



GOBIERNO  
DE ESPAÑA

MINISTERIO  
DE IGUALDAD

SECRETARÍA GENERAL  
DE POLÍTICAS  
DE IGUALDAD

DELEGACIÓN  
DEL GOBIERNO  
PARA LA VIOLENCIA  
DE GÉNERO

**AN EVALUATION OF THE APPLICATION OF ORGANIC LAW 1/2004  
OF 28 DECEMBER ON COMPREHENSIVE PROTECTION MEASURES  
AGAINST GENDER-BASED VIOLENCE**

**EXECUTIVE REPORT**

## INTRODUCTION

29 June 2008 marked the third anniversary of the entry into full force of Organic Law 1/2004 of 28 December on Comprehensive Protection Measures against Gender-based Violence (hereinafter, Comprehensive Law). Accordingly, and in order to comply with the terms of its Eleventh additional provision, the Government, in collaboration with the Autonomous Communities, has prepared this *Report evaluating its effectiveness in the fight against gender-based violence*.

This report underlines the commitment to citizens, institutions, professional teams and, particularly, the victims of gender-based violence, as expressed in the Comprehensive Law. In this regard, we analyse the measures implemented over a three-year period by the Spanish government, the Autonomous Communities and the Autonomous Towns of Ceuta and Melilla, as well as by the Attorney General's Office and the judicial power.

Before going into an analysis of the results, it must be said that **three years is too short a period in which to evaluate the impact of the Law, due to the complexity of the problem it addresses, the cultural and structural bases that support this type of violence, the comprehensive nature of the Law, the complex administrative structure required to operate an integral support and protection system and resistance to the structural changes made by the Law.**

Great work went into the application of the Comprehensive Law, as shown by the fact that **measures for its implementation were discussed and adopted at 63 Cabinet meetings**. In addition to developing the regulations for its implementation, the Government, with the aim of guaranteeing the greater efficacy of the measures, has also framed urgent response measures, approved by the Cabinet: Decision adopting urgent measures in the fight against gender-based violence, 15 December 2006; Decision adopting additional measures in the fight against gender-based violence, 2 March 2007; and Decision adopting actions to comply with the proposals unanimously approved by Congress with regard to gender-based violence, 22 July 2007. Moreover, more than 20 conferences and sector meetings were held with the Autonomous Communities, to deal specifically with the matter.

Over the past two years, Parliament has approved decisions, motions and other initiatives, with the support of the parliamentary groups, to propose measures to combat gender-based violence.

The **regulatory scope** of the Comprehensive Law is also worthy of note, gender-based violence being included in 3 Organic Laws, 13 ordinary Laws and 44 regulatory provisions.

In short, the Law has merited an unprecedented outlay of measures and actions and the mobilisation of major resources. Since the Law came into force, the Spanish government has invested almost EUR 800 million on a range of policies to prevent and fight gender-based violence. Specific support institutions were set up, along with special courts and public prosecution offices and specialised security services. Specialists in violence were installed in healthcare and forensic services, and resources were allocated to help women escape from violent situations.

With the information available to us, we can now affirm that women are more protected, have more information and resources available to them to enable them to leave violent situations and have the necessary social and economic rights to allow them to look after their own futures. At the same time, the law has come down hard on aggressors: over 53,000 men have received prison sentences gender-based violence in the same period.

Social awareness of the problem of violence against women has been raised, although there is still a long road to travel before the scourge is eradicated. It is obvious that there is still a lot to be done in the field of prevention and, accordingly, it is necessary to act against those who use this type of violence but as yet do not feel the social reprobation merited by violent behaviour that seeks to maintain the superiority of men over women and the subjugation of women as, in the words of the Law, "an expression of the discrimination, inequality and power relationships prevailing between the sexes".

This report is organised into three parts. The first approaches the context in which the Comprehensive Law was framed and developed and gives an overview of the prevention and awareness-raising actions implemented. The second lists the resources and actions employed to develop the Comprehensive Law, describing the measures implemented by the general State authorities, the Autonomous Communities and the Autonomous Cities of Ceuta and Melilla to protect victims and reinforce their right to social assistance.

The third and final part of this report offers a series of data regarding the tendencies observed in gender-based violence in Spain. However, In spite of the work carried out in this

regard since the Comprehensive Law came into force, the quality and disaggregation of available data still needs to be improved.

The final section of this report discusses in detail some of the major conclusions obtained with regard to the application of the Comprehensive Law.

## PREVENTING GENDER-BASED VIOLENCE: AWARENESS-RAISING, EDUCATION, TRAINING

The main aim of the measures applied to tackle gender-based violence (GBV) as an expression of a structural and historical situation is its eradication. This involves preventing violent conduct by means of changing the circumstances under which it arises.

Based on an awareness of the need to tackle and amend these structural factors, Title I of the Comprehensive Law is given over to the developing of awareness-raising and prevention measures, to raise awareness of the reality and true dimension of GBV, often concealed by prejudices, justifications and contexts which would present it as something limited to certain elements and settings. Accordingly, along with awareness-raising and sensitisation initiatives, which are more general and passive in their interaction with their intended recipients, the Comprehensive Law also envisages educational and training activities, as an active response to specific matters that need to be broached and changed, through acting on specific groups and recipients (students and teachers).

The impact of these initiatives must be evaluated from a double standpoint: sensitivity is the capacity to react to minimum stimuli, while awareness involves an accurate and reflexive knowledge of the matter. These elements are closely related, in the sense that accurate knowledge should lead to us to react to circumstances which this knowledge shows us to be harmful or threatening, as is the case of GBV. However, studies show that understanding of GBV is partial and biased, due to strong cultural influences that tend to contextualise and justify it as abnormal and pathological. Accordingly, the response to violent factors is not proportionate and is only stimulated by relatively intense events.

This is the situation that the awareness-raising measures and initiatives attempt to amend, the ultimate goal being to give society an accurate knowledge of the reality of violence against women, so that people will take positions and react accordingly.

The measures framed by the Comprehensive Law to raise awareness regarding gender-based violence find their maximum expression in the National Awareness and Prevention Program (*Plan Nacional de Sensibilización y Prevención*), running from December 2006 to December 2008. The evaluation report on the Program evidences the wide-ranging

implementation and development of its measures, though fighting against time, as many of the proposed actions require long time periods before any result can be perceived.

The results of the awareness-raising initiatives can be grouped according to the three main types of measures: on the one hand, general information and advertising campaigns; on the other, active educational measures; and, thirdly, training measures.

## **1.1. AWARENESS-RAISING MEASURES**

### **1.1.1. Informational campaigns**

Campaign design followed three main criteria. Part of the campaigns were more general in nature, depicting the circumstances surrounding gender-based violence, emphasising that it is a public and social problem and that it is society that must react to it through its institutions and instruments, particularly the Law as the embodiment of the will of society. In this line, one of the campaigns introduced the 016 telephone number for the victims of GBV, offering a solution to and an escape from the problem.

A second group of initiatives centred on specific sectors with a higher capacity for awareness-raising, such as sports and business. The campaign using the national football team was deployed in the past edition of the European Cup and will continue, using other athletes, throughout the Peking Olympics.

In the third block of measures, special emphasis has been placed on the format in which the information was presented, with the aim of criticising many normalised attitudes through culture and reflection as a means of raising awareness with regard to GBV.

### **1.1.2. Media and advertising**

Raising awareness of a matter such as violence against women is not simply a matter of information: it must go hand-in-hand with messages that reinforce the hypotheses expressed in the information. In this regard, advertising is of great importance in transmitting these messages, though also negatively, when the content of the message contradicts the factors that contribute to preventing violence, particularly through the reproduction or reinforcement of stereotypes regarding the traditional roles and image of men and women.

Initiatives in this field had a two-pronged approach, as specified in the Comprehensive Law. Some of the most important are summarised here:

#### 1.1.2.1. Preventing GBV through advertising and communication

Some of the major initiatives developed during the period included:

- ▶ Training of professionals, through agreements with the public service broadcaster (RTVE) and the EFE news service.
- ▶ Institute for Women awards against GBV in the press, radio and TV.
- ▶ Agreement to reinforce self-regulation in advertising, signed on 17 October 2007 by the Secretariat General for Equality Policies and the Association for the Self-Regulation of General Communications, aimed at cooperating in the good practices that prevent discrimination against women in advertising.
- ▶ **Commission to Assess the Image of Women in Advertising and the Media** (protocol signed on 12 April 2007), with representatives from four Ministries and 15 sector organisations (consumers, trade associations and the media).
- ▶ To act more directly against gender-based violence, the Government First Vice President held three meetings in November and December 2007 with major sector representatives, to discuss the treatment of violence against women in the media and to promote cooperative measures for its prevention.

#### 1.1.2.2. Detecting and correcting improper treatment of GBV in advertising

There have been two main lines of action:

- ▶ Observatory on the Image of Women. The Secretariat General for Equality Politics, through the Institute for Women, set up the Observatory on the Image of Women to monitor and analyse advertising for messages that reaffirm and reinforce a stereotyped image of women, in order to prevent sexist advertising and discriminatory content in the media. The Observatory receives and channels citizen complaints regarding content that shows a distorted image of women, subsequently analysing them both quantitatively and qualitatively.

The main actions implemented are shown in the following table, which contains data referring to greater social awareness of gender-based violence. On the one hand, the number of charges has increased, evidencing greater awareness of the problem, and, on the other, the number of advertising campaigns reported has decreased, a sign that they are improving.

Year	Charges made	Campaigns reported	Demands for removal and rectification	Recommendations
2005	400	184	13	2
2006	546	207	15	8
2007	1.176	131	12	8

- ▶ Framework Cooperation Agreement between the Ministry for Labour and Social Affairs and the Ministry for Industry, Tourism and Trade (signed 5 October 2007), to develop monitoring, inspection and sanctioning of media that fail to comply with constitutional principles and values.

## 1.2. EDUCATIONAL MEASURES

Unlike awareness-raising measures, educational measures are active in nature, acting directly to remove those elements which increase violence and camouflage it behind their own terms of reference. They are also aimed at specific recipients, who then implement the actions presented by the educational measures as references for co-existence in society and, consequently, in pair relationships. These recipients are mainly students and teachers, who in turn transmit the values and content of the measures.

The principal initiatives set in motion under the Comprehensive Act with regard to education are discussed below. It is particularly important to emphasise the work being carried out by the Autonomous Communities, competence in this matter having been transferred.

- ▶ Within the framework of the National Prevention and Awareness Program, the Ministry for Education and Science committed to analyse the treatment of equality between men and women in text books. To do this, a task force was set up in Central Education Inspection to analyse a sample of 53 text books for different subjects and years, from four different



publishers, to check for the possible use of sexist or discriminatory language. This task force drew up the document “Integration of effective equality between women and men in textbooks” (*La integración de la igualdad efectiva de mujeres y hombres en los libros de texto*), concluding that progress has been made in eradicating discriminatory content, although certain negative aspects still remain which need to be eliminated. To attain this goal, lines of action have been set up, tending towards applying the terms of the Law.

- ▶ With regard to teachers, university training measures have been developed, particularly in the study plans for degree courses in Pre-School and Primary School Teaching. They concentrate on emotional education and values, gender equality, equality of rights and opportunities between men and women, citizen education and respect for human rights as the cornerstones of societal co-existence. Important work was also carried out by the then Ministry for Education and Science and the Autonomous Communities in ongoing teacher training, with a pyramidal design allowing for further teacher training through the “teaching of teachers” strategy.
- ▶ Students of all ages, from pre-school to adult learning, worked to promote co-existence in schools and beyond. Special mention must go to initiatives such as the Irene awards.
- ▶ The continuity of these actions extended beyond the physical school space, thanks to the creation of the Intercambia network in 2005, by the then Ministry for Education and Science, through CIDE and the Institute for Women. This network links Educational Councils, Autonomous Community equality bodies and the Ministry itself.

### 1.3. TRAINING MEASURES

#### 1.3.1. Measure implemented in the field of healthcare

One of the main aims of healthcare measures in this field is the prevention and detection of gender-based violence and its approach as a healthcare problem. The traditional view of the problem depicts it as a matter which encroaches only marginally on healthcare, almost exclusively to treat the injuries suffered by its victims. This traditional view was partial and fragmented and most measures were framed in the legal and judicial fields, other initiatives being seen as complementary. This approach contributed neither to an understanding of the full scope of the problem nor to its eradication, merely responding to expressions of gender-based violence that a certain threshold, essentially from a judicial point of view.

The Comprehensive Law has underscored the importance of the role of healthcare in a holistic approach to gender violence. To do so, it emphasises the role played by the healthcare services in detecting and preventing violence, though at the same time ensuring that the therapeutic functions is not relegated to the background. In approaching such a widespread and deeply-rooted healthcare problem, clinical matters are of the utmost importance. Accordingly, a global vision is necessary in order to integrate healthcare and preventive actions, with regard to individuals and to society, as GBV is a public health issue.

A wide and diverse range of actions and measures were set up under the Comprehensive Law, once more in collaboration with the Ministry for Health and Consumer Affairs and the Autonomous Communities. An overall view of the main measures, though not exclusive, allows for actions to be grouped according to two main focuses: prevention and care.

#### **1.3.1.1. Prevention-based healthcare activities**

The main activities developed in the field of prevention included:

- ▶ Training of professionals in a range of healthcare disciplines, integrating the outcomes of scientific research with a sociological perspective, firmly situating the healthcare issue of GBV in the context in which it occurs. This makes it possible to detect, identify and treat violence in all its dimensions and circumstances, as women may minimise their symptoms or fail to relate them to domestic violence.
- ▶ GBV included within the equity strategic area of the Quality Plans for the Spanish National Health System (SNS) from 2007 onwards, favouring a more in-depth understanding of GBV and the development of initiatives aimed at improving healthcare resources.
- ▶ Creation of the Commission against GBV within the National Health System Territorial Council. This Commission has drawn up a series of annual reports since 2005, defining aspects of the role of healthcare in dealing with GBV, with regard to both understanding of the problem and to professional training. Accordingly, four working groups were set up within the Ministry for Health and Consumer Affairs Observatory for Gender-based Violence, to continue further with the double strategy of understanding and practical application. These four groups are:
  - Information systems and epidemiological monitoring of gender-based violence.

- Protocols and guides for healthcare involvement in gender-based violence.
  - Ethical and legal aspects of healthcare involvement in gender-based violence.
  - Evaluation of the National Health System approach to GBV.
  - The 2007 report expressed the need for a new working group aimed at training healthcare professionals in dealing with gender-based violence.
- ▶ Moreover, the 2006 report was used to evaluate the measures already put in place and thus adopt new initiatives.
  - ▶ As mentioned, all these initiatives were developed and implemented in close cooperation with the Autonomous Communities.

#### **1.3.1.2. Healthcare-based initiatives**

The many initiatives implemented in the field of healthcare and support for the victims of violence at the hands of their partners or former partners have their maximum expression in the inclusion of the treatment of gender-based violence in the portfolio of common services offered by the National Health System. Royal Decree 1030/2006 of 15 September, establishing the National Health System portfolio of common services and the procedures for its renewal, makes the following references to gender-based violence:

- ▶ Detecting and caring for the victims of gender-based violence and abuse of all ages, particularly against minors, the elderly and people with disabilities.
- ▶ Notifying the competent authorities when the situation so requires, particularly in cases of suspected gender-based violence or abuse of minors, the elderly or persons with disabilities. When necessary, social services may also be notified.

#### **1.3.1.3. Common protocol for a healthcare response to gender-based violence**

The Common Protocol for a Healthcare Response to Gender Violence, developed jointly with the Autonomous Communities and launched on 23 April 2007, approaches the problem from an integrated health and preventive standpoint.

The protocol aims to give practical guidance to National Healthcare System personnel so that they can offer integral physical, psychological and emotional care to abused women attending healthcare centres. It establishes standardised, homogenous procedures, allowing for early detection of the problem, improved evaluation of and response to acute cases and proper monitoring of women affected by GBV.

The recommendations help towards improving the response of National Health System personnel to gender-based violence, but the document also contains a specific chapter on the procedures to be followed in cases of sexual aggression and another based on situations having special legal and forensic implications. As mentioned, the problem of gender-based violence amounts to more than the individual clinical repercussions of each case, belonging rather to the field of social and public-health issues and having medical and legal implications.

### **1.3.2. Measures for the training of legal protection and support professionals: State Security Forces and Corps and The Corps and the Judicial Authorities**

The protection of the victims of gender-based violence should be understood as the construction of a safe environment, in which women can live their lives in peace and under no threat, rather than just actions tending to set up barriers or other physical instruments between victim and aggressor. It is only through a holistic approach and the integration of a series of resources that this protection can be made effective and adaptable to the circumstances of each case.

In this regard, protection should be understood as an ongoing action, allowing women to continue their lives in peace and safety after reporting their situation.

Consequently, protection is closely linked to prevention, insofar as they are both instruments to prevent further aggressions. It is given special mention in this report, along with the awareness and training plans, an understanding of the situation being necessary for an adequate response to the gravity and risk of each case and each set of circumstances. This approach is recognised in the Comprehensive Law and has been a basis for training measures for professionals in the State Security Forces and Corps (FCSE) and legal personnel, emphasising their specific roles, but with an overall vision allowing them to implement their functions in an ongoing manner with regard to other related professional interventions.

### **1.3.2.1. Training professionals in the State Security Forces and Corps**

Training of professionals in the State Security Forces and Corps concentrates on two main aspects: an understanding of gender-based violence, on the one hand, and of its consequences and implications, on the other, of the police risk evaluation protocol.

#### **Gender-based Violence training**

In general, training in dealing with gender-based violence is included as part of the training of future FCSE agents and in the ongoing training of current professionals. This training becomes more specific in professionals working in certain specialised services and teams such as the National Police Force Family Support Service (SAF) and the Civil Guard Women and Children's Teams (EMUMES).

#### **Training in the Police Risk Evaluation protocol (VPR)**

The training design is pyramidal, both for the National Police Force and the Civil Guard. This means that once professionals have received training, they can then train other personnel regionally and locally. For both forces, training has concentrated on the evaluation of those aspects of gender-based violence most likely to lead to a situation of risk and on technical matters related with the use and application of instruments used to evaluate risk.

The result of this training is some 12,000 Civil Guards and over 5300 National Police instructed in the use of the protocol. Moreover, due to their involvement in monitoring high-risk cases, this training has also been extended to 80 government professionals working in Violence and Coordination Units.

### **1.3.2.2. Training legal personnel**

The setting up of specialised courts to deal with Violence against Women and concentrating cases in each judicial area in Compatible Courts has no doubt been a great step forward in the judicial treatment of events of gender-based violence and has led to improved treatment of its victims. However, it has also required much effort in the training and preparation of the professionals who work in these bodies.

One of the greatest problems faced by the Courts dealing with the matter (exclusively or alongside other matters) is the lack of specialised training of General Corps personnel, mainly

in Administration and Management; the functions of Auxiliary Corps personnel do not greatly vary, regardless of the matters being heard by the Court. This situation is particularly clear in the newly-set up Courts, where personnel not only had little training in dealing with GBV, but also lacked experience in many habitual court activities.

Consequently, a training strategy aimed at training court staff had to be implemented, although the circumstances demand more complete training to tackle the particular characteristics of each case, from both a human and a procedural point of view.

It is because of this complexity that, since the Comprehensive Law was passed, a multitude of training courses for court staff have been organised.

This training revolved around three main axes: the first intending to give personnel an understanding of gender-based violence beyond its legal expressions and consequences, providing an overall view of violence as a structural problem of society and, therefore, underlining the circumstances that give rise to expressions that differ from other forms of violence. The second axis insisted on technical procedural and judicial matters, many arising from the innovative measures contained in the Comprehensive Law, while the third consists of creating a body of reference material.

## **II.**

### **PROTECTION AND SOCIAL ASSISTANCE FOR VICTIMS**

#### **2.1. COMPREHENSIVE INSTITUTIONAL SUPPORT SYSTEM**

##### **2.1.1. Government Delegation on Gender-based Violence and State Observatory on Violence against Women**

- ▶ The Government Delegation on Gender-based Violence and the State Observatory on Violence against Women were set up in compliance with Arts. 20 and 30 of the Comprehensive Law, to promote and coordinate policies to combat gender-based violence. Both structures act to guarantee the efficacy of the measures taken and make unified proposals for action, ensuring institutional consultancy, cooperation and coordination.
- ▶ On 28 June 2007, to give compliance with Article 30 of the Comprehensive Act, the third plenary session of the State Observatory on Violence against Women, held to coincide with

the first anniversary of its constitution, issued its **First Report**, containing its **System of Indicators and Variables on which to build the Observatory's database**.

- ▶ This first report was published by the Government Delegation, as part of a collection of specific publications on gender-based violence, which also includes quarterly statistical bulletins, issued to ensure the dissemination of reports, statistics and research on the subject.
- ▶ In the **Autonomous Communities**, institutional protection is the basis for the cooperation plans established by the autonomous authorities, to coordinate their activities in preventing and combating gender-based violence. All the Autonomous Communities have set up Observatories, Regional Councils for Women, specific commissions, Monitoring Commissions, Foundations, Offices or Councils to tackle the problem of gender-based violence.

### 2.1.2. Gender-based Violence Units in Government Delegations and Sub-delegations

In addition to the Government Delegation on Gender-based Violence, in order to guarantee greater coordination of the actions of the General State Administration in the field and integral monitoring of the protection system, on 27 February 2007, Units on Coordination and Violence against Women were set up in Government Delegations and Sub-delegations.

- ▶ The **59 Units on Violence** are distributed as follows:
  - 19 Government Delegation Units for the Coordination of measures to combat Violence against Women.
  - 22 Government Sub-delegation Units on Violence against Women.
  - 7 Island Government Units on Violence against Women.

## 2. 2. RIGHT TO INFORMATION

In order to guarantee the right of women to full information and assistance regarding their personal situations, the following actions have been framed:

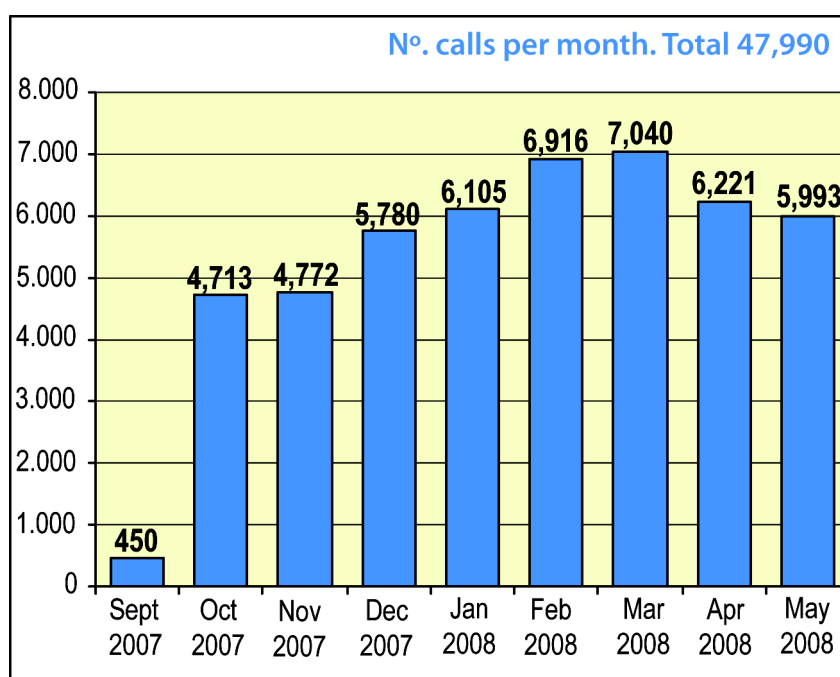
- ▶ In addition to **media campaigns**, the Secretariat General for Equality Policies has issued **over 727,000 leaflets** and other literature on the rights of victims, in general or aimed at

specific sectors (immigrants, women in rural areas, etc.). These were prepared in cooperation with the ministries involved, the Spanish Federation of Towns and Provinces (FEMP), social agents and women's organisations.

- ▶ **The 016 number was set up to give legal advice and information.** It offers the following services:
  - ▶ Free, confidential helpline 24/7; emergency calls routed to the 112 number and coordination with similar services in the Autonomous Communities.
    - Information for the victims of gender-based violence and their families, friends, acquaintances and society in general on how to react to abuse.
    - Information regarding the resources available to and the rights of victims with regard to employment, social services, economic support, information, care and shelter.

Since it was set up on 31 May 2008, **the service has taken a total of 225,263 calls.**

- An average of **828 calls were taken every day**, i.e. 35 calls every hour.
- 47,990 of these calls referred to gender-based violence, an average of 176 per day and 7 per hour.





- Calls regarding gender-based violence were received from all Autonomous Communities and all provinces. By Autonomous Community, 12,197 calls were received from Madrid (25.6% of total), 7715 from Andalusia (16.2% of total), 6328 from Catalonia (13.3%), 4738 from the Valencian Community (9.9%), 2637 from the Canaries (5.5%), 2156 from Castilla y León (4.5%) and 2148 from Galicia (4.5%).
- ▶ The **Autonomous Communities** have also set up a range of services to guarantee the right to information. To do this, they have set up a wide network of information points throughout the country, issued leaflets, carried out specific campaigns addressed at particularly vulnerable groups and set up telephone information and advice helplines, among others.

### 2.3. INSTANT, FREE LEGAL ADVICE

The following measures have been put in place to guarantee free legal advice to the victims of violence and ensure they receive the necessary professional help:

- ▶ Royal Decree 1455/2005 of 2 December, amending the Regulation on free legal advice by adding a third section to Title I Chapter II, on “**procedure for judicial proceedings and administrative processes having their direct or indirect cause in gender-based violence**”, which came into force on 18 December 2005.
- ▶ **Protocol for the Response of the State Security Forces and Corps and Attorneys to gender-based violence**, passed in 2007 with the aim, among others, of guaranteeing and homogenising the legal aid service in the formulation and presentation of charges and application for protection orders.
- ▶ In 2007 the number of Ministry of Justice duty **attorneys dedicated to dealing with gender-based violence increased by 9.84%** over the number for 2006. The total figures are given below:

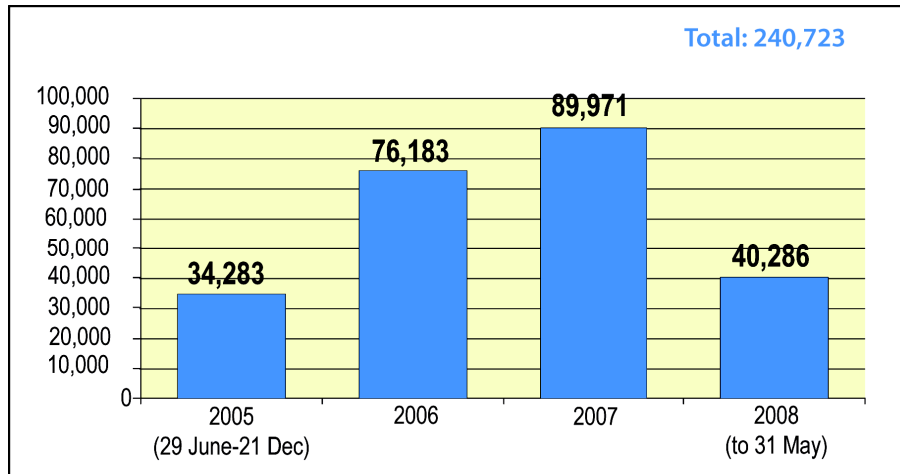
ATTORNEYS ALLOCATED TO GENDER-BASED VIOLENCE CASES	DUTY ATTORNEYS GENDER-BASED VIOLENCE
2463	67

- ▶ Collaboration agreement between the Ministry for Justice, Ministry for Labour and Social Affairs and the General Council of Spanish Lawyers, signed 3 December 2007, for the **training of lawyers and duty lawyers** giving free legal advice in gender-based violence cases, offering the necessary training and specialisation to allow them to defend their charges.
- ▶ Moreover, the Autonomous Communities have implemented actions to guarantee the right to instant free legal aid, along with training for professionals involved in the matter. The **Autonomous Communities** with jurisdiction in the matter are: Andalusia, Aragon, Asturias, Canarias, Cantabria, Catalonia, Galicia, Madrid, Navarra, the Basque Country and Valencia. Aragon and Cantabria will acquire this status on 1 January 2008.

#### 2.4. LEGAL PROTECTION AND JUDICIAL RESPONSE

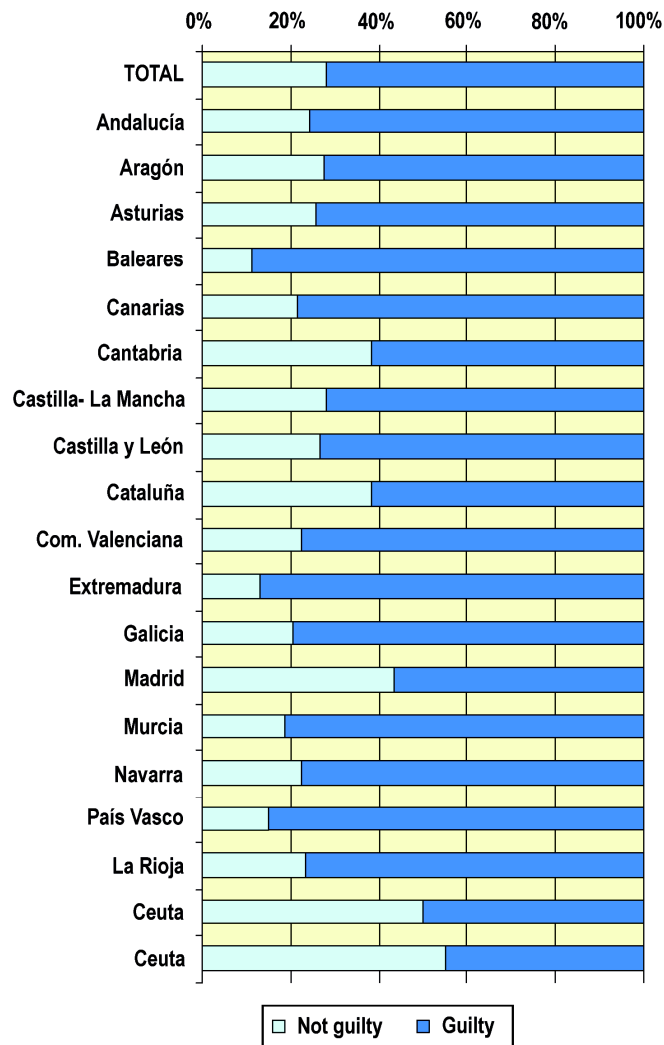
- ▶ Constitutional Court Ruling 59/2008 of 14 May declared that Article 153.1 of the Criminal Code, as restated by the Comprehensive Act, to be constitutional. According to the Constitutional Court, **different legal treatment of cases which are the same with regard to their result or the behaviour involved does not violate the principle of equality when it has an objective and reasoned justification and does not involve disproportionate consequences with regard to the pursued end.** The Court understands that the differentiated treatment thus dispensed complies with these requirements and does not punish certain people more heavily for being of a certain sex in any circumstance, but rather punishes more heavily violent conduct by men aimed at subjecting women or imposing their own criteria on them in the context of pair relationships. These are not the circumstances that surround aggression by women against men.
- ▶ To summarise judicial actions since the Comprehensive Law came into force, **each day**:
  - 225 gender-based violence proceedings are initiated
  - 150 judicial proceedings are finalised
  - 84 judgements are delivered
  - 60 convictions are handed down
- ▶ **A total of 240,723 proceedings dealing with gender-based violence have been initiated**, part of a rising trend: an average of 183 proceedings were initiated daily from 29

June - 31 December 2005; in 2006 this number rose to 209; in 2007 it rose again to 247, and the daily figure for the first five months of 2008 averages 265.



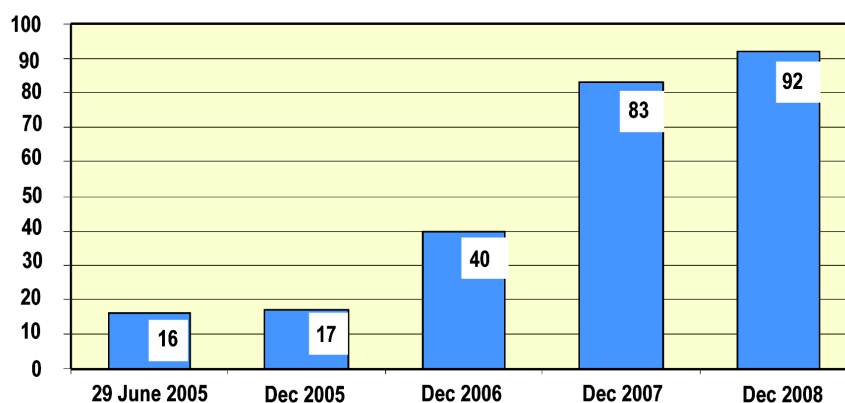
► The consequences:

- A total of 160,078 judicial proceedings dealing with cases of gender-based violence have been finalised. Of these, 17,709 ended in the first half of 2005, with a monthly average of 2952; 48,419 ended in 2006, a monthly average of 4035; 65,431 ended in 2007, a monthly average of 5453, and 28,519 ended in the first five months of 2008, a monthly average of 5704.
- **89,545 judgements were handed down, of which 64,346 were convictions**, although there are considerable differences between some of the Autonomous Communities:



- As of 31 May 2008, **there were 94,133 women under judicially-ordered protection**. This protection was based on:
  - Women with precautionary measures (whether or not as part of a protection orders): 39,924.
  - Women with other measures (based on judgements not yet secured): 3078.
  - Women protected by measures based on final judgements: 51,131.
- A total of **128,759 women have obtained judicial protection while proceedings were underway** since the Comprehensive Law came into force:

- From 29 June 2005 to 31 May 2008, a total of 143,672 applications for protection orders were decided: 30,864 were refused; 112,808 were granted.
  - Moreover, during the period in question, precautionary measures not included as part of protection orders were granted to 15,951 women.
- ▶ The greater efficacy of the legal system in dealing with crimes of this nature is clear from the fact that fewer aggressors get away with it. Since 2005, 302,957 convictions for gender-based violence have been handed down. Of these convictions, 53,282 involved prison sentences, while 41,085 aggressors were barred from keeping firearms.
- ▶ This increase in judicial activity has been made possible thanks to the following actions, among others:
  - **Ongoing efforts to increase the number of Courts dealing with Violence against Women. These courts now number 458, of which 366 also deal with other matters, while, from December onwards, 92 will exclusively hear GBV cases exclusively.** (The Comprehensive Law allows for the creation of 17 exclusive courts).



- The Ministry of Justice has also created **Integral Forensic Evaluation Units in all provinces** and set up the **ASKLEPIOS protocol for integral forensic response and treatment**, to help forensic doctors improve the service offered to victims of GBV. The Autonomous Communities that have legal competence but have not yet set up Integral Forensic Evaluation Units are

Canarias, Catalonia (one unit only, in Barcelona), Madrid, Basque Country and Valencia (one unit only, in Valencia).

- Another important aspect is the coordinated and unitary response of the Office of Public Prosecutions in Courts dealing with Gender-based violence, articulated through **Delegate Prosecutors (coordinated by the Delegate Division Prosecutor for Violence against Women)**, who take the struggle into the Courts, coordinating other Prosecutors working in the same field to give a unified response.

## 2.5. PRISONS

- ▶ A **Prison treatment program** has been set up for aggressors serving sentences for gender-based violence. It is applied by specially-trained psychologists and members of Technical Teams in prisons throughout Spain.

**A total of 146 professionals have been trained in the “Program for the Prison Treatment of aggressors in the family” and 466 prisoners were treated under the program from 2004-2007.**

- ▶ With regard to **suspended sentences and other alternatives to incarceration**, the Sub-Directorate General for Community Service and Alternative Measures was set up to coordinate all measures implemented with regard to community service and other alternatives to prison sentences. Moreover, to guarantee that the re-education Program is actually implemented, Prison Social Service staff has been increased (50 psychologists and 95 social workers) and the program is being extended through collaboration agreements signed with Universities and Professional Associations.

## 2.6. RESPONSE OF THE SECURITY FORCES AND CORPS

- ▶ Since the Law came into force, the State Security Forces and Corps have been reinforced by means of **specialised units**. The number of personnel involved in this response has

increased from 505 in March 2004 to 1648 in December 2007. An extra 200 specialists are expected to come online in December 2008.

Personnel	March 2004	2004	2005	2006	2007	2008
<b>National Police</b>	375	492	822	992	1094	1294
<b>Civil Guard</b>	130	250	280	43	554	554

*Unless specified otherwise, dates refer to December of each year*

- ▶ **They have also been supplied with improved tools** and material resources: police stations that allow for privacy, unmarked cars to take women to healthcare centres or to their homes to pick up their belongings, portable computer equipment to follow proceedings “on the ground”, recording equipment for police interviews.
  
- ▶ Several **Protocols for Action** have been framed to ensure that the State Security Forces and Corps coordinate their activities with other police forces and other actors responding to situations of violence: Protocol for action for the State Security Forces and Corps and for Coordination with the courts and the State Prosecutor’s Office, updated in 2005; Protocol for cooperation and coordination between the State Security Forces and Corps and Local Police Forces for the protection of victims of domestic and gender-based violence, signed on 13 March 2006; Framework Collaboration Protocol in matters of public safety and road safety, signed 20 February 2007; and Protocol for action for the State Security Forces and Corps and for coordination with lawyers to improve legal aid and the information dispensed to the victims of Gender-based Violence, approved on 3 July 2007.
  
- ▶ More recently, to guarantee maximum efficacy in their activities, two very important measures have been implemented: A computer application has been developed to support the implantation of the **Integral Monitoring System for Cases of Gender-based Violence** and the **Common Risk Evaluation Protocol** for State Security Forces and Corps and autonomous police forces and for communication with the courts and the State Prosecutor’s Office, approved in 2007.

<b>Integral Monitoring System for Gender-based Violence ACTIVITY</b>		<b>TOTAL 26 July 2007 – 30 June 2008)</b>
<b>USERS</b>	National Police Force	6661
	Civil Guard	13,773
	Local Police	8
	Anti-Violence Units	93
	Prisons	1156
	Prosecutors	8
	Government Delegation on GBV	7
	<b>Total subscriptions to System</b>	<b>21,706</b>
<b>CASES</b>	New cases	40,584
	Reviews	32,647
	<b>Total cases covered by the System</b>	<b>73,231</b>
<b>EVALUATION</b>	Police Risk Evaluation (VPR)	84,688
	Police Evaluation of Risk (VPER)	62,953
	<b>Total evaluations carried out by the System</b>	<b>147,641</b>
<b>HISTORICAL FILES</b>	National Police Force historical file	41,332
	Civil Guard historical file	38,911
	Prison historical databases	11,862
	Shared Police Database (BDSN)	107,894
	<b>Total historical files shared by System</b>	<b>199,999</b>



- ▶ Moreover, the Government has set up a range of measures aimed at **immigrant women**, to guarantee them the full efficacy of the rights contemplated in the Comprehensive Law, independently of where they are from. These measures include:
  - **Protecting non-documented immigrant victims**, through Directive 14/2005 of 29 July, issued by the Secretariat of State for Security, regarding the procedure to be followed in police stations with regard to undocumented foreign nationals reporting domestic or gender-based violence.
  - **Granting of temporary residency permits** for humanitarian reasons (Arts. 45.4.a and 46.3 of the Regulation for the application of Organic Law 4/2000 of 11 December) and **the right to retain residency obtained through family reunification** (Art. 9.4 Royal Decree 240/2007 of 16 February).
  - **Inscription** of victims of gender-based violence having received residence permits due to this circumstance **with the public employment services** (Order TAS/3698/2006 of 22 December).
  - Consideration of gender-based violence as a **cause for the granting of asylum** (Organic Law 3/2007 of 22 March).
  - Measures to **improve information**: guide to rights in eight languages; access to the 016 helpline; specific training for personnel in government offices dealing with immigrants; etc.

## 2.7. THE RIGHT TO INTEGRATED SOCIAL ASSISTANCE

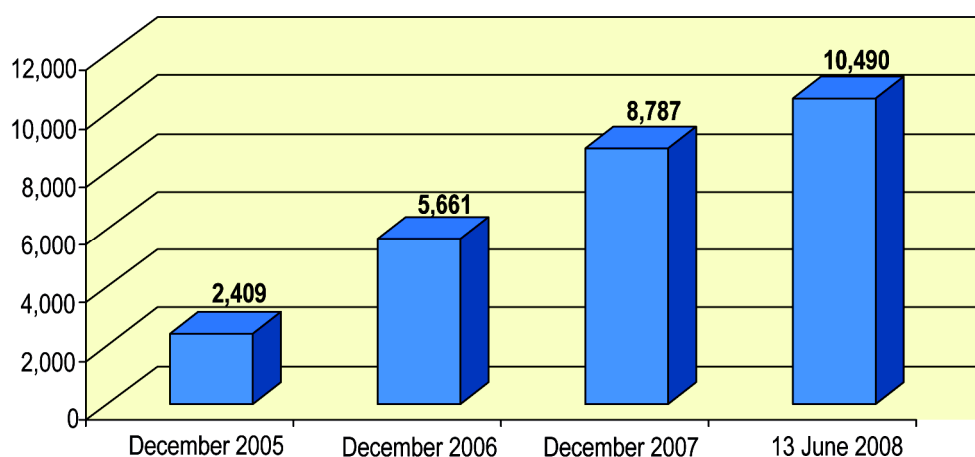
- ▶ Article 19 of the Comprehensive Law establishes that the victims of gender-based violence are entitled to integrated healthcare, emergency, support, shelter and recovery services. Although this falls to the exclusive competence of the Autonomous Communities, the General State Administration has developed the following measures in cooperation with the Autonomous Authorities and Local Corporations.

- **The provision of a fund** to contribute to the Autonomous Communities in setting up the services established under Art. 19 of the Law (integrated social assistance). In 2005, this fund amounted to EUR 10 million. In 2006, it held EUR 12 million.
  - In 2007, a system of **Subsidies for Innovative Projects** was set up for Autonomous Communities and Town Councils to replace the fund and guarantee the right to integrated social assistance. These subsidies were provisioned with EUR 6.5 million: EUR 4 million for the Autonomous Communities and EUR 2.5 million for Town Councils. These subsidies were once more offered in 2008.
- ▶ Each of the **Autonomous Communities** has implemented a series of measures to guarantee the right to integrated social assistance, through a series of services such as: the creation of specific advice or information centres for women, emergency centres, half-way houses, protected centres and apartments, meeting points and, in certain Autonomous Communities, such as Asturias, Integral Care Centres.
  - ▶ In January 2005, the **Remote Emergency Service** for victims of gender-based violence was set up. The following measures have been adopted to promote it:
    - Access requirements: a protection order was initially required, but in 2007 this was downgraded to a restraining order.
    - Information: as from 1 January 2007, the protection order application form contains specific information regarding the service.
    - Extension: the 7740 municipalities participating in the service account for 95.45% of all municipalities in Spain.

As a result, **16,248** victims of gender-based violence had used the Remote Emergency Service from the time it was set up in March 2005 to mid-June 2008.

	N° USERS	SUBSCRIPTIONS AND CANCELLATIONS	
		SUBSCRIPTIONS	CANCELLATIONS
<b>December 2005</b>	2,409	2,813	407
<b>December 2006</b>	5,661	7,233	1,572
<b>December 2007</b>	8,787	12,987	4,200
<b>13 June 2008</b>	10,490	16,248	5,758

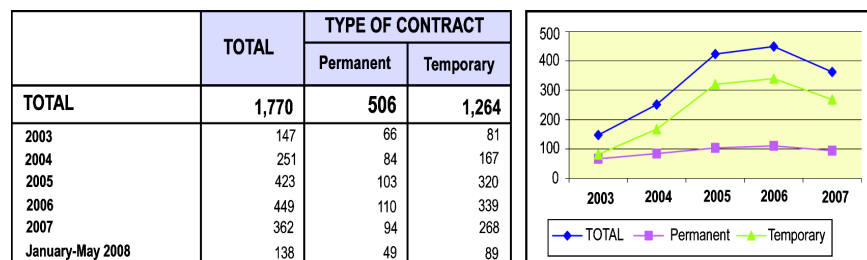
- At the end of 2005 the service had 2409 active users. This figure increased by 135% by the end of 2006, while there was a 55% increase in December 2007 over December 2006.
- At 13 June 2008, there were 10,490 users subscribed to the service, an increase of 19% over December 2007.



## 2.8. LABOUR RIGHTS

- ▶ The macro-survey showed an increase in the number of working women who suffered or who claimed to have suffered violence at the hands of a partner or former partner. In 1999, 35.9% of women reporting gender-based violence were employed. This figure rose to 43.2% in 2000 and 53.4% in 2006.
- ▶ The labour and social security rights guaranteed under the Comprehensive Law are being protected.

- From January 2005 to May 2008, a total of 220 substitute contracts for victims of gender-based violence were signed. 38 were signed in 2005, 57 in 2006, 86 in 2007, and 39 from January – May 2008.
- Specific measures to promote the professional insertion of the victims of gender violence: rebates for companies who hire victims of gender-based violence in full-time permanent positions, collaboration agreements with companies in a range of sectors to facilitate their hiring, etc.
  - o From January 2003 to May 2008, a total of 1770 of these special contracts for victims of GBV were signed – 71.4% temporary and 28.6% permanent.

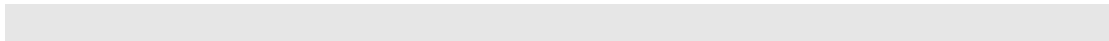


- There has also been an increase in the number of victims of violence subscribing to the Employment Insertion Program. User figures increase each year: while there were 11,235 women subscribed to the program in 2006, this figure increased to 13,691 in 2007. In the first five months of 2008, the figure was 11,767.
- These rights are also being protected in the Civil Service:
  - In 2006 and 2007, a total of 43 transfer requests motivated by gender-based violence were authorised.

**With regard to the Social Assistance** contemplated under Art. 27 of the Comprehensive Law:

- From 2006 to 31 May 2008, a total of 709 economic subsidies were granted on the basis of Art. 27 of the Comprehensive Law.

- ▶ In 2008, the Government set up the **Alimony Guarantee Fund**, to respond to the social problem deriving from non-payment of alimony for underage children in cases of divorce, separation or annulment or in parenthood or alimony cases. Until 23 May 2008, a total of 165 applications had been made.



### III

## TENDENCIES IN GENDER-BASED VIOLENCE AND ANALYSIS OF THE EFFECT OF THE COMPREHENSIVE LAW

One of the main aims of this report is to analyse the impact of the measures developed under the Comprehensive Law on the evolution of gender-based violence, in all the social environments where the measures are applied.

As outlined in the introduction, an analysis after just three years gives a mere indication of what, as we will see, promises to bring around a profound social transformation with regard to the problem, and also with regard to gender-based violence itself. All areas tackled by the measures framed by the Law bear signs of its impact, although the scope of this impact varies, as the initiatives have had varying trajectories - those which were implemented earlier show more significant findings, while those whose implementation had to be delayed, due to administrative processes or the complexity of the measures, merely hint at what may later prove to be significant achievements.

Under these circumstances, this Report does not aim to be a definitive analysis of the consequences of the Law. The importance of the study and the stage we are at advise us to be cautious and to continue to advance in evaluating it further, as well as involving experts from a range of environments (universities, women's movements, politics, professionals involved in preventing GBV and caring for its victims) and fields (healthcare, justice, the media, police, social rights, education, etc.), in order to reach definitive proposals and conclusions. Accordingly, this report, although merely a first attempt at evaluating the impact of the Comprehensive Law, shows important advances in the fight to eradicate violence against women.

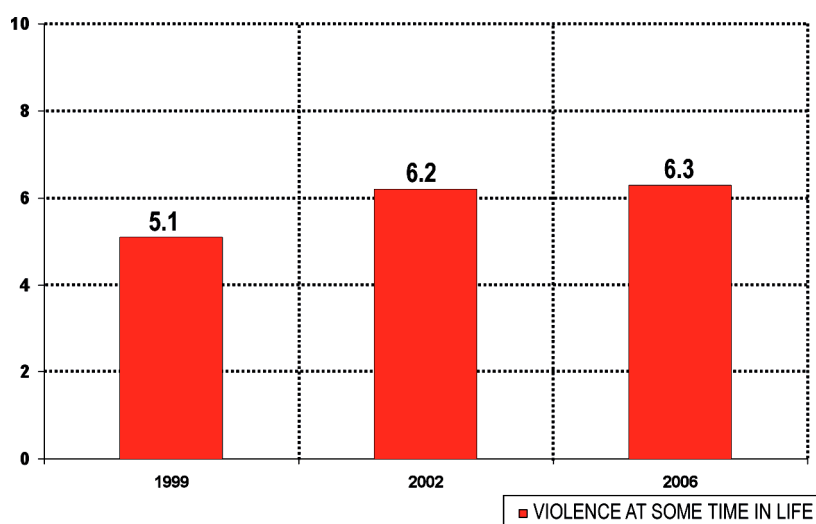
### 3.1. THE DIMENSION OF GENDER-BASED VIOLENCE

Any study of gender-based violence must have two approaches: on the one hand an examination of its prevalence in society and, on the other, a look at how it is expressed, in the form of violence and murder.

### 3.1.1. Gender-based violence in society

The characteristics of gender-based violence, as a situation arising from cultural references which tend to minimise its importance and accept it as normal, mean that much of the violence suffered by women is not expressed objectively. Accordingly, the only way to get a true picture of its dimension is through sociological studies. The Institute for Women carried out three macro-surveys on gender-based violence, in 1999, 2002 and 2006. These studies are used in this report as an approach to the situation of gender-based violence in Spain and to infer the impact that the Comprehensive Law may have had on a series of data, even though any conclusions reached will be partial, due to the fact that the macro-surveys cover the period from 1999 to 2006 (specifically, the first covers 1999, the second 1999-2002 and the third 2002-2006). Accordingly the impact of the Law can only be deduced from the time covered by the last of the three surveys, compared to the other two.

The percentage of women claiming to have suffered from GBV at some time in their lives varies over the three studies, as the following graph shows:

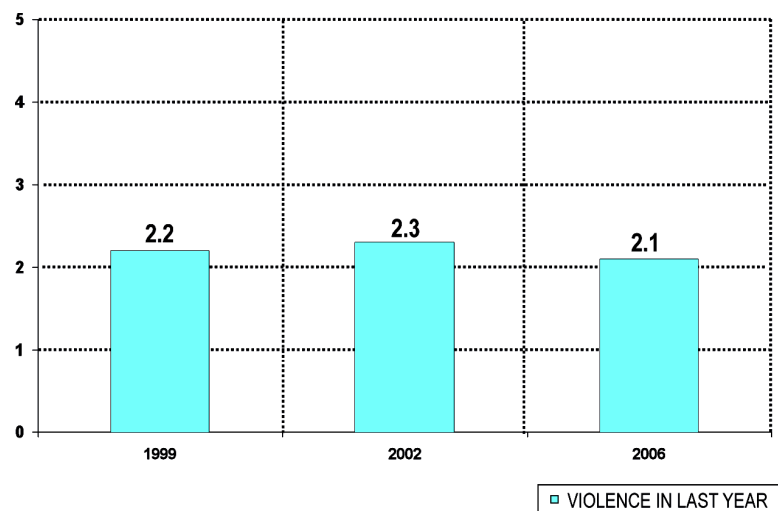


VIOLENCE SUFFERED AT SOME TIME IN LIFE.  
- PERCENTAGE OF POPULATION -  
1999-2002-2006

Macro-surveys 1999, 2002, 2006

In 2006 6.3% of women over 18 years reported having suffered gender-based violence at some time in their life. This gives a figure of 1,200,000 women victims of gender-based violence.

In 2006, the number of women reporting having suffered violence in the previous year dropped to 2.1% (some 400,000 women). The significance of this drop, compared to previous studies, will be analysed below.

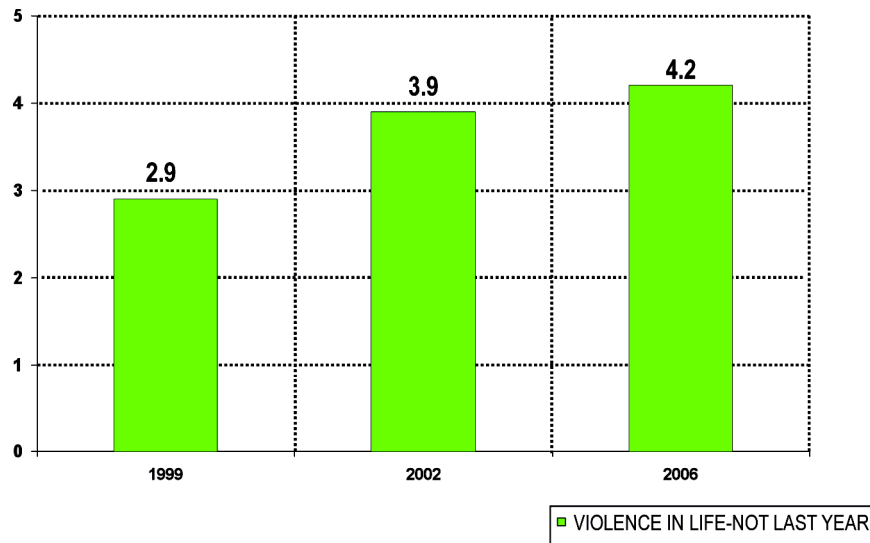


VIOLENCE SUFFERED IN LAST YEAR.  
- PERCENTAGE OF POPULATION -  
1999-2002-2006

Macro-surveys 1999, 2002, 2006

These data indicate that in 2006, the percentage of women having suffered violence at some point in their lives, but not in the previous year, i.e. the number of women having successfully escaped violent situations, was 4.2%. This indicates a positive reaction to GBV.



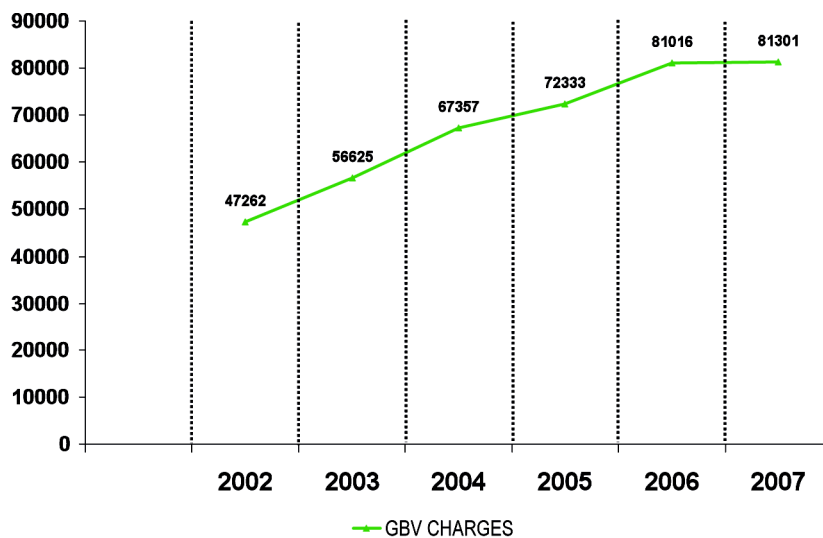


VIOLENCE SUFFERED AT SOME TIME IN LIFE BUT NOT IN LAST YEAR.  
 - PERCENTAGE OF POPULATION-  
 1999-2002-2006

Macro-surveys 1999, 2002, 2006

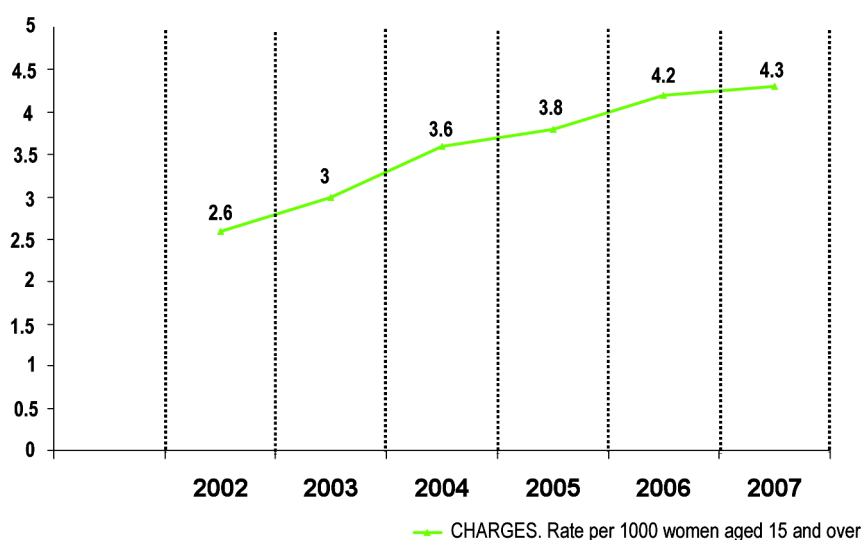
### 3.1.2. Gender-based violence charges

The number of gender-based violence charges made over 2002-2007 shows a clear rising tendency. From 2002 to 2007, the overall number of charges increased by 72.1%.



GENDER-BASED CHARGES BROUGHT; 2002-2007

These data, along with the macro-surveys on the prevalence of GBV in society, suggest that the increase in number of cases reported is due more to women reacting to the information and to the resources available to them and, consequently, greater confidence in the system, than to an absolute increase in violence. As a matter of fact, if we compare the number of charges made in 2006 with the number of women who claim to have suffered violence at some point in their lives, charges were made by 6.8% of all victims of GBV and by 20.2% of women who claimed to have suffered violence in the previous year. In any case, it remains far below the total number of cases, suggesting that the increase is essentially due to greater social awareness of the problem.



**GENDER-BASED VIOLENCE CHARGES**  
Rate per 1000 women aged 15 and over;  
2002-2007

Comparing the number of charges made with the number of women over 15 years resident in Spain, and calculating the rate per thousand, we see a rising tendency, with an increase of 65.4% since 2002.

A comparison of the increase in the number of charges brought against the increase in total population, shows that the former has increased 6.7% more than the latter. In other words, the increase in the number of charges brought is greater than the increase in the population, suggesting that it is the critical attitude of society rather than the increase in population that is leading to more charges being brought. This coincides with the data analysed in point 3.2.

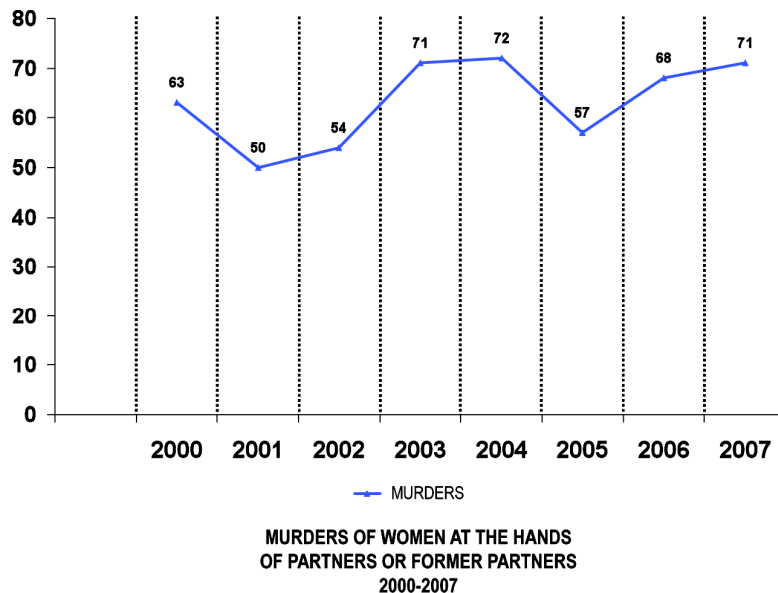
The number of charges brought by foreign nationals also increased, going from 18.9% of all GBV charges made in 2002, to 33.3% in 2007, an increase of 14.4 percentage points.

	TOTAL	YEAR					
		2002	2003	2004	2005	2006	2007
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Spanish nationals	73.4	81.1	79.1	75.1	72.4	69.8	66.7
Foreing nationals	26.6	18.9	20.9	24.9	27.6	30.2	33.3

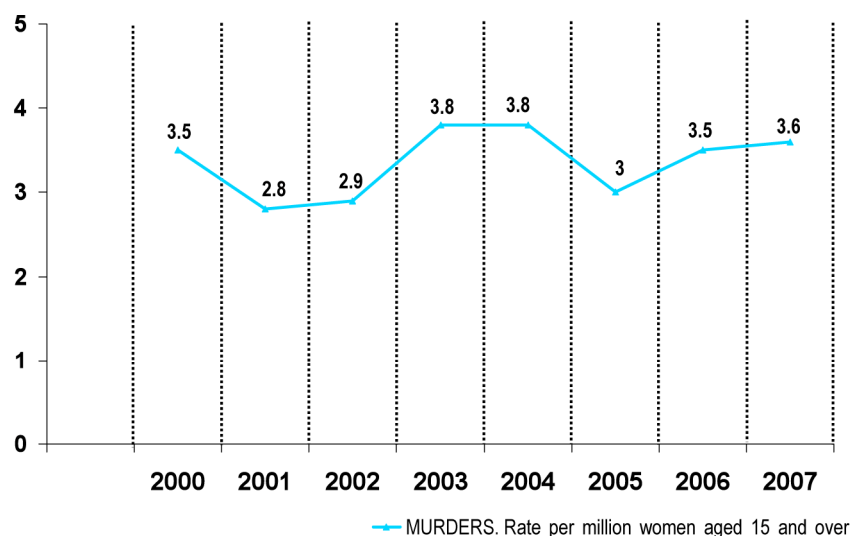
This increase is in part due to the greater number of foreign nationals living in Spain, but also to a critical attitude to violence in the new societal framework, which offers resources in order to escape violence.

### 3.1.3. Gender-based murder

The following graph shows the number of women killed by their partners and former partners from 2000 – 2007.



A study of the overall murder rate compared with the murder rate for women over 15 years shows a similar pattern, although a comparative study of these data offers information of great interest in order to understand the elements that influence this expression criminal behaviour.



**MORTAL VICTIMS OF GENDER-BASED VIOLENCE**  
Rate per million women aged 15 and over  
2000-2007

These data must be examined against the data for 2003, as prior to this date some murders committed when the couple weren't actually living together, either before moving in together or after breaking up, were not entered on the databases.

These references have been used to analyse the trend in the number of cases, both in absolute terms and with regard to the population as a whole.

Any evaluation of the impact of the Comprehensive Law on the murder rate must include the time period analysed as a whole and, although only a short time has passed since the Law came into force and the preceding period has to be limited to two years due to changes in how cases are catalogued, comparing the murder rates for both periods shows an interesting trend.

This comparison shows a drop of 8.7%, in spite of the tendency of the past two years.

	<b>2003-2004</b> (Before the Comprehensive Act)	<b>2005-2007</b> (After the Comprehensive Act)	<b>Variation</b>	<b>% Variation</b>
Average murder rate	71.5	65.3	- 6.2	<b>- 8.7%</b>

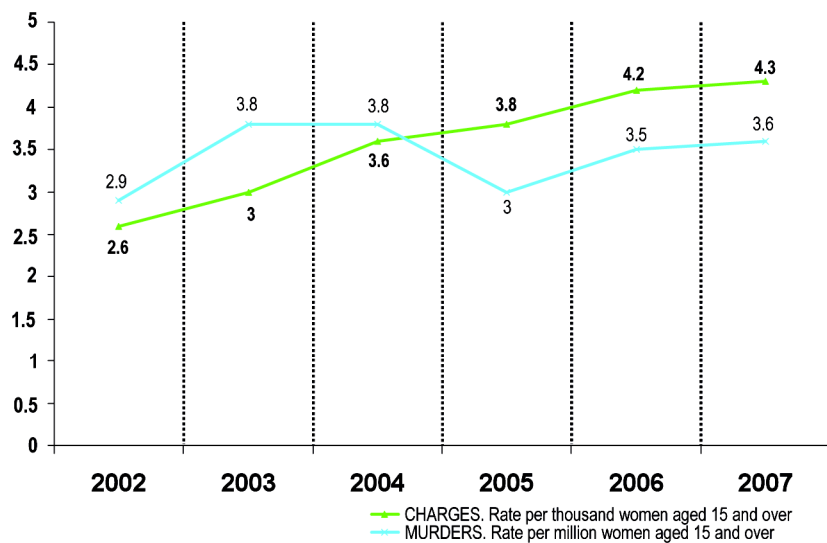
Another look at the graph shows another important fact: one immediate consequence of the Comprehensive Law was a drop of 15 cases, i.e. 20.8%. This is the largest drop observed since figures have been kept.

This objective fact must also be analysed in conjunction with other circumstances that influence the possibility of an increase in violent behaviour, including murders, such as the population increase. Accordingly, a comparison of the average rate of mortal victims per million women over 15 years for the period before the Law (2003 – 2004), i.e. 3.8, against the rate for the later period (2005-2007), i.e. 3.4, shows that the number of women murdered through GBV in relation to the population is also lower in the period after the Law came into force, dropping by 10.5%.

	<b>2003-2004</b> (Before the Comprehensive Act)	<b>2005-2007</b> (After the Comprehensive Act)	<b>Variation</b>	<b>% Variation</b>
<b>Murders: Rate per million women aged over 15 years</b>	3.8	3.4	- 0.4	<b>- 10.5%</b>

In addition to these factors, we also have to bear in mind that the population increase has not been even across the board, increasing more in the age groups when more violence against women occurs, i.e. 25-50. Moreover, one of the factors that most influences the murder rate, break-ups in the form of separations and divorces, has also increased in recent years (over 50% from 2005-2006, with a slight decrease in 2007).

Taking into account the range of elements that influence GBV and gender-based murder, this trend is shown in the following graph, to very illustrative effect:



**GENDER-BASED VIOLENCE CHARGES**  
 (Rate per thousand women aged 15 and over) and  
**MORTAL VICTIMS (Rate per million women aged 15 and over)**  
 2002-2007

A comparison of the trend in the rate of reported cases (green) and murders (blue) throws up three very interesting facts:

- The rate of reported cases remains higher than the murder rate, which means that, although more cases of GBV are reported, questioning the aggressor's position and, in many cases, breaking off the relationship, the murder rate does not follow the same pattern, dropping with regard to the rate of reported cases.
- It also indicates that reporting GBV is not in itself a risk factor, as has at times been claimed, but rather the opposite, and that a range of added factors must be analysed in order to evaluate the risk.
- The effect of the Comprehensive Law on the critical attitudes and decisions of women who suffer violence is clear and direct: the coming into force of the Law marks an inversion of the tendency, a break with the factors that had previously linked reporting and murder. Before the Comprehensive Law there were proportionally more murders than reports; now there are more reports than murders.

## 3.2. IMPACT OF THE LAW ON ATTITUDES TO GENDER-BASED VIOLENCE

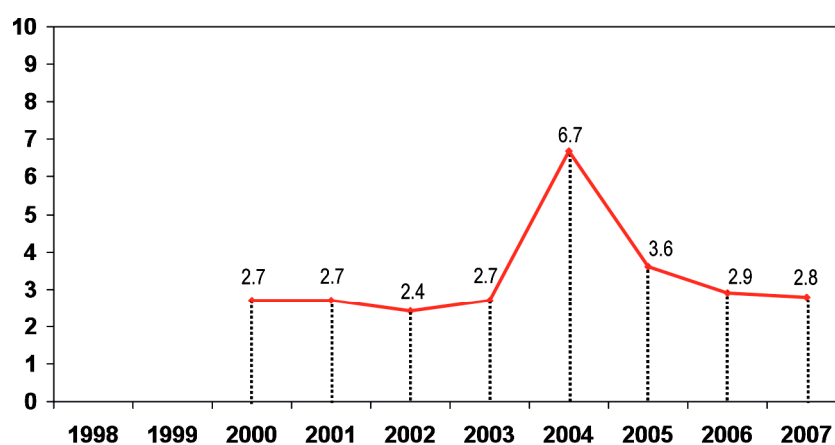
The main aim of the measures applied to tackle gender-based violence (GBV) as an expression of a structural and historical situation is its eradication. This involves preventing violent conduct by means of changing the circumstances under which it arises.

Based on an awareness of the need to tackle and change these structural factors, Title I of the Comprehensive Law is given over to the development of awareness-raising and prevention activities, to raise awareness of the reality and true dimension of GBV. Accordingly, the General State Administration and the Autonomous Communities have worked very hard on preventive measures, some, concentrating on awareness-raising and others on education and training.

The measures developed by the authorities, reinforced by a series of initiatives implemented by local bodies, women's associations and institutions of all kinds, have led to a series of changes in society, conveyed as a change in social awareness of gender-based violence.

### 3.2.1. How GBV is perceived by the Spanish population

An overview of the annual population average who consider GBV a serious problem (as depicted in the graph below), shows that the only significant variation occurred in 2004, when awareness rose to 6.7% of the population.

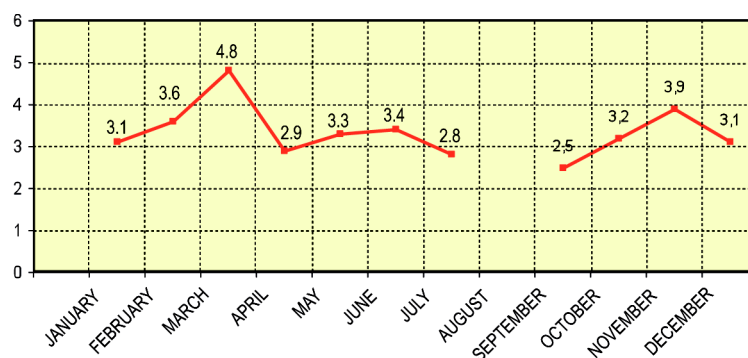


ANNUAL AVERAGE OF PERSONS WHO CONSIDER VIOLENCE AGAINST WOMEN A SERIOUS PROBLEM

CIS Barometer

This fact has to be analysed in relation to the level of information about GBV in the media and the treatment given to it, elements which influence awareness of the problem as an integral part of social reality, rather than just one-off events and, consequently, allow it to be recognised as a serious problem. The passing of the Comprehensive Law in 2004 gave rise to an enriching social debate on the causes and consequences of GBV, the consequence of which was increased awareness of the problem.

The impact of this information on social attitudes is confirmed by facts such as greater awareness in the months of March and November, as shown in the graph depicting average monthly awareness from 2000 to 2007.



— MEAN SENSIVITY 2000-2007

MONTHLY AVERAGE OF PERSONS WHO CONSIDER  
GBV A SERIOUS PROBLEM.  
CIS Barometer. 1999-2007

Average awareness figures for before and after 2004 are 2.6% and 3.1%, respectively. In other words, awareness of GBV is higher, in spite of the drop suffered since 2005.

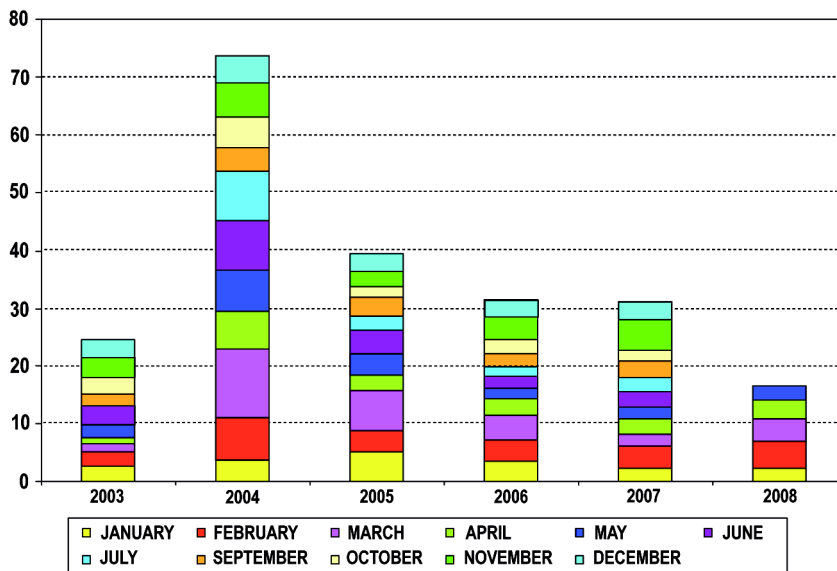
AVERAGE AWARENESS BEFORE 2004	AVERAGE AWARENESS AFTER 2004
2.6%	3.1%

In view of this situation, we can see that the Comprehensive Law has stirred up a few consciences. While it is true that no firm critical attitude has been set, it would seem that society has been made more aware, with regard to its capacity to respond to facts and information.



### 3.2.2. Increased response to information regarding GBV

Although basic awareness remains at low levels, it is rising, in response to the greater availability of information regarding violence. This can be seen in the successive increase in awareness each November from 2005 onwards. November is the month when the International Day against Gender-based Violence is held, with events, campaigns and media treatment of the problem. Because of this, awareness in November jumped from 2.7% in 2004 to 5.4% in 2007, a 100% increase. In the following graph we can see how the green band at the top of each graph, corresponding to the month of November, has increased each year since the Comprehensive Law was passed, independently of whether overall annual awareness drops.



#### “SENSITIVITY TO GENDER-BASED VIOLENCE”

BASED ON CIS BAROMETER; Absolute percentage for each month;  
(2003, 2004, 2005, 2006, 2007 and Jan-May 2008)

The situation gives an objective picture of the reality of GBV in society, where sensitivity and awareness of the problem are jumbled and confused.

On the one hand, sensitivity is the capacity to react to minimum stimuli, while awareness involves accurate and reflexive knowledge of the matter. These closely related elements should lead to a reaction to circumstances which this knowledge leads us to we understand to be harmful or threatening, as is the case of GBV. However, studies show that understanding of GBV is partial and biased, due to strong cultural influences that tend to contextualise and justify it as abnormal and pathological. Accordingly, the response to violent factors is not proportionate and is only stimulated by relatively intense events.

The barometers drawn up by the Spanish Centre for Sociological Research (CIS) reflect this situation and show how social awareness of the problem is low and the capacity for response is limited to events that are either very intense or have an impact close to the person being surveyed. Likewise, when a person or group with heightened sensitivity relates serious events of this nature to interlocutors who do not share this heightened sensitivity and knowledge of the matter, they are likely not to be believed. This occurs often in practice.

In spite of the enormous difficulties involved in broaching a concept characterised not by its novelty but rather by its historical presence as a part of reality, the sensitisation and awareness-raising campaigns arising from the Comprehensive Law, along with the measures developed in the area of education, have modified the situation, . While three years is not long enough to significantly modify knowledge of GBV, there has been a greater capacity to respond to the stimuli that go hand in hand with GBV, leading to a more decided response to this behaviour, when greater information of the problem leads to heightened awareness.

### 3.2.3. The impact of sensitisation and educational measures

The two component of the general concept of sensitivity, i.e. awareness and capacity for reaction, ought to be expressed in specific facts that reflect the impact of information and understanding of GBV.

An analysis of the data shows several significant facts that objectively depict the special characteristics of GBV, particularly with regard to the idea that tends to keep it in the private sphere and, consequently, the difficulty involved in revealing its existence and acting in consequence.

The most significant data with regard to changes in attitude and behaviour since the passing of the Comprehensive Law can be summarised in the following points:

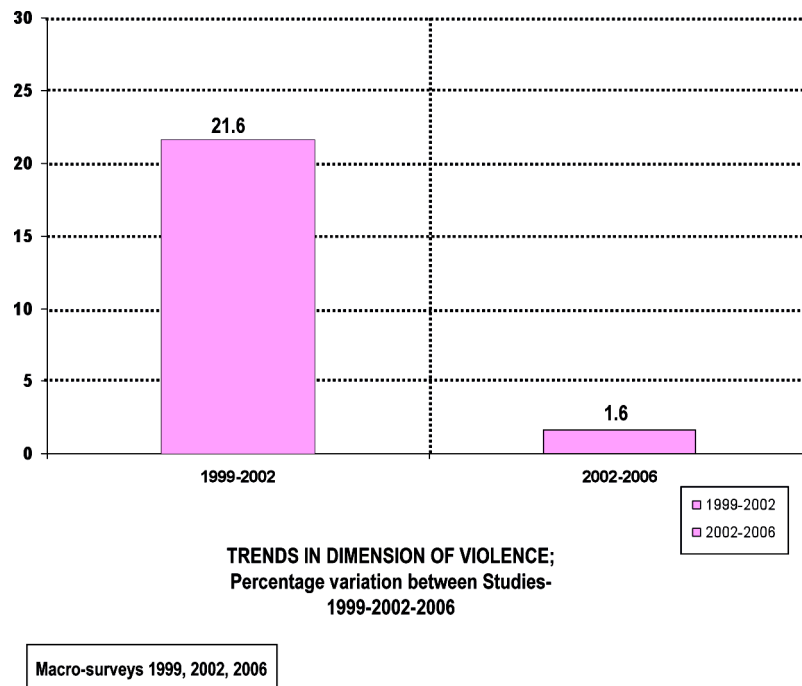
#### ► **GBV suffered at some point in a woman's life**

Reporting of GBV suffered at some point in a woman's life increased slightly from 1999 to 2006, according to three macro-surveys carried out by the Institute for Women. The fact that more women reported violent situations from 1999 onwards may mean either that they suffered aggression for the first time after that date or that they now recognise certain conduct

as violent in view of new social references. As we analysed in point 3.1, this latter seems the most truthful explanation.

	1999	2002	2006
<b>VIOLENCE SUFFERED AT SOME POINT</b>	5.1%	6.2%	6.3%

It is interesting to analyse this inter-annual trend with regard to the macro-surveys (graph below), which shows how the increase occurred mainly between the 1999 study and 2002, and how between the second survey and the 2006 survey the tendency slowed, showing an increase of only 1.6%. This coincides with the development of the Comprehensive Law in 2005 and the foregoing debate, throughout 2004, as recognised in the points.



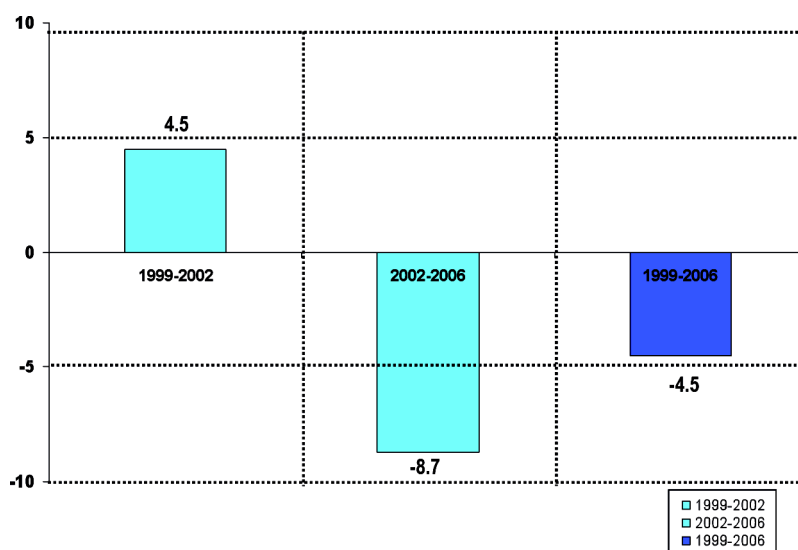
► **Decrease in GBV suffered in the previous year**

This circumstance could have been a coincidence if not for the existence of other factors that endorse the impact of the Comprehensive Law on social attitudes, particularly with regard to sensitivity, but also to an understanding of violence in all its dimensions.

The tendency shows how in 2006 fewer women reported having suffered violence at the hands of their partners or former partners in the previous year.

	1999	2002	2006
VIOLENCE IN THE PREVIOUS YEAR	2.2%	2.3%	2.1%

However, an analysis of the process shows a minimum increase between the first two macro-surveys and that it was in the 2002-2006 period that violence decreased by 8.7%, where the development of the Comprehensive Law had a definitive influence.



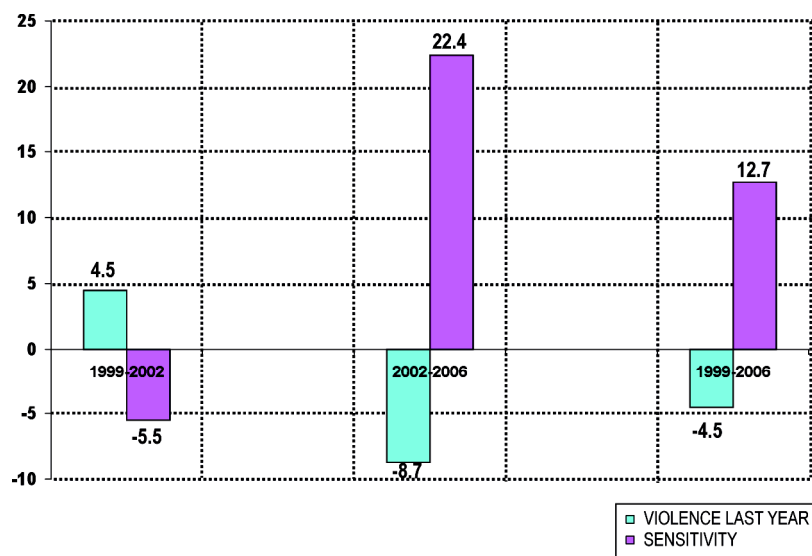
TREND IN VIOLENCE SUFFERED IN PREVIOUS YEAR  
1999-2002-2006- PERCENTAGE VARIATION BETWEEN STUDIES

Macro-surveys 1999, 2002 and 2006

- ▶ **Inverse relationship between increased sensitivity and decrease in GBV in the previous year.**

General facts dependant on multiple factors, such as reporting having suffered GBV, can be read and analysed in a variety of ways. Accordingly, it is of the utmost importance to integrate those elements which tend in the same direction. The influence of the Comprehensive Law in changing behaviours and attitudes to violence against women by means of sensitisation, awareness-raising, education and training is shown in the evolution of sensitivity and its relation to reporting having suffered violence in the previous year.

The following graph shows the inter-annual trend in sensitivity and rate of GBV suffered in the previous year, and shows that when sensitivity decreased from 1999 to 2002, the rate of GBV suffered in the previous year increased. On the other hand, when sensitivity and, accordingly, critical attitudes, increase, the rate of GBV suffered in the previous year drops. This fact is of great interest, as it demonstrates sensitivity is not merely a passive concept constructed on empathy or solidarity with those who suffer the problem, but rather an attitude that leads to action, to anticipating the problem, to avoiding or escaping it and that, consequently, it is an essential factor in the fight to eradicate GBV and transform the references that tend to minimise or normalise certain of its accompanying patterns.



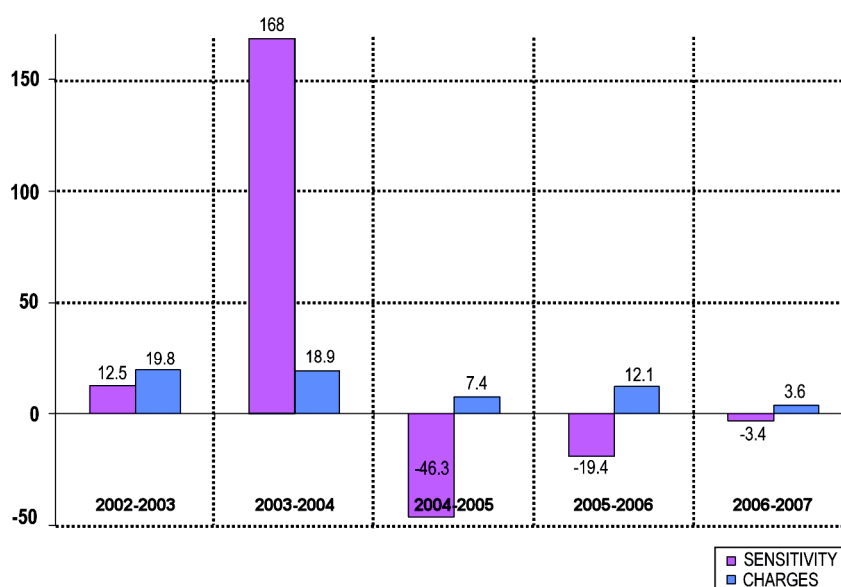
COMPARISON OF VARIATION IN SOCIAL SENSITIVITY TO GBV AND TREND IN VIOLENCE SUFFERED IN LAST YEAR 1999-2006

Macro-surveys 1999, 2002, 2006  
CIS Barometer

► **Increased sensitivity does not lead to a linear increase in the number of cases reported**

This proactive component, a consequence of critical attitudes, is a deterrent to violence, although this attitude is not always expressed in the reporting of the situation, and a comparison of the trends in the development of sensitivity compared with trends in number of cases reported would show can see that the relationship is not so close. This suggests that

other factors and circumstances influence the decision to take a stand against GBV by reporting violent episodes.



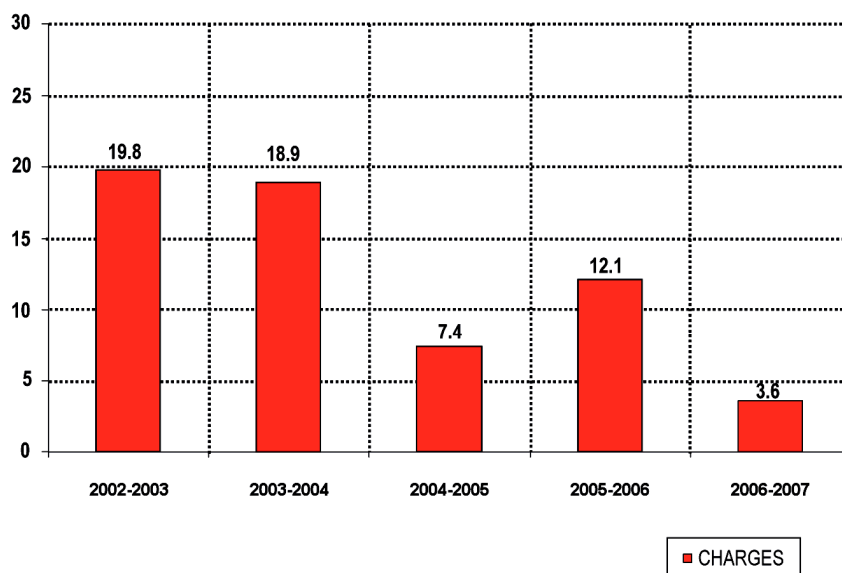
TREND IN THE INTERANNUAL INCREASE IN GBV CHARGES AND VARIATION IN SENSITIVITY.  
TAKEN FROM CIS BAROMETER  
2002-2007

► **Proportional increase in GBV charges**

The evaluation made in the preceding paragraph does not mean that the Comprehensive Law has not favoured reporting as a response to violence against women, but simply that alternatives are available, such as refusing to continue in a violent relationship, and an awareness of the elements and attitudes that lead to violence, allowing preventive measures to be taken.

An analysis of the inter-annual trend of the number of charges made shows increases in all cases, although this increase is lower from 2004-2005 onwards, coinciding with the

development of the Comprehensive Law.



TREND IN INTERANNUAL INCREASE IN GBV CHARGES  
2002-2007

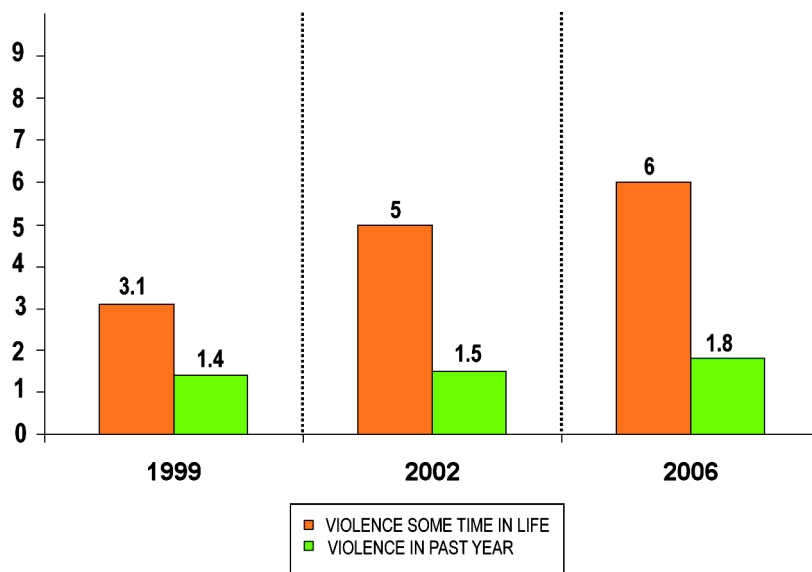
As mentioned already, this situation does not mean that the Comprehensive Law has not provided sufficient references for reporting of GBV to be considered a decision that reflects social rejection of behaviour of this type, but rather that the levels of information and sensitisation reached thanks to the Law have led to a decrease in GBV, as shown by the macro-surveys. As a matter of fact, comparing trends in current violence with trends in the number of cases reported in the periods covered by the macro-surveys, the table shows that the proportion of gender-based violence suffered at some moment in life, compared to the number of cases reported in 2002 and 2006 has decreased, which means that, proportionally, the tendency to report cases as a response to GBV is rising.

	2002	2006
Violence in life / Reported	2.4%	1.5%

► **Reaction against GBV is higher at younger ages**

The macro-surveys depict a significant increase in reporting of abuse at the hands of partners or former partners among women under 30 years: in 1999 3.1% of women in this age group reported having suffered gender-based violence at some stage in their life, a percentage which rose to 5.0% in 2002 and 6.0% in 2006. However, the proportion of women

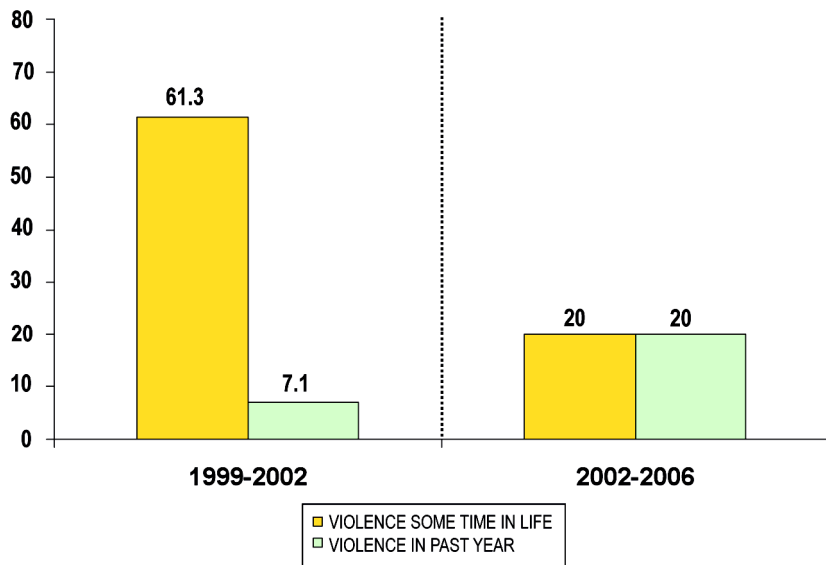
under 30 years reporting having suffered abuse in the previous year has increased very little, going from 1.4% in 1999 to 1.8% in 2006. This implies a significant increase in women of this age group suffering violence at some time in their life, though not in the previous year, suggesting that they have escaped their violent situation.



**VIOLENCE REPORTED BY WOMEN AGED UNDER 18-20  
1999-2002-2006**

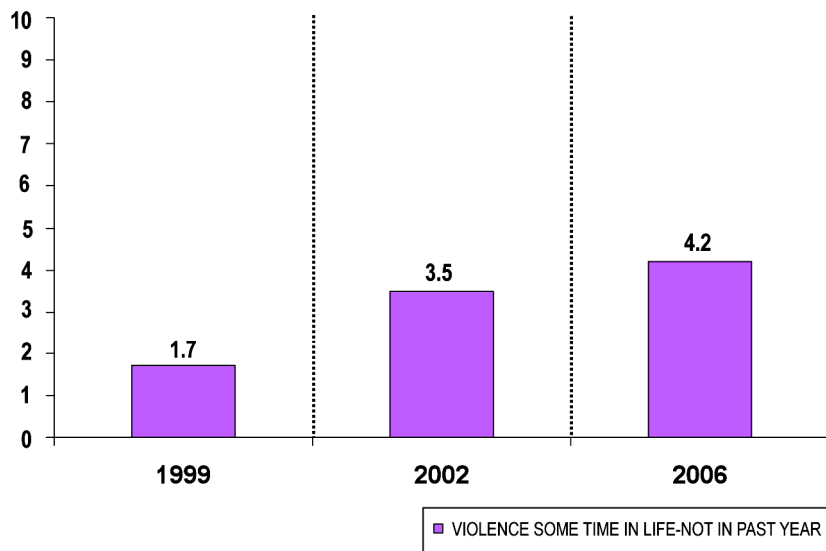
As the following graph shows, the Comprehensive Law has contributed to a decrease in violence against young women, and particularly that they are more likely to rebel against and get away from the situation. In this regard, the percentage increased 7.1% over 1999-2002, while after the Comprehensive Act the increase in the number of women aged 18-29 years not having suffered GBV in the previous year increased by 20%. This cannot be due to sensitisation and awareness-raising alone, but must also be related with the measures implemented in the field of education.





**TREND IN VIOLENCE REPORTED BY WOMEN AGED UNDER 18-20  
1999-2002-2006**

In general, we see a rising tendency in the percentage of young women who have suffered violence at some time in their life, but not in the previous year, a figure which shows the number of women who have managed to escape violent situations. This confirms the critical attitude of young women to violence (see following graph):



**VIOLENCE REPORTED BY WOMEN AGED UNDER 18-20  
"PERCENTAGE WHO HAVE ESCAPED GENDER-BASED VIOLENCE"  
1999-2002-2006**

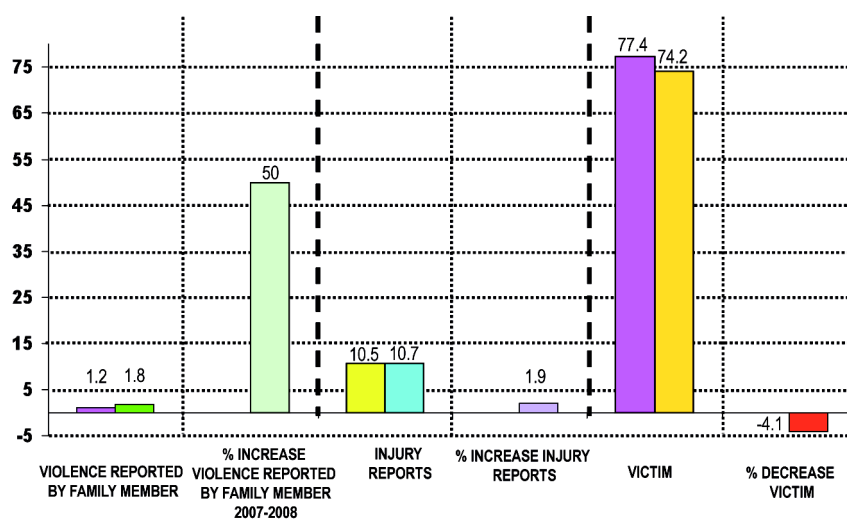
► **Societal attitudes as expressed through family members and professionals who work with GBV**

The adoption of attitudes deriving from sensitisation and awareness is reflected not only in individual attitudes to personal problems. When social attitudes are and always have been a key factor in the consideration of GBV as something normal, new references have to translate as an understanding that the problem is not just the problem of those who suffer it directly, but rather a problem that affects society as a whole, in both its consequences and its importance.

In this regard, and although the data are sketchy, the most recent reports from the General Judiciary Council Observatory on Domestic and Gender-Based Violence hint at a reaction and involvement by persons close to victims, with regard to reporting cases and giving the support inherent to actions of this nature.

There are two references available against which to check this tendency: on the one hand charges brought by relatives of women suffering violence and, on the other, proceedings initiated on foot of injury reports issued by healthcare professionals. In both cases, the referred period is the previous year and the first quarter of 2008 and although the information is limited, it merits consideration and reflection.

The following graph shows, first of all, that the proportion of reports filed by persons other than the victim is very small in comparison with the size of the problem and the extent to which it is known to those close to its victims and, secondly, minimal increases in the number of reports filed by relatives (50%) and on foot of medical injury reports (1.9%)



TRENDS IN PERSON FILING GENDER-BASED VIOLENCE CHARGED 2007-2008 (1<sup>st</sup> QUARTER)

The consequence is that victim initiative has dropped, due to the involvement of those close to them and the healthcare professionals who attend women who have suffered violence. Accordingly, it is important to take note of both implications of this conduct: on the one hand, a critical reflection on the low level of involvement of family members and friends and colleagues in the process of supporting women in the process of overcoming and escaping violent situations and, on the other, the positive implication of greater involvement in and understanding of the problem as something common and social, due largely to the new reference framework of the Comprehensive Law and the measures developed with regard to sensitisation, awareness, education and training.

### **3.3. IMPACT OF THE COMPREHENSIVE LAW ON SAFEGUARDING THE RIGHTS OF THE VICTIMS OF GENDER-BASED VIOLENCE**

While the physical and psychological consequences of gender-based violence can be very serious, its ultimate aim is not actually to cause physical harm, but rather, through systematic and continuous violence, to reduce the woman to a mere extension of the aggressor. The most immediate consequence is the loss of the victims' individual rights and the chance to exercise and develop them as a full citizen and person.

Accordingly, Title II of the Comprehensive Law guarantees the victims of GBV a series of basic rights. The restoration of those most immediately affected gives a safeguard from behind which to broach the violent situation and thus overcome the experience and recover the status denied to them by their aggressor.

The rights guaranteed under Title II approach the situation of women who have suffered GBV from an integral standpoint, aimed at tackling the violence-derived situation through information and integrated social assistance and legal aid. To support the victims of GBV in overcoming their situation and taking part in society as full and equal citizens, the law guarantees a series of labour and social security rights, develops a specific employment program and establishes a series of economic and housing programs.

Independently of the more in-depth evaluation given in Chapter 5 of the Report, the actions developed in the Comprehensive Law have had the following achievements:

- ▶ Creation of the **016 helpline**, offering information and advice 24/7, 365 days a year, independently of location.

From September 2007, when the helpline was set up, to May 2008, calls regarding GBV have increased 1231.7%, although the number of calls received in the first month was significantly lower. In any case, taking October 2007 as a reference, the number of calls has increased 27.2%. In 82.4% of cases, calls are made by the victim.

	Increase 2007 – May 2008
<b>016 helpline</b>	27.2%

- ▶ With regard to **labour rights**, the data show that from January 2003 to December 2007, subsidised contracts increased by **146.3%** and from January 2005 to December 2007 substitution contracts increased by **126.3%**.

	Increase from January 2003 – December 2007
<b>Subsidised contracts</b>	146.3%

	Increase from January 2005 – December 2007
<b>Substitution contracts</b>	126.3%

- ▶ Under the chapter of **social rights**, the creation of a Remote Emergency Service, set up in December 2005. By December 2007, the number of calls made to this line had increased **361.2%**, while up to 13 June this year the number of subscribers had increased by 19.4% over the whole of 2007. In general, there has been a **467.9%** overall increase in users since the service was set up.

	Increase in number of users December 2005 – December 2007
<b>Remote Emergency service</b>	467.9%

- ▶ The measures developed by the Comprehensive Law have also had an impact on **foreign nationals** suffering gender-based violence. Independently of other assistance and aid

received, their particular circumstances have led to applications for temporary residence on humanitarian grounds increasing by **1803.7%** from 2005 to end of 2007.

Of the total number of applications, 53.9% were granted up to March 2008, while 22.9% were still being studied. Up until the first quarter of this year, only 7.6% of cases had been refused.

	Increase from 2005 – December 2007	Applications granted	Applications under study
Applications for temporary residence on humanitarian grounds	1803.7%	53.9%	22.9%

- ▶ With regard to **economic rights**, from January 2006 to December 2007, the number of victims of GBV receiving employment insertion assistance (*Renta Activa de Inserción, RAI*) increased by **21.9%**, while in the first quarter of 2008, the number of women receiving this assistance already amounted to 72.9% of all those who had received it in 2007, which indicates that this year it will reach a greater number of women. Moreover, the number of women applying for the economic aid specified under Art. 27 of the Comprehensive Law also increased by **158.1%**.

ECONOMIC RIGHTS	Increase January 2006 – December 2007
RAI	21.9%
Economic aid Art. 27	158.1%

### 3.4. IMPACT OF THE COMPREHENSIVE LAW ON LEGAL PROTECTION

The Comprehensive Law is emphatic with regard to the need for institutional and legal protection, to guarantee the safety of women who take steps to escape from gender-based violence and to ensure that there is no going back from this position due to a lack of protection or to contextual influences.

Because of the comprehensive nature of the Law, this protection must automatically be extended to all other measures, but is more closely linked to the legal response and can be seen as a continuity of the same: the process is an ongoing one, protecting victims at each

stage of the proceedings from the moment the risk is known. Accordingly, it refers both to measures put in place by the Ministry for Home Affairs and by the Ministry of Justice.

- ▶ With regard to actually furnishing protection, as in developing a series of measures aimed at preventing new aggressions after charges are brought, the State Police Forces (FCSE) have significantly increased the number of specialised agents. In the national Police Force, this number is expected to increase by 163.1% by December 2008, while the increase for the same period in the Civil Guard will be of 126.6%. (By December 2007, the number of National Police agents had increased 122.1%, while in the Civil Guard the increase was 121.6%).

With the expected increase, the total number of specialised police and Civil Guard agents will amount to 1848, operating in conjunction with other FCSE agents.

STATE SECURITY FORCES	Increase December 2004 – December 2008
<b>National Police</b>	163.1%
<b>Civil Guard</b>	126.6%

- ▶ Under the Comprehensive Act, 18 Violence against Women Courts (*Juzgados de Violencia sobre la Mujer, JVM*) were set up in June 2005. The following year another 22 were set up, followed by 45 more in 2007. By end of 2008 another 9 specialised courts will have been set up to hear GBV cases, making a total of 92. This is an increase of 466.7% over the initial number, and means that by now each Autonomous Community has at least one specialised Court. Additionally, another 366 compatible courts have been set up, giving a total of 458 courts hearing cases of GBV.

	Increase June 2005 – December 2008
<b>Courts specialising in Violence against Women</b>	466.7%

In addition to these human and material resources, the following judicial protection measures also merit mention here:

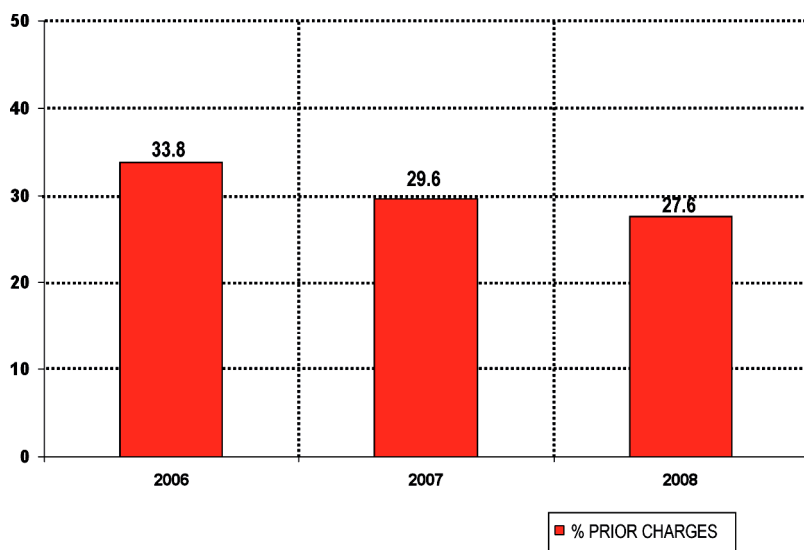
	Applications for protection orders decided, 29 June 2005 - 31 May 2008	Protection orders granted	Precautionary measures	Women obtaining protection
Protection orders and precautionary measures	143,672	78.5%	11%	89.6% of applicants

From 29 June 2005, when the Courts first came into operation, to 31 May 2008, **143,672 requests for protection orders were decided**. More importantly, **78.5% were granted**. In addition to protection orders, **other precautionary measures were ordered in 11%** of cases, so that women were given **legal protection in 89.6% of cases**. In current absolute terms, this translates to 128,759 women.

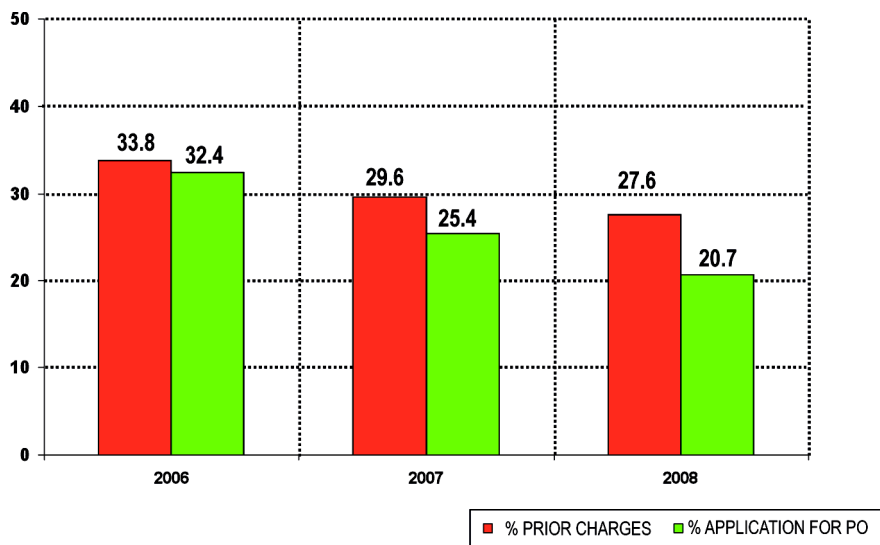
A total of **94,133 women currently enjoy some kind of legal protection**. In 42.4% of cases these are precautionary measures and in 54.3% the protective measures form part of the sentences handed down. The remaining 3.2% corresponds to other types of measures.

It is important to underline the high level of protection created and materialised on the basis of the Comprehensive Act, while, although the figure of the protection order was established in 2003 under the concept of “domestic violence”, it was only after the Comprehensive Act came into place that its use became more extended and when the measure was complemented to give more effective protection by increasing the number of FCSE agents to guarantee the personal safety of victims.

While it is true that there have been cases of women being murdered in spite of having reported the violence they were suffering, and even when a protection order had been granted, it is also true that, in spite of the big increase in the number of complaints and the risk situations arising under the new circumstances, the coordination and evaluation mechanisms are leading to the percentage of homicide cases occurring with a protection order in force decreasing in recent years, as shown by the following graph:



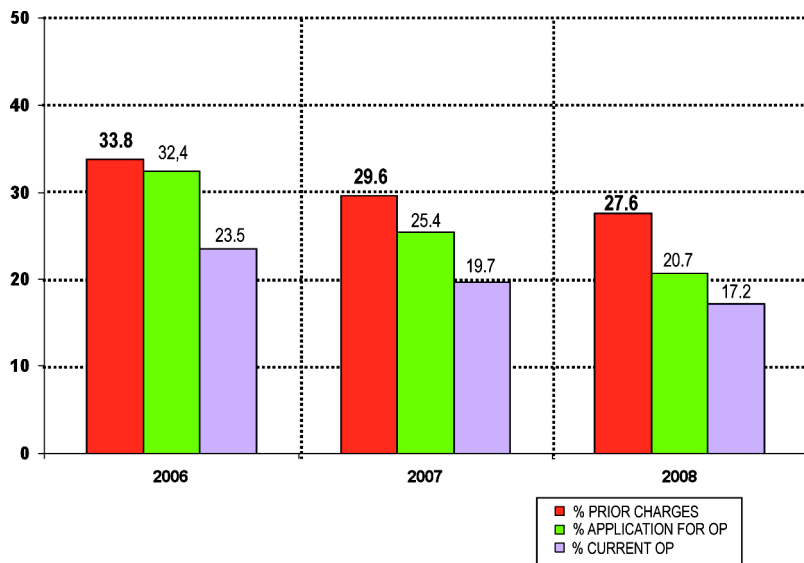
**PERCENTAGE OF CASES HAVING CHARGES BROUGHT  
PRIOR TO THE MURDER  
2006-July 2008**



**PERCENTAGE OF MURDERS WITH  
PRIOR CHARGES AND APPLICATION FOR PROTECTION ORDERS  
2006- July 2008**

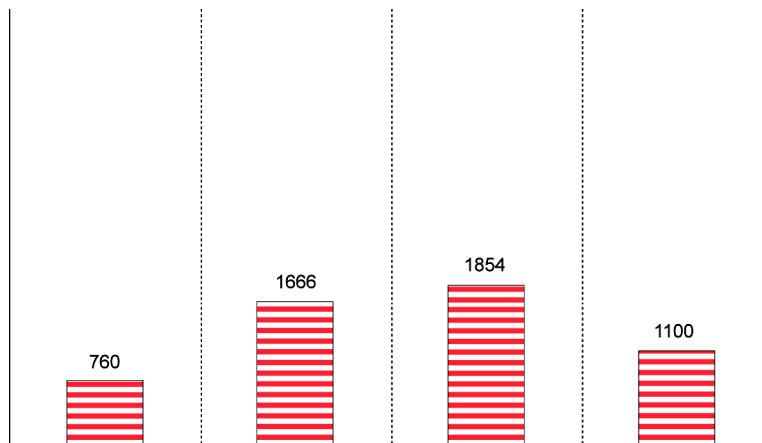
Under these circumstances, the percentage of murder cases where there was a protection order in force, shown in the following graph, also shows a downward tendency, averaging at 20.1% for the period depicted.





**PERCENTAGE OF MURDER CASES WITH PRIOR CHARGES  
APPLICATIONS FOR PROTECTION ORDERS AND  
CURRENT PROTECTION ORDERS  
2006- July 2008**

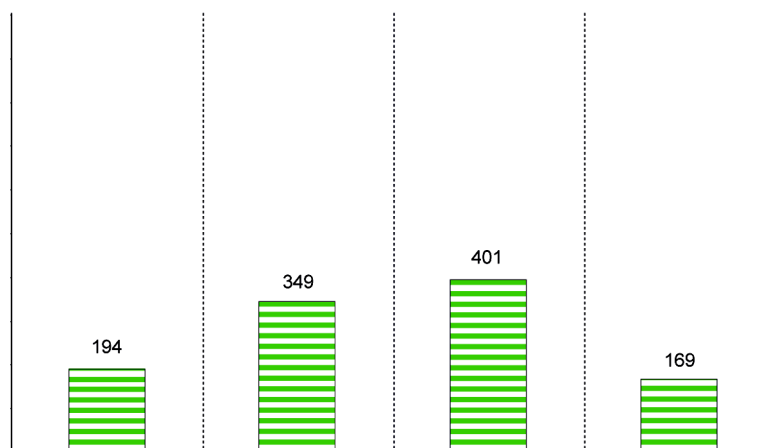
Of other penal measures adopted in the preliminary investigation phase to protect victims of GBV, one of the most important is custodial remand, due to its close relationship with the perception of objective risk to the victim and. As the following graph shows, this measure followed an upward trend from 2005 to 2007.



**2005, 2006, 2007, 2008 (31 May); CUSTODIAL REMAND; CUSTODIAL  
REMAND ORDERED IN GBV CASES; 2005-31 May 2008**

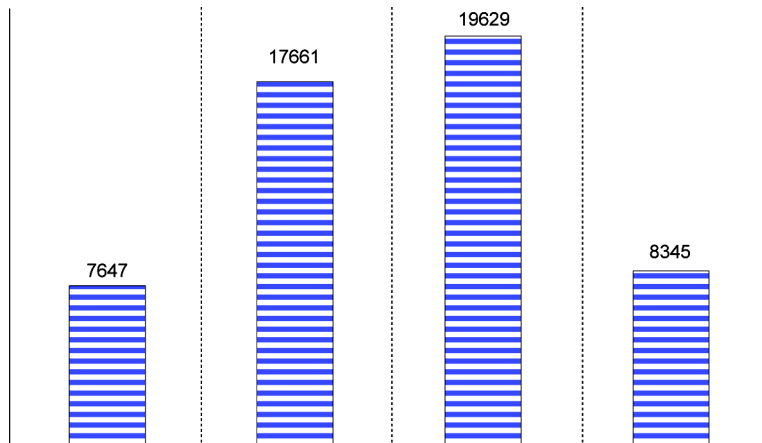
The number of judicial decisions involving custodial remand over this three-year period (2005, 2006, 2007) amounted to 2.3% of complaints filed in the same period of time. This gives an approximate idea of the circumstances considered to be high risk, to the extent that very serious measures are taken to avoid the possible consequences.

On the other hand, an analysis of cases in which the aggressor has been ordered to leave the home, an idea often considered “habitual” and based on the complaint to be made, shows that it has followed a rising tendency with regard to absolute numbers, but has scarcely varied with regard to number of complaints over the three years. These measures are granted in 0.4% of all cases, rather discrediting the view that complaints are often filed for merely material ends.



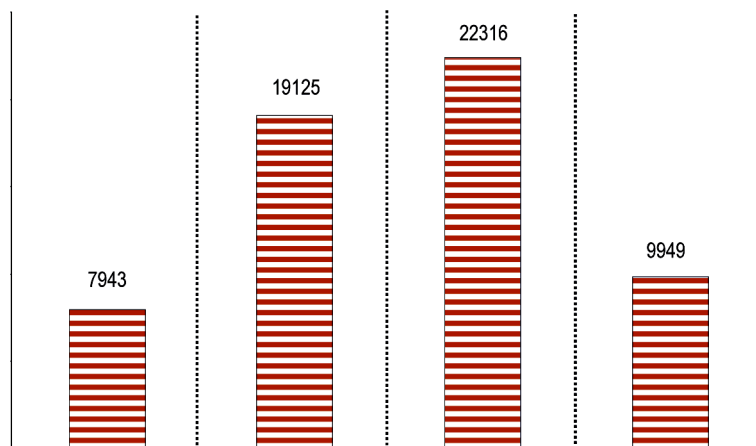
**EXPULSION FROM HOME; EXPULSION FROM THE HOME ORDERED  
IN GENDER-BASED VIOLENCE CASES; 2005-31 May 2008**

Finally, the figures show that prison sentences continue to increase in absolute terms but, as with other measures, barely vary with regard to number of complaints, even showing a slight drop of 0.2%.



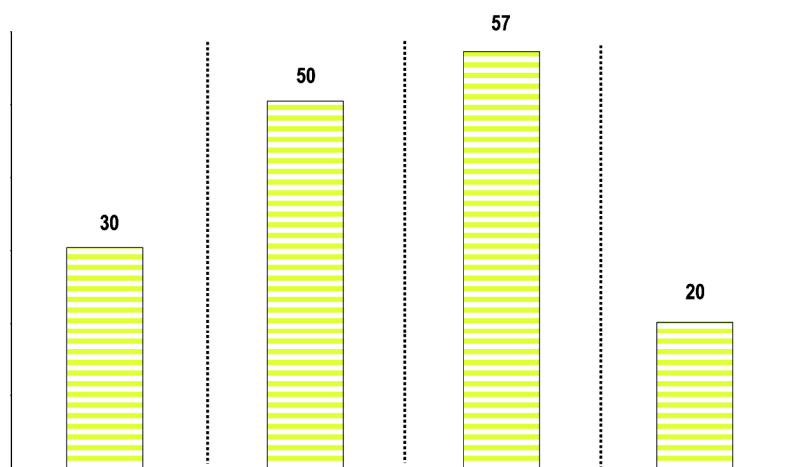
**PRISON SENTENCES; PRISON SENTENCES HANDED DOWN IN GENDER-BASED VIOLENCE CASES; 2008-31 May 2008**

The number of sentences involving a ban on keeping or bearing weapons has also increased significantly over these three years. It is quite surprising to see how, in 2007, the percentage of sentences including this measure amounted to 27.5% of the total, showing the large percentage of men with weapons permits and highlighting the corresponding risk, which is tackled by the Law on the basis of prevention and sanctions.



**WEAPONS BANS  
WEAPONS BANS ORDERER IN GENDER-BASED VIOLENCE CASES  
2005-31 May 2008**

The numbers corresponding to sentences involving removal of parental rights is also surprising as this measure, like expulsion from the home, is often raised to question the reality of gender-based violence and the motivation behind complaints. However, as the graph shows, sentences involving this sanction have only been applied in a very small number of cases, averaging 0.06% of complaints made in the same period.



**REMOVAL OF PARENTAL RIGHTS  
REMOVAL OF PARENTAL, GUARDIANSHIP OR FOSTER-PARENTHOOD RIGHTS  
ORDERER IN GENDER-BASED VIOLENCE CASES  
2005-31 MAY 2008**