared to an average of 2% of Spanish women (average: 2.1%).

- 7.3% of immigrant women claimed to have broken free of abuse (they had been abused by their partners or ex-partners at some point in their lives, but not in the last year).

Gender-based violence figures in the non-Spanish population have risen in recent years. This phenomenon has roots in three fundamental elements:

1. Firstly, references to gender inequality are more obvious in some of the places of origin of part of the immigrant population, causing recourse to violence to appear legitimate and normal to both aggressor and victim.
2. Secondly, the particular circumstances in which many immigrant women find themselves, whether due to a lack of family, friendship or compatriot networks in Spain (or to dependence on their aggressor's networks), create insecurity and obstacles greater than those experienced by Spanish women when attempting to break the cycle of violence.
3. Thirdly, the demographic component, which is associated not only with the non-Spanish population's quantitative growth, but also with qualitative aspects, acts as a determining factor in cases of gender-based violence. Men between 20 and 49 years old comprise the group that most frequently resorts to violence and homicide (in both the Spanish and non-Spanish populations). While this age group represents 46.9% of the Spanish male population, it accounts for 64.0%³ of the non-Spanish male population, indicating that the immigrant population includes more men within the age group most prone to gender-based violence, thereby resulting in a higher incident rate.

At the same time, significant resistance has been identified in immigrant women with respect to accessing resources. Examples include the reluctance of immigrant women from certain cultures to be examined by male practitioners in health centres when being treated for physical or psychological injuries, something which also occurs with forensic scientists' examinations, or the general mistrust of law enforcement and other public institutions and agencies.

Nevertheless, together with a higher incidence of abuse, immigrant women also have a notably greater presence in the data available on gender-based violence – they are more commonly found in complaints filed and other judicial data, in issues related to the exercise of labour rights, and in fatality figures.

³ According to provisional data taken from the Municipal Register as at 1 January 2008.

In this regard, and in spite of the limited statistical significance of the data on gender-based homicide, it is notable that the analysis included in the evaluation of the first 3 years of application of the Comprehensive Law indicates that while the measures implemented under the Comprehensive Law have had positive repercussions in the Spanish population, evidence of which is the decline in the percentage of Spanish victims (from 77.1% in 2004 to 55.7% in 2008), the percentage of non-Spanish victims over the same period increased from 22.9% to 44.3%.

Meanwhile, the ratio of non-Spanish aggressors grew from 22.2% of the total to 38.6% during the same period, a 16.4-point increase.

With respect to utilisation of the resources provided to combat gender-based violence:

- Between 2002 and 2007, immigrant women filed 89,316 gender-based-violence-related complaints with law enforcement agencies. This figure accounted for 26.6% of all such complaints filed during the period, and comprised 33.3% of all such complaints filed in 2007 (Ministry of the Interior).
- The information provided by callers to the national gender-based-violence helpline (016) who gave their nationality and/or that of their aggressor indicated that up to 31 August 2008, 26.2% of the women and 26.3% of their aggressors were non-Spanish.
- 13.7% of all contracts eligible for subsidies under gender-based-violence schemes signed by women victims of violence between January 2003 and May 2008 were signed by immigrant workers.
- 14.9% of the welfare subsidies granted between January 2006 and 31 May 2008 under the provisions of Article 27 of the Comprehensive Law were awarded to non-Spanish women.

All of the aforementioned indicate that the Plan against Gender-based Violence in the Immigrant Population must be comprehensive.

2. STRATEGIC FRAMEWORK OF THE PLAN

2.1. OBJECTIVES

The Plan's primary goal is to create the conditions needed to tackle the problem of gender-based violence by addressing the immigrant population's specific circumstances in order to improve assistance and prevention from an overarching perspective. To achieve this goal, the initiatives focus on two fundamental factors – the cultural slant, which is addressed through information, sensitisation and awareness-raising; and external support, by providing

assistance, counselling and aid to reinforce women's rights. The measures implemented will produce a better response to gender-based violence and will facilitate the immigrant population's integration and co-existence.

2.2. PRINCIPLES OF THE PLAN'S STRATEGY

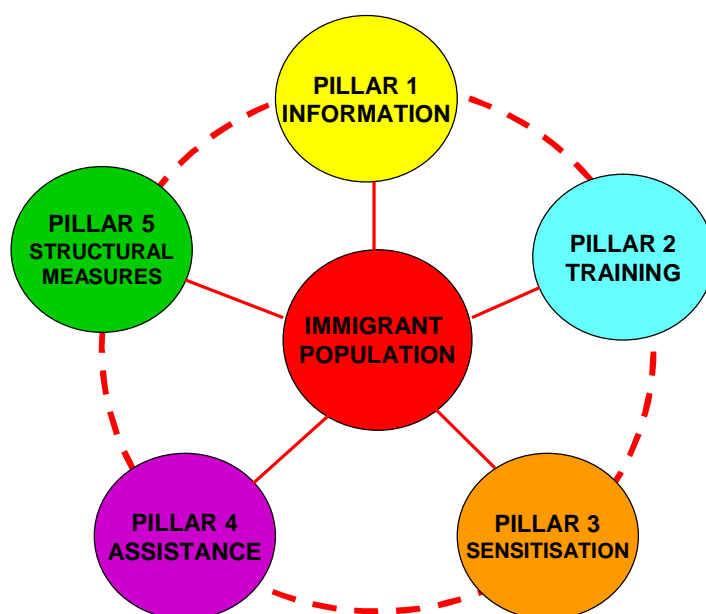
1. **Comprehensive:** Addresses elements related to:
 - Prevention and assistance.
 - Measures aimed at both women and men.
 - Consideration of the cultural context and references, which implies adapting measures to references from the culture(s) of origin.
2. **Proactive:** Taking resources to the population instead of waiting for the population to request them.
3. **Overarching:** Linking addressing gender-based violence to other related problems and other issues affecting women to achieve greater participation and avoid rejection.
4. **Multi-disciplinary:** The Plan's comprehensive nature requires that the measures be implemented from the perspectives of the various disciplines involved.
5. **Social:** It must be implemented in collaboration with central, regional, and local government and immigrants' associations, women's organisations, NGOs, and social partners. The media must also participate.
6. **Personalised:** In all of the Plan's actions, especially those relating to assistance, the measures will focus on the circumstances of each individual woman.

3. STRUCTURE OF THE PLAN

The structure of the Plan is supported by five main pillars:

1. Information
2. Training
3. Sensitisation

4. Assistance adapted to the circumstances of immigrant women victims of gender-based violence
5. Structural measures



Each of these has its own specific objectives and actions.

1. Information:

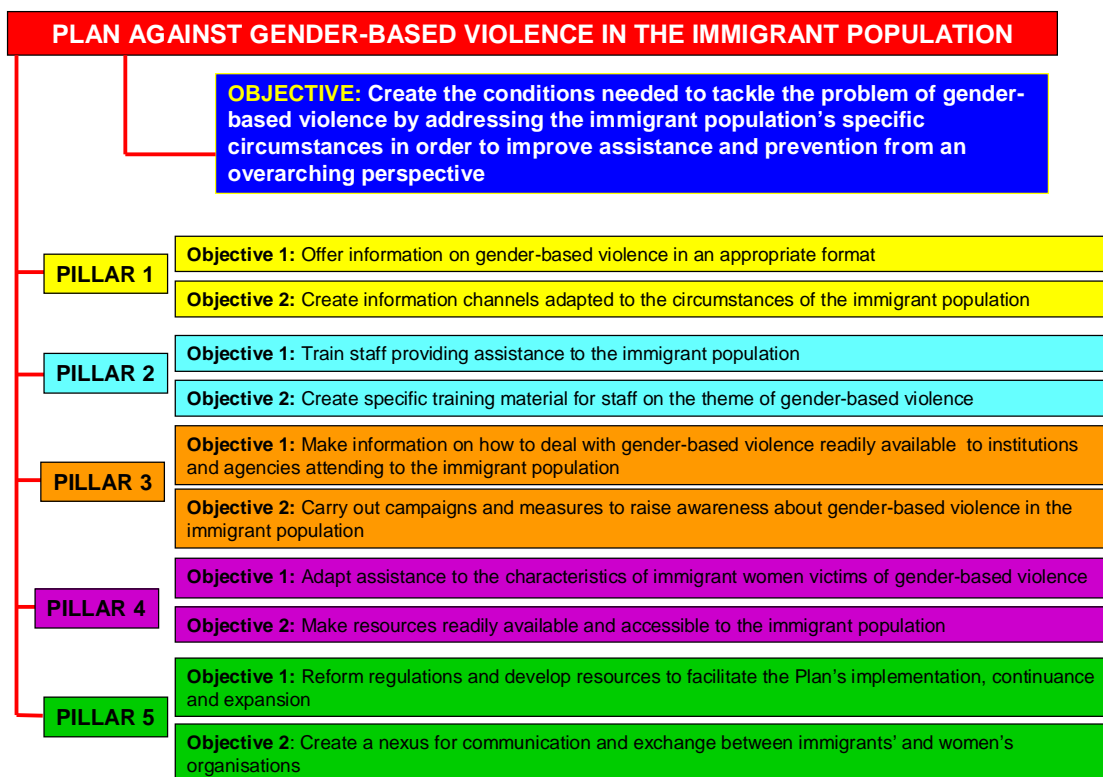
- a. **Objective 1:** Offer information on gender-based violence in an appropriate format
- b. **Objective 2:** Create information channels adapted to the circumstances of the immigrant population

2. Training:

- a. **Objective 1:** Train staff providing assistance to the immigrant population
- b. **Objective 2:** Create specific training material for staff on the theme of gender-based violence

3. Sensitisation:

- a. **Objective 1:** Make information on how to deal with gender-based violence readily available to institutions and agencies attending to the immigrant population
 - b. **Objective 2:** Carry out campaigns and measures to raise awareness about gender-based violence in the immigrant population
- 4. **Assistance adapted to the circumstances of immigrant women victims of gender-based violence**
 - a. **Objective 1:** Adapt assistance to the characteristics of immigrant women victims of gender-based violence
 - b. **Objective 2:** Make resources readily available and accessible to the immigrant population
- 5. **Structural measures:**
 - a. **Objective 1:** Reform regulations and develop resources to facilitate the Plan's implementation, continuance and expansion
 - b. **Objective 2:** Create a nexus for communication and exchange between immigrants' and women's organisations



Implementation of the measures associated with each of the pillars to achieve the objectives set will be carried out via the actions listed below.

4. MEASURES INCLUDED IN THE PLAN

PILLAR 1: INFORMATION

Objective 1.1: Offer information on gender-based violence in an appropriate format

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, in conjunction with the Ministry of Labour and Immigration and other concerned ministries and public authorities, will publish and distribute information brochures on the rights of women victims of gender-based violence. These will be aimed at immigrant women and will be published in various languages (initially Romanian, Russian, Bulgarian, Arabic, Chinese, French, and English, though more may be added at a later date).
- Part of the brochures' content will be aimed specifically at immigrant men, emphasising equality as a constitutional right and highlighting Spain's specific

gender-based violence legislation and its legal consequences.

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, will produce complaint and protective order request forms, etc., making these available to immigrant women in their mother tongue (even if it is not feasible for them to fill in the forms in the language in question), so that the women understand the information required to file a complaint, request a protective order, request assistance via mobile phone helplines, etc.

Objective 1.2: Create information channels adapted to the circumstances of the immigrant population

- Distribution of information brochures and creation of links during processing of other requests frequently made by the non-Spanish population (employment, health care, residence authorisation, etc.).
- The Ministry of Equality will establish, through the Ministry of Foreign Affairs and Cooperation, a specific collaboration channel with the embassies and consulates of those countries having a significant number of immigrant women in Spain to disseminate information about the measures and implement the Plan.
- Distribution of information brochures in relevant settings (immigration offices; offices of government delegations, government subdelegations and island directorates; victim assistance offices; immigrants' associations; law firms; parents' associations; conferences and training courses, etc.).
- To make this information available and accessible to the immigrant population, public service announcements on victims' rights and information on available resources will be placed in written and audiovisual media specifically aimed at and used by the immigrant population.

PILLAR 2: TRAINING

Objective 2.1: Train staff providing assistance to the immigrant population

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, and the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, will produce a training module on the themes of Equality and Violence. This will be aimed at staff and volunteers working for immigrants' associations, social partners, NGOs, intercultural mediators and other

similar organisations to develop their capacity to inform, detect and assist women victims of violence. Similarly, in collaboration with the Ministry of Education, Social Policy and Sport, relevant teacher training will be promoted, particularly among teachers working in adult education.

- Inclusion of the Equality and Violence module in training programmes implemented and/or financed by the Directorate-General for Immigrant Integration.
- The Ministry of Equality, through the Government Delegation for Gender-based Violence, will collaborate with the Ministry of Education, Social Policy and Sport in defining the profile of specialist staff assisting the immigrant population and in defining the training modules included in the Socio-cultural and Community Services professional qualifications.
- The Ministry of Education, Social Policy and Sport, through the Secretariat of State for Social Policy, will adapt the on-line training course titled "Intervening in families suffering domestic violence", aimed at staff working in primary-care social services provided by local authorities, to the specific requirements of addressing and preventing gender-based violence in the immigrant population.
- The Ministry of Equality will sign agreements with medical, health care and research organisations in frequent and close contact with the immigrant population (gynaecologists, obstetricians, practitioners working in family medicine, accident-and-emergency staff, etc.).
- The Ministry of Equality will sign a partnership agreement with the College of Social Workers to develop joint training, awareness-raising and detection programmes, aimed at social workers, on the theme of gender-based violence.
- The Ministry of Equality, through the Government Delegation for Gender-based Violence, and the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, will produce a training module, aimed at Immigration Office staff, on the themes of equality and gender-based violence.

Objective 2.2: Create specific training material for staff on the theme of gender-based violence

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, and the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, will produce a training module and hold

specific seminars, aimed at staff involved in programmes to combat gender-based violence (i.e. in the judiciary, public prosecutions service, forensic medicine, police, health care, social work, etc.), on the theme of gender-based violence in the immigrant population in Spain and its particular characteristics.

- Sharing of best practice and relevant information about the particular nature of gender-based violence in the immigrant population to advance measures to improve victim protection.
- The Ministry of Justice will produce a Guide to Procedural Best Practice including specific references to issues particular to the immigrant population.

PILLAR 3: SENSITISATION

Objective 3.1: Make information on how to deal with gender-based violence readily available to institutions and agencies attending to the immigrant population

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, and the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, will collaborate, through the Ministry of Foreign Affairs and Cooperation, with embassies and consulates to promote greater awareness of gender-based violence and plan specific actions.
- In addition to other training, a sensitisation programme will be carried out for staff working with the immigrant population (social workers, members of the judiciary, etc.).
- Information on equality and gender-based violence will be included in modules on integration into the host society.

Objective 3.2: Carry out campaigns and measures to raise awareness about gender-based violence in the immigrant population

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, and the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, will carry out actions specifically aimed at immigrant men and women to raise awareness about gender-based violence.
- All government sensitisation and awareness-raising campaigns on the theme of gender-based violence will include elements that emphasise intercultural issues and refer to the immigrant population.

PILLAR 4: ASSISTANCE ADAPTED TO THE CIRCUMSTANCES OF IMMIGRANT WOMEN VICTIMS OF GENDER-BASED VIOLENCE

Objective 4.1: Adapt assistance to the characteristics of immigrant women victims of gender-based violence

- The Ministry of Equality, through the Government Delegation for Gender-based Violence, and the Ministry of Labour and Immigration, through the Secretariat of State for Immigration and Emigration, in collaboration with regional and local government, will promote actions to support and assist women victims of gender-based violence from the moment they request information and decide to file a complaint through to completion of the procedure and confirmation of access to the resources available.
- The Ministry of Justice will make the necessary arrangements within the forensic medicine service to ensure that, to the extent possible, victims testifying to the courts set up to deal with gender-based violence will be attended to by women when so requested on cultural grounds.
- Within the framework of the partnership agreement signed with the General Council of the Spanish Bar, the Ministry of Equality and the Ministry of Justice will include a specific module on gender-based violence against immigrant women (which will also pay particular attention to issues related to the rights of immigrants) in training aimed at legal-aid lawyers specialising in gender-based violence. Similarly, the Ministry of Justice will advocate inclusion of a specific module on gender-based violence in training for legal-aid lawyers working in the field of immigration law.
- The Ministry of Justice, in collaboration with those regional governments to which such powers have been devolved, and in collaboration with the General Council of the Spanish Bar, will endeavour to guarantee provision of free specialist legal aid to immigrant victims of gender-based violence in their mother tongue. To achieve this goal, it will prioritise provision of assistance to victims by lawyers familiar with victims' mother tongue and, according to the budget available, it will provide access to translation and interpreting services.
- The Ministry of Justice will contribute to defining the criteria applied when training members of the judiciary (creation of training modules and organisation of specific courses and seminars) on the characteristics of gender-based violence in the immigrant population in Spain. In particular, it will emphasise that male and female

staff in forensic medicine services should be appropriately trained in equality and gender perspectives and should be aware of the cultural and religious particularities that may affect performance of their work with immigrant victims.

- The Ministry of Equality will co-ordinate analysis of action protocols in cases of gender-based violence to adapt them, if necessary, to the specific situation of immigrant women.

Objective 4.2: Make resources readily available and accessible to the immigrant population

- The Ministry of Equality will sign an agreement with the Spanish Federation of Municipalities and Provinces to train and involve municipal services in actions to address and prevent gender-based violence against immigrant women.
- An action protocol to prevent gender-based violence in regions subject to temporary influxes of immigrants for work-related reasons will be established.

PILLAR 5: STRUCTURAL MEASURES

Objective 5.1: Reform regulations and develop resources to facilitate the Plan's implementation, continuance and expansion

- The Ministries of Equality, Foreign Affairs and Cooperation, Labour and Immigration, Interior, and Public Administration will consider the following aspects when drafting the amendment to the forthcoming Immigration Law:
 - Effective equality between men and women as a guiding principle of immigration policy and as an essential element in contributing to immigrants' social integration.
 - In particular, the possibility of issuing work permits to women suffering gender-based violence in cases of family reunification, and to those who have obtained exceptional-circumstance residence authorisation due to their status as victims of gender-based violence, will be considered.
- The Ministries of Equality and Justice will carry out a socio-criminological study in which special attention will be paid to factors that have an impact on gender-based violence against immigrant women, and to the characteristics of such violence by immigrant men. The study will also contribute to identifying and updating reasons for immigrant women's reluctance to access public resources to combat gender-based violence, and will help enhance provision of information and assistance to them.

- The Ministry of Equality will take nationality into account in its use of the database compiled by the National Observatory on Violence against Women. Similarly, whenever possible, it will take nationality into account in studies on gender-based violence.
- The Ministry of Education, Social Policy and Sport and the Ministry of Equality will promote use of the statistical data held in the Social Services' User Information System, in conjunction with the database operated by the National Observatory on Violence against Women, and taking into account nationality, to obtain information about social service users, about the assistance provided, and to monitor intervention.

Objective 5.2: Create a nexus for communication and exchange between immigrants' and women's organisations

- The Ministry of Equality and the Ministry of Labour and Immigration will create CON-FLUENCIA to act as a nexus between women's organisations belonging to the National Observatory on Violence against Women (Ministry of Equality) and immigrants' organisations belonging to the Forum for the Social Integration of Immigrants.