

Proposal for integral local intervention to combat violence against women



**PROPOSAL FOR INTEGRAL LOCAL INTERVENTION TO
COMBAT VIOLENCE AGAINST WOMEN**

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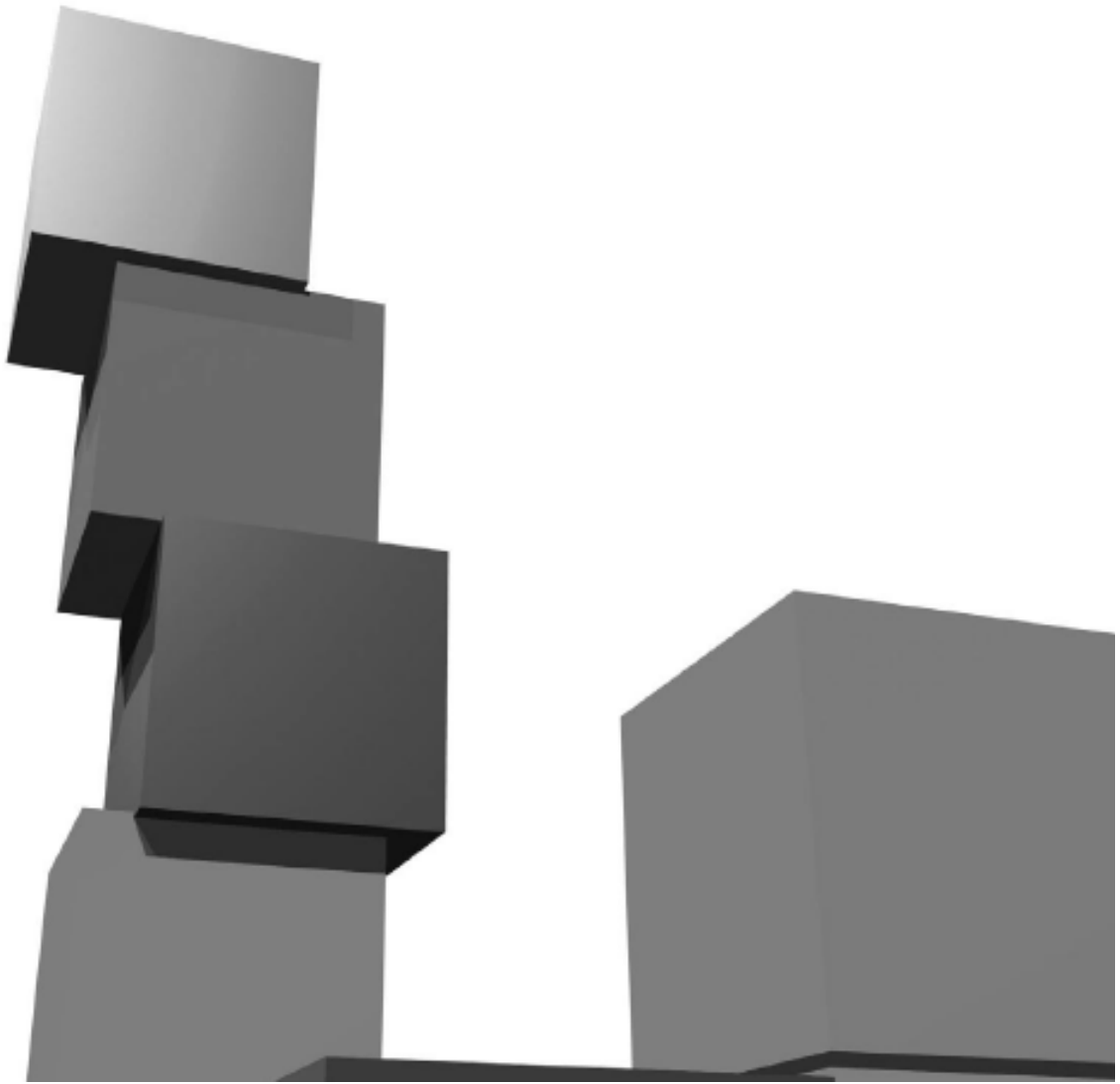
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PRESENTATION

Gender violence, as defined in Organic Law 1/2004, of 28 December on Integral Protective Measures against Gender Violence, manifests itself as the most brutal symbol of inequality that exists in our society and one of the most flagrant attacks on fundamental rights of freedom, equality, life and safety, and non-discrimination.

Aware of this reality, various Spanish public authorities have set up a number of measures and strategies designed to address in a comprehensive and multidisciplinary manner, ways of combating this type of violence. The General State Authority, regional Autonomous Communities and local authorities have been working over recent years to achieve this goal, assuming a clear collective undertaking which has led to the creation of a number of resources for improving protective and safety mechanisms and resources for assisting victims, such as raising social awareness with regard to the severity and breadth of this problem.

In this regard, the role played by local government is an essential one. Not merely because it is the administrative body closest to the general public but because it has established a framework of reference for assisting victims, and it has become an area where the plans and programmes designed to combat this social evil are put into practice and can become reality.

Publication of this new edition of the “Proposal for concerted integrated local authority intervention to combat Gender Violence against Women” brings the original version, published in 2002, up to date, including new legal provisions and further resources created since that time.

The unanimous approval by the Spanish parliament of the entry into force of the Organic Law 1/2004, changed the course of action in combating this type of violence, which in turn affected the task in hand at a local level. The creation of new and various resources (social, judicial, institutional) promoting new ways of creating awareness, detection, prevention and assistance, in addition to recognition of a whole new series of rights for women victims and their children, has given rise to a new way of addressing this social problem which also requires new intervention strategies to be implemented at a local level.

With the publication of this new edition, it is hoped to facilitate the activity of professional groups who daily strive at a local level with the sole purpose of achieving a society in which not a single woman can be considered to have been deprived of her minimum rights of freedom, respect and the ability to make her own decisions.

INTRODUCTION

The document that follows is designed to provide guidelines for local authorities which will enable them to set up or, if appropriate, revise their specific plans and programmes for combating gender violence according to the terms established in Organic Law 1/2004, of 28 December on Integral Protective Measures to combat Gender Violence, within the framework of global strategies for combating violence against women¹.

Gender violence presents a problem which needs to be addressed from the perspective of its very complex nature. Therefore this Joint Sectoral proposal will attempt to provide criteria for analysis, ideas for planning, and information which will address the challenge inherent in setting up a system to combat gender violence at a local level, ensuring that there are sufficient elements for decision making procedures in terms of goals, strategies projects and ways of implementing these.

This document is structured in such a way that those working at a local authority level to combat gender violence will have all the pertinent information needed at their disposal. This information does not assume that the person in question is an expert in the field and therefore the **first chapter** provides a summary of the concept of gender violence, beginning with the nature of violence in general, the characteristics proper to gender violence and the stereotypes usually encountered when working in this area.

The **second chapter** describes the phenomenon itself. It is based on relevant data which explains how gender violence affects all women in all countries; it examines some of the effects that violence has on its victims (women and their children) and explains the proven cycle engendered by this type of violence. In the final section one of the questions addressed is the fact that although there is no specific profile of a victim or her assailant, there are some factors with special vulnerability which should be taken into account when addressing the issue of gender violence.

The international and European legal framework and in particular, the national and autonomous regional legislation provides the focus of **chapter three**, which examines the laws framing the work of combating this type of violence.

¹ Throughout this document the term violence against women or towards women will be used interchangeably , and the term gender violence will be employed in its widest sense.

From a conceptual and legal perspective, **chapter four** goes on to describe the resources that public authorities have made available in order to combat gender violence, paying particular attention to those set up by the National Government.

Finally, **chapter five** looks at what can be done from a local perspective considering both the authoritative framework and the role of the authority closest to the people in general. It provides ideas for working conditions, possible strategies and challenges to be assumed, with the conviction that every little bit helps in endeavouring to move forward and progress in the fight to eradicate gender violence.

1. BASIC CONCEPTS REGARDING VIOLENCE AND GENDER

1. BASIC CONCEPTS REGARDING VIOLENCE AND GENDER

This section aims to clarify the concept of gender violence and different types of violence in general and, in particular, violence against women, explaining exactly why gender violence differs from any other kind of violence.

1.1. TYPES OF VIOLENCE

Violence against women is different from any other kind of violence and, in the light of this statement it would be appropriate to provide some ideas on the nature of the phenomenon itself.

To begin with, a difference must be made between **violence and aggressiveness**. Aggressiveness is the product of biological evolution; however, violence is the result of cultural development, or more precisely, “the interaction between cultural factors and aggressiveness” (Sanmartín, 2000). That is, violence is not a conduct which can merely be attributed to genetics, but rather it is something that is culturally learned.

From a social perspective violence is considered to a global phenomenon affecting all communities and it is present in every era, bound up with social organisation, economic conditions collective representations and the social imagination.

On numerous occasions attempts have been made to define types of violence placing more or less emphasis on any one of these factors. For example, Johan Galtung (1998) distinguishes three types of interrelated violence, thus acting exclusively in respect of any single kind of violence would be an inadequate response. These types are defined as follows:

- Direct violence (visible in ways of behaviour and against persons, groups or organisations including that of the state itself);
- Structural violence (referring to situations of exploitation, discrimination, or marginalisation which could be avoided, for example, with another social or economic system model);
- And finally, cultural violence (against peoples, groupings, social groups) which is based on the theoretical legitimisation provided by reasoning, beliefs, ideas, which in turn are causing direct or structural violence).

As an adjunct to these categories of violence, and in particular to structural and cultural violence, the proposal of the term “symbolic violence” suggested by Bourdieu (1994)², shows how social meanings have been imposed not always consciously which add to the personal beliefs and strengthen them.

In other cases a distinction is made between expressive violence and instrumental violence (Díaz Aguado, 1996). The first occurs when the person or group is incapable of controlling a situation as a result of that incapacity they may “exploit” with aggressive. The second is that which is used to achieve a specific end. In this case someone using violence always has an instrumental objective which is to achieve eth total or partial destruction of the other person using forth in order to destroy the victim’s physical and psychological identity (Montero Gómez A., 2007). As will be shown in subsequent sections gender violence is basically instrumental in nature.

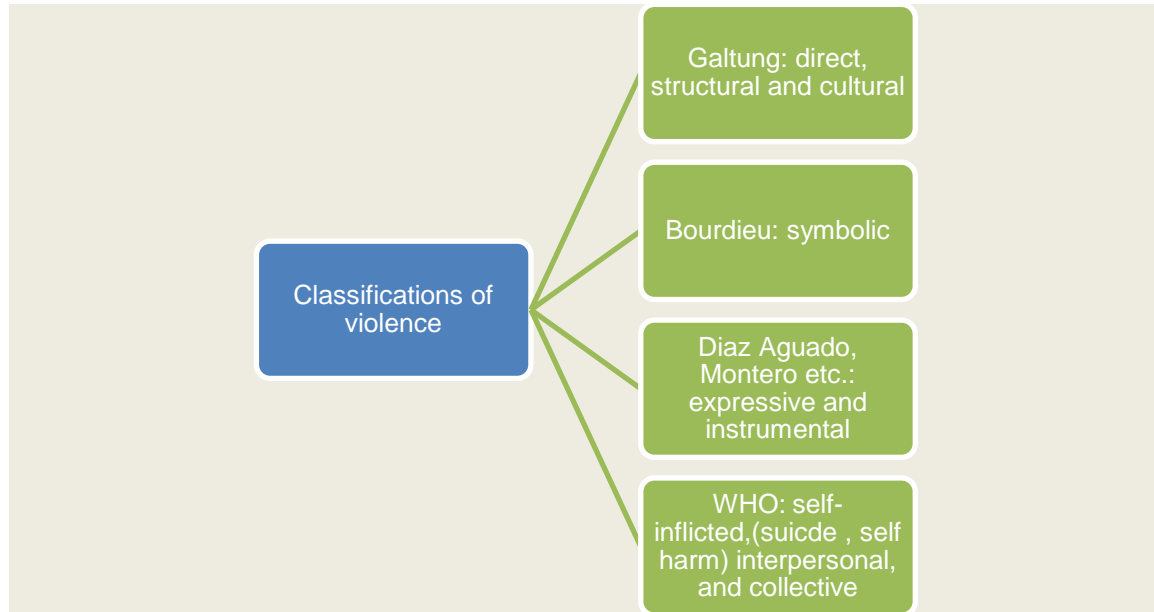
The World Health Organisation (WHO 2002) defines violence as : “Intentional use of force of physical power in fact, or as a threat, against oneself, another person or a group or community which causes or has many probabilities for causing injury, death, psychological damage, developmental problems or privation” this definition on one hand links intention with the violent act, in a manner independent of the consequences that are produced; and on the other it excludes unintentional violent acts such as, for example a traffic accident. Using this definition violence can be divided into the following types:

- self- inflicted violence
- linterpersonal violence.
- collective violence.

The following diagram illustrates this classification of violence:

² “Symbolic violence is violence which gives rise to submission which is not even perceived as such, relying on “collective expectations” , on beliefs which have been inculcated socially” 2 edition (1999) Anagrama Barcelona

Figure 1. Classifications of types of violence



Based on Bourdieu (1994), Díaz Aguado (1996), Galtung (1998), y Organización Mundial de la Salud (OMS, 2002).

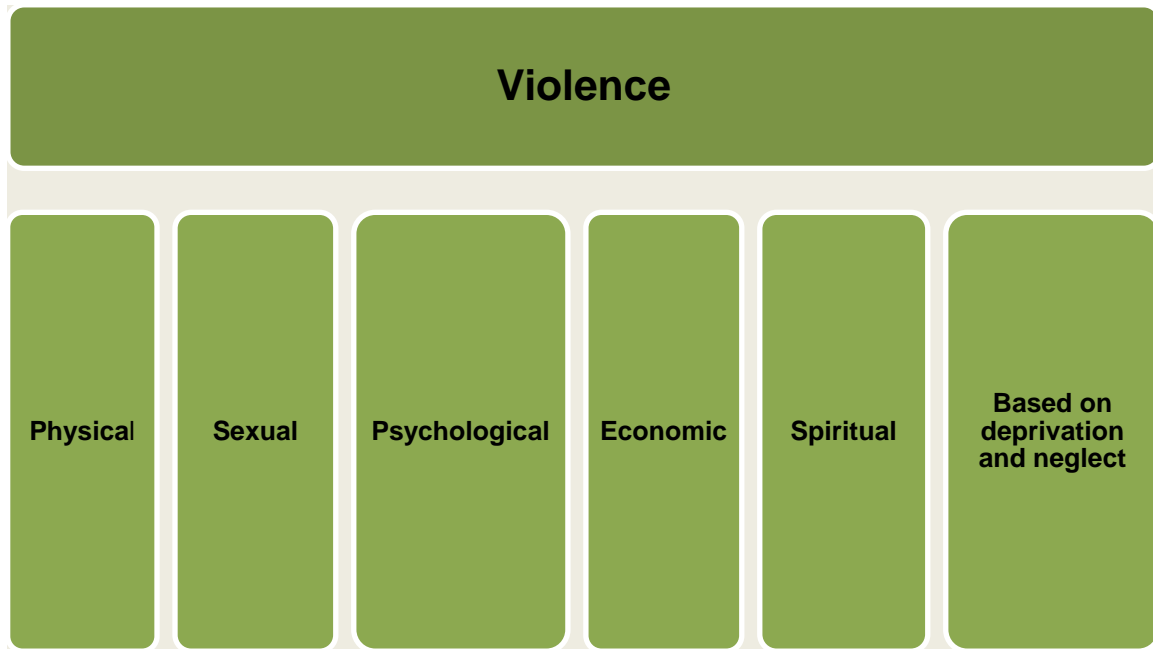
However, as the WHO report indicates, the fine lines separating one type of violence from another are not always clearly drawn, and so it differentiates violence as follows:

- Physical.
- Sexual.
- Psychological.
- Based on deprivation or neglect.

To these forms the Council of Europe has added economic violence considered to be inequality in accessing shared resources (denying access to money, preventing access to a job or to education, etc.); and spiritual violence including conduct which consists of compelling another person to accept a cultural or religious belief system, in particular designed to erode or destroy beliefs of another through ridicule or punishment.

The following graph shows an adaptation of the definition of types of violence put forward by the WHO:

Figure 2: Types of violence



Based on data from the WHO (2002) and the Council of Europe (2001)

From these basic notions of the phenomenon, it is possible to further define the distinguishing features of violence against women, which, as will be seen, not only affect interpersonal relations but also structural issues.

1.2. WHAT IS GENDER VIOLENCE?

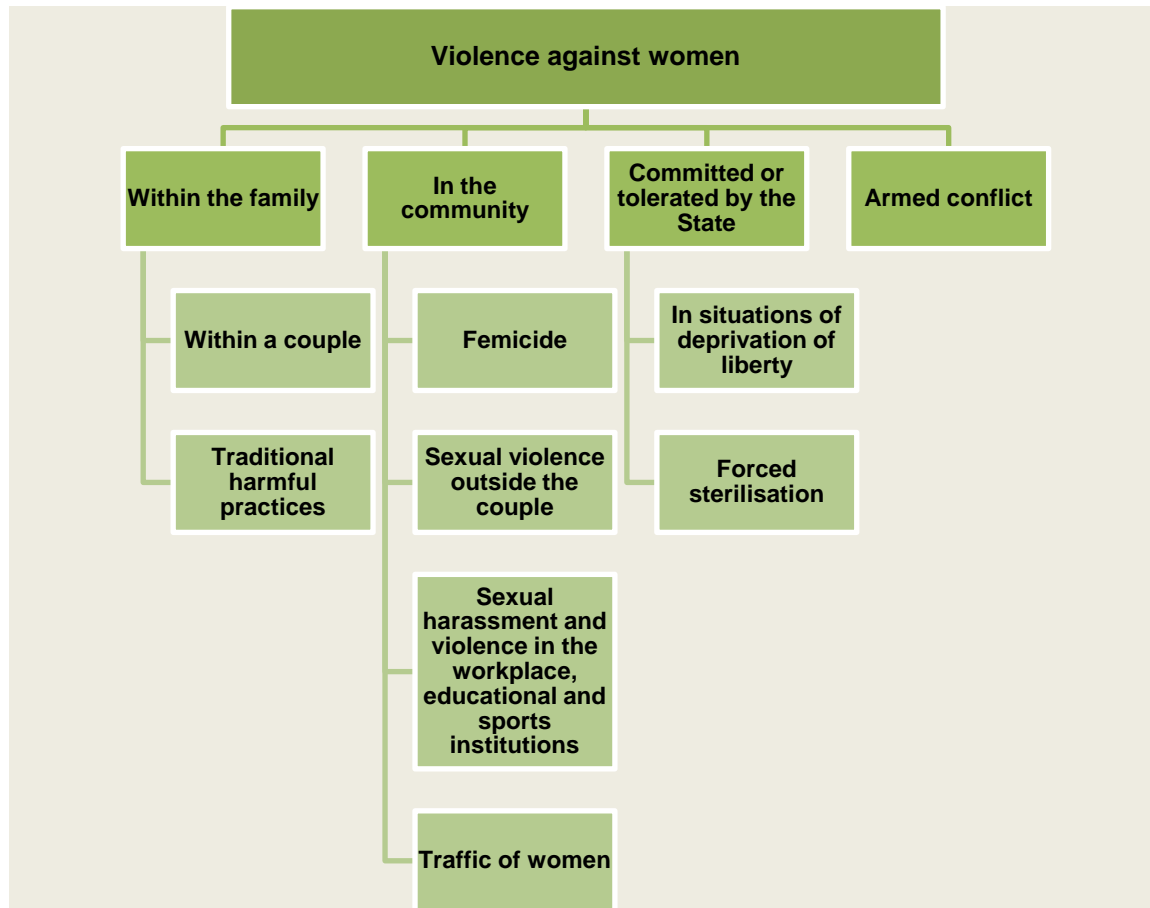
Taking into account the general framework for different types of violence, assuming that violent behaviour towards women is related to other types of violence, it is possible to state the following:

- Galtung proposes three types of violence against women (direct, structural and cultural).
- Violence towards women has a strongly symbolic power, because it reaffirms the idea of female subordination.
- Violence against women is instrumental in that it is used by aggressors as a means for achieving an end result, namely domination.
- All the types of violence mentioned by the WHO affect women in particular, because as Amnesty International³ condemns “women and children suffer violence disproportionately in peace and in war, at the hands of the state the community and the family”. By the mere fact of being women, they run a risk of suffering physical, psychological, sexual, economic and spiritual violence in their private and public life.

In fact, in the United Nations Study on all forms of violence against women ´ (2006), various forms and manifestations of violence against women are identified in a number of different scenarios as the following diagram indicates:

³ www.amnesty.org

Figure 3: Forms and manifestations of violence against women .



Based on the United Nations classification (In depth study on all forms of violence against women, Secretary General’s report studio a fondo sobre todas las formas de violencia contra la mujer. Informe del Secretario General, 2006)

Prior to specifically conceptualising gender violence, it is necessary to understand the context in which it occurs, which in turn leads to contemplation of the concept of gender itself:

Gender is a cultural construction in which men and women have different roles which translate to unfair inequalities. Victoria Sau (1981) states that gender is – “that part of behaviour concerned with

sex so that there will be no social uncertainty regarding the nature of one or the other” - which is distinguished by the following characteristics:

“a) There are only two genders, as there are only two sexes, in one species , the human species which is defined as sexed in the sense of reproduction

b) Gender is compulsory. The sexes are anti-ethically symmetric in that the masculine is dependent on the feminine and vice versa.

c) Gender is hierarchical in that the masculine dominates and the feminine is subordinate”

The roles attributed to men and women are learned and when they do not obey the requirements of those roles the risk of “receiving a punishment” increases. This is the framework within which violence against women usually occurs. This domination is part of the discourse of a patriarchal society and therefore as Teubal (2001) points out, violence against women is a social and political problem relating to the distribution of power between men and women.

As Fernando Hermsilla (2010)states, “gender violence is a reflection of the cultural tradition of patriarchal societies and is part of the social structure of the reality of said societies:

- It responds to a substantive part of the system of interpretation of its experience : machismo;
- It is based in one of the components of the emotional substrate which configures the dynamic interchange between its members: inequality.
- It is manifested according to one of the dominant features of its behaviour : the use of force.”

In the Declaration on the Elimination of Violence against Women the General Assembly of hte United Nations gender violence was thus described: ““violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”⁴ .

It is clear that violence against women cannot be construed as a personal problem for each individual woman. It is a social problem which is best explained from a systemic perspective. When the WHO

⁴ Later, in 2002, The Committee of Ministers fo the Council of Europe extended this decision as follows “the term “violence against women” is to be understood as any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.” Committee of Ministers of the Council of Europe made to the Member States on protecting women against violence, 30 April 2002.

(2002) describes its ecological model for understanding gender violence, it situates the factors which influence violence perpetrated against women by their partners or ex partners, as those relating to the structure of society, that is among those who contribute to creating a climate in which violence is fostered or inhibited and states that “according to world wide surveys between 10% and 69% of women claim to have been physically attacked by their male partner at some time during their lives”⁵.

In this respect, gender violence is being influenced by the macrosystem, that is by social organisation with the ideas and beliefs that sustain that system and which it reproduces Machismo is part of that macrosystem which is feeds back on itself. Different exosystems also exist which include mediatory institutions which, on occasion, reproduce the vertical functioning of authoritarian power and become areas of socialisation and legitimisation of conducts which will be individually violent. And finally, in all this, Microsystems coexist comprising interpersonal relations, the networks close to each person where violence is concentrated within the scope of romantic relations albeit gender or not ; and where values and personal integrity are defended. All this is reflected in the diagram below:

Figure 4: Model of systemic explanation of gender violence.

MACROSYSTEM: Social and cultural beliefs and values in respect of male and female roles and their relations. Models of family organisation and culture. Perception of power and obedience. Violent ways of resolving disputes.

EXOSYSTEM: Practices for institutional legitimisation of violence. Reproduction of violent culture through the mass media.

MICROSYSTEM: Personal experience and learning within the family context, in resolving conflicts. Personality traits: psychological, economic and social characteristics.

Based on the data of the World Health Organisation (WHO), 2002.

⁵ “World report on violence and health: Summary”. World Health Organisation Washington, D.C. 2002. Page 18.

The United Nations Organisation (UNO) in one of its studies⁶ considers that violence against woman is a question of human rights and states literally:

“There are important consequences that flow from categorizing violence against women as a matter of human rights. Recognizing violence against women as a violation of human rights clarifies the binding obligations on States to prevent, eradicate and punish such violence and their accountability if they fail to comply with these obligations. These obligations arise from the duty of States to take steps to respect, protect, promote and fulfil human rights. Claims on the State to take all appropriate measures to respond to violence against women thus move from the realm of discretion and become legal entitlements.

The human rights framework provides access to a number of tools and mechanisms that have been developed to hold States accountable at the international and regional level. These include the human rights treaty bodies and international criminal tribunals, as well as the African, European and inter-American human rights systems”.

It is clear that violence against women may occur in any private or public area from sentimental relationships to those which are exclusive to the workplace, from the silence of a room to the hustle and bustle of a public square, and it is equally obvious that the victims are not responsible.

In Spain the ***Organic Law 1/2004, of 28 December on Integral Protective Measures to combat Gender Violence*** – which will be frequently cited in this document and henceforth will be referred to as the Integral Law - states in its Explanation of Grounds that gender violence is manifested as the most brutal system of inequality existing in our society. It is violence directed at women for the very fact of their female condition, for being considered by their aggressors as lacking in the minimum rights of freedom, respect and decision making capacity .

It defines gender violence “as a manifestation of discrimination, the situation of inequality and relations of men’s power over women, which is exercised over them by those who have been their partners or who are or have been linked to them through a sentimental relation, even without cohabitation”; the text goes on to say that gender violence is “any act of physical or psychological violence including attacks on sexual freedom, threats, coactions or arbitrary deprivation of freedom”.

⁶ “Putting an end to violence against women. From words to action”. Study by the Secretary General of the United Nations. United Nations Organisation (UNO), 2006. Page 14.

The Organic Law 3/2007, of 22 March for effective equality between men and women differentiates in Title II, chapter 1 between the criteria of action of the public authorities between “Gender violence, family violence, and all forms of sexual harassment on grounds of sex”⁷.

Some Autonomous Communities have also legislated on this same issue, providing different conceptualisations which also imply various ways of approaching the phenomenon. In fact the annual report of the State Watchdog for Violence against Women (2007) expressed the conclusion that:

“...regulatory comparisons are difficult as a result of the different concept of gender violence employed in the regional autonomous laws which indubitably would introduce ambiguity and doubt. The different expressions used, gender violence, violence against women, violence against women or sexist violence- show a different diagnosis of an initially coinciding phenomenon. This is not a simple problem of terminology which is made clear by the analysis of objectives presented in each of these specific legislations; obtaining gender equality, attaining equality, achieving equal opportunities between men and women, eradicate violence against women or eradicate gender violence.”

It concluded that a “homogenisation of terminology would appear to be a problematic goal as it is probably that each law represents a different political and ideological position which translates to different modes of action and the development of these instruments, legislative changes or public policies. Heterogeneity mentioned explains the difficulty of crossing data from the various Autonomous Communities in order to make a comparison possible. Nevertheless, the eradication of violence against women is a common objective and to achieve this end all the difficulties inherent endeavouring to reach an improved institutional synergy must be overcome.”

This document is concerned with gender violence in the terms of article 1.1. of Organic Law 1/2004, of 28 December on Integral Protective Measures to combat Gender Violence.

As indicated in the Explanation of Grounds, the reality in Spain is that attacks on women have a special effect, as these are no longer an “invisible crime” but are acts which are collectively rejected and which cause clear social alarm”.

In this respect, the public authorities (pursuant to the terms of article 9.2 of the Spanish Constitution,)⁷ are required to take measures for positive action to make women’s rights real and effective.

⁷ It is the task of the public authorities to promote conditions which will ensure the conditions for freedom and equality of the individual and groups to which he or she belongs are real and effective; removing obstacles which impede or hinder their fulfilment and facilitate the participation of all citizens in political, economic, cultural and social life.”

1.3. STEREOTYPES ARISING IN COMBATING GENDER VIOLENCE

Institutional action against gender violence has led to greater social focus on the phenomenon and this, in turn has led to notions of a kind of “Penelope effect” – unravelling achievements – in the progress gained in combating this phenomenon⁸.

This section enumerates the seven stereotypes in common parlance in the fight against gender violence as they need to be considered in any local initiative taken to combat them.

Stereotype 1: It is a phenomenon which is part of the generalised violence prevalent in the world today.

As mentioned, aggressiveness is an inherent human trait, however, violence occurs due to a number of factors and it is the reciprocal and complex result of individual, relational, social, cultural and environmental factors (World Health Organisation (OMS), 2002).

Many values which are magnified by society today favour the intentional use of violence to gain power: physical, power, economic power, social power etc. And it has been seen that there are different types of violence, however, gender violence is different to any other kind because essentially the risk factor is that of being a woman.

However, in addition, in the case of gender violence carried out within the context of a sentimental relationship there are other factors which distinguish the phenomenon:

- The victim may love her aggressor and he makes use of this affection and emotion.
- It is the only case in which the aggressor justifies violence in the name of love and affection.
- Its main objective is to ‘teach a lesson’, ‘re-educate’, ‘control’ through fear, rather than to produce physical damage. The message the aggressor sends is domination: fear me.

⁸ María Antonia García de León (1994), mentions the Penelope Effect in which “the continuous and contradictory activity which our social systems produce in respect of achieving social gender equality. Said effect is based on the **coexistence of social practices in one sense and social practices in the completely opposing sense** which destroy or attenuate the effects of the former”.

- It is always psychological at times it may be physical, sexual, economic, etc.
- It may occur in public places, but almost always it is perpetrated in a private place, which makes it easily “invisible” to the rest of the victim’s social circle.
- The violence is “extended” to the victim’s property and also to her loved ones; children and family members, etc.

Stereotype 2: All gender violence is domestic violence.

The European glossary ‘100 words for equality’ (1998), published by the European Commission defines domestic violence as “Any form of physical, sexual or psychological violence which puts the safety or welfare of a family member at risk and/or the use of physical or emotional force or threat of physical force, including sexual violence, within the family or household. Includes child abuse, incest, wife battering and sexual or other abuse of any member of the household”.

That is, domestic violence refers to all forms of mistreatment occurring in the context of personal relationships within a family setting.

When gender violence occurs in the domestic setting it takes a particularly perverse form because “there where women and children should feel safest, within the family, is the place where they often suffer the terror of physical, psychological, sexual and economic abuse.”⁹

If a difference is not made between domestic and gender violence, any analysis of these cases will fail. On one hand there is a risk that violence suffered by children, adolescents and dependent persons living under the same roof as their aggressors will not be visible, and on the other, it places all emphasis on an obvious environment, therefore failing to consider all the other areas where violence is perpetrated against women and the ultimate causes for this behaviour.

Stereotype 3: The Integral Law discriminates against men with respect to women.

Those who consider that the Integral law discriminates against men state that the grounds for this discrimination are based on two main aspects: punishing men more severely if they harm a woman, and being excluded from the extra criminal protection granted to a woman in a gender violence situation.

⁹ World Forum on violence against women (2000)

However it may be argued that the Integral law intended to protect women from violence and for this reason it intensified a series of measures:

- Specific intensified in the case of bodily harm in cases where the “victim was or had been the wife of the perpetrator, or a woman who was or had been tied to him in a similar sentimental relationship, despite the fact that they did not cohabit” (148.4º of the Penal Code).
- Intensification of the penalty for the crime of occasional abuse pursuant to art. 153 of the Penal code when the victim- a woman- albeit present or past partner of the aggressor. The punitive increment consists of raising the minimum prison sentence of three to six months, as well as the maximum limit of incapacity to exercise custody, guardianship or fostering from three to five years. Increasing the prison sentence does not alter the possibility of suspending or substituting the custodial sentence.
- Threats and coercion against women are raised from minor offence to the category of serious offence as contained in articles 171 and 172 of the Penal Code.
- The Constitutional Court has successively rejected the idea of discrimination against men whenever it has examined these criminal categories modified by the Integral Law. Different acts are regulated and differentiated penalties are applied for different cases. Thus the terms of article 9.2 of the Spanish Constitution are promoted by virtue of which *“It is the responsibility of the public authorities to promote conditions ensuring that freedom and equality of individuals and of the groups to which they belong are real and effective, to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life”*. In other words, removing the obstacles which block substantial equality in order to permit all citizens to participate in public life in equal conditions, irrespective of their sex, race or personal, cultural or social condition.

Given that gender violence is the maximum expression of structural discrimination suffered by women in society today, and that men are responsible for such acts, it would hardly make sense if, when combating this issue, equal treatment were given to men and women in the light of such acts. A theoretically neutral act would be discriminatory.

As the Professor of Criminal Law, Patricia Lorenzo (2005) states, this positive action in the Integral Law “may be explained as a legitimate decision of Criminal Policy designed to protect (women) against a specific type of violence which only affects them because it originates precisely from the victim’s sex. A type of violence which has no par in the case of the male sex as there is no violence associated with being a man. Although it is indeed true that some women harm their male partners. However, these

aggressions are individual manifestations which are not differentiated from an emerging violence current in society which as such are dealt with sufficiently in generic criminal concepts considered in the penal code, – homicide, injuries, threats, abuse in the domestic sphere, the aggravating factor of kinship or relation.”

Finally, the Constitutional Court, (Judgment 59/2008, of 14 May) reached the conclusion that article 153.1 of the Penal code, which considers increasing the penalty when the perpetrator is a man and the victim is a woman, in the context of a present or previous sentimental relation, does not infringe article 14 of the Constitution but is based on a reasonable differentiation which does not lead to disproportionate consequences. According to the Judgment, the penalty is not imposed on grounds of the sex of the aggressor or that of the victim, nor any specific circumstance but rather heavier sentences are imposed in circumstances which are not present in the case of violent acts perpetrated on men by women, namely the violent conduct of men aimed at subjecting women or imposing their criteria on them within the context of a relationship.

That is, this is not a discriminatory law but quite the contrary; it is a law which combats the discrimination which has been perpetrated against women for centuries. It was the problem of violence to which women have been subjected historically which led to laws being created in response to the fact that not only were women in a position of inequality and subordination with respect to men but in addition their protection from acts of violence required different measures to be adopted from those employed to protect other types of victims in general.

Stereotypy 4: Women also subject men to gender violence.

Although it is true that there are some violent relationships, there is no way that these can be compared with the magnitude of the violence to which men subject women or the numbers (women outnumber men as victims by a long way) nor the degree of social incidence (violence towards women occurs in all social strata) nor the intention behind the violence (the ultimate purpose is the imposition of the will of some over others).

The proportion of aggressors who are men cannot compare, nor can the proportion of victims who are women. The statistical frequency of occurrence provides an indicator that it is men’s violence against women which predominates.

The “Study on the Application of the Integral Law to combat gender Violence by the Provincial Courts”, carried out in 2009 by the Expert Group on Domestic Violence and the General Council of the Judiciary¹⁰, informs that all studies on the judgments delivered by the Spanish Law Courts relating to homicide or murder of members of the couple or former couple, have concluded *“unequivocally that violence resulting in death in the context of a couple or former couple is fundamentally gender violence: 94.49% of those committing homicide or murder who were judged and sentenced between 2001 and 2005, were males. This percentage rises to 97% of cases judged in 2006, dropping to 77% of the cases judged in 2007 by the aforementioned courts.”*

The data shows that violence mainly affects women and shows that it is the greater vulnerability of women in suffering violent acts, and not the mere fact of sex or gender, which justifies the different criminal protection. Other classifications and types of violence, far from being unprotected, are contained in numerous articles of our Penal Code.

Stereotype 5: If a woman continues to live with her violent partner it is because she chooses to do so.

The opinion poll conducted in 2009 by the Government Office for Gender Violence¹¹, found that “although a significant majority (63.5%) excuses victims of gender violence for their situation, almost half the men and 28.3% of women consider that the victims deserve the abuse they suffer, because they continue to live with their aggressor”.

Another section of this multi-departmental Proposal details some of the consequences of continued abuse of women, however it is important to point out that the psychological damage to the victim is that she is often hampered if not paralysed in terms of decision making capacity.

It seems therefore, necessary to increase information on the consequences of violence and to begin working with victims in reporting and filing a complaint. Many women need appropriate advice and attention prior to reporting the abuse because they are frightened, they have nowhere to turn and do not trust formal institutions or quite simply because they cannot summon the psychological strength to do so.

¹⁰ General Council of the Judiciary Group of Experts in Domestic and Gender Violence (September 2009)

¹¹ The results may be seen in the “III Annual Report of the State Watchdog on Violence against Women 2010”. Ministry of Health, Social Policy and Equality, pages 257 to 304.

Stereotype 6: Many of the complaints filed are false.

The claim that gender violence complaints are being filed for use in divorce proceedings is not only untrue, but has no basis in any legal advantage. In general, procedures for regulating family relations proceed with the mutual consent of both parties as this is the easiest and most economical way of acting and is less emotionally traumatic for those involved. However, there is no provision which applies either procedural or substantive advantages in a divorce in the case of gender violence. Not even in the relations with children. Furthermore, on rare occasions a gender violence complaint in practice leads to suspension of visiting rights to children of parents found guilty of this crime.

Notwithstanding this fact, there have been - and still are attempts made by some sectors- which clearly insist on encouraging the idea that women make false complaints of gender violence in this regard.

As the Public Prosecutor states in the annual report for 2006, when addressing the issue of withdrawal of accusations: *“the Integral law on Protective Measures to combat Gender Violence has been severely criticised for allegedly being used to resolve matrimonial issues more pertinent to family law, as if false accusations and complaints were made as a general rule, and it may be unequivocally affirmed that this is not in fact true, although there may be some isolated cases as in any other criminal activity, cases which need to be more strenuously examined due to the harm suffered by women subjected to physical or psychological abuse or which are seen to be subordinated to an irrational or unfair doubt”* .

Finally, in 2009, the General Council of the Judiciary carried out a study on a representative sample of judgments which were pronounced on gender violence matters regulated by the Organic Law 1/2004¹². Although the main objective was to hear and the judicial response and make a diagnosis in order to propose organisational and legislative improvements it still remained to ascertain whether there was any consistency in generalisations such as “false complaints” made by women.

Their conclusions in this aspect are unequivocal: *“Of the 530 judgments studied, only one, equivalent to 0.19% of the total, refers directly to a case which would fit this thesis, without prejudice to permitting any other possible readings”* .

In addition, the 2010 Report of the Public Prosecutor of the Court for Coordination of Violence against Women which relating the data contained therein with those provided by the General Council of the

¹² “Study on the application of the Integral Law to combat Gender Violence in the Provincial Courts”. Group of Experts in Domestic and Gender Violence of the GJ (September 2009) Page 88

Judiciary in respect of the number of complaints made throughout 2009, which amounted to 135,540, possible false accusations amounted to 0.0184 of those filed.

Stereotype 7: Parental alienation syndrome.

The application of Parental Alienation Syndrome (or PAS) a term coined in 1985 by the US psychiatrist Richard A. Gardner according to which a parent-generally the mother, -alienates the children from their father in the contexts of care and custody which presupposes a double process of victimisation for children or women who are victims of gender violence, leaving them in a perilous situation whereby they lack protection or defence against this type of violence.

In this respect it should be underlined that the validity of this alleged parental interference has been questioned and discredited by many institutions and organisations:

It has been shown to be continually discredited by the two main classification systems for medical and psychological disorders by the scientific community and official international organisations; the International Classification of disease criteria ICD-10, and the diagnostic and Statistical Manual of o DSM IV-TR. PAS has not been recognised by any professional or scientific body and its inclusion in any of the psychological manuals of the American Association of Psychiatry and the World Health Organisation has been rejected.

- Studies carried out from the perspective of psychology, medicine or law including those by Sonia Vaccaro and Consuelo Barea (2009), conclude that it is a pseudo scientific construct which used in cases of divorce in the courts where the custody of children is being disputed, gives rise to high risk situations for the rights of children and their mothers and may mask pre-existing incest and violence.

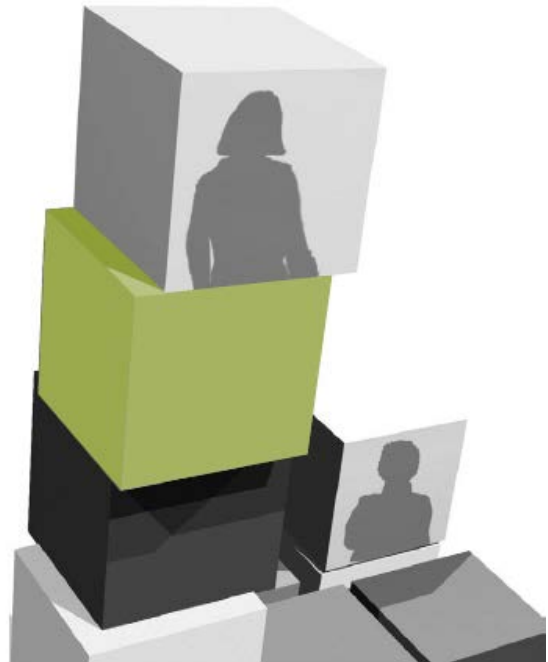
The “Guidelines for Judicial Action in cases of Gender Violence” of the General Council of the Judiciary of 2008, indicates that accepting *“Gardner’s theories – which also excluded the application of his theories in cases in which there was shown to be a situation of violence, abuse or negligence – in procedures involving guardianship and custody of children presupposes their subjection to a coercive therapy and infringement of their rights by the institutions which are specifically designed to protect them”*.

The Spanish Parliament in its Sub-committee report for the study and operation of the Integral Law on Measures to combat Gender Violence” approved by the Equality Commission in its session of 17

November 2009, recommends “that the so called Parental Alienation Syndrome (PAS) or its therapeutic application should not be accepted by the courts of justice, public bodies or meeting points”.

The Spanish Association of Neuropsychiatry issued a statement on 25 March 2010, to the effect that clinical and scientific use of the so called PAS theory had no scientific grounding whatsoever and its application in the courts would be seriously hazardous

The National Watchdog for Violence against Women approved in its meeting of 13 July 2010, the “Report on the so called PAS)” in which it provided evidence of risks arising from the application of measures relating to this alleged Syndrome.



2. DESCRIPTION OF THE PHENOMENON

2. DESCRIPTION OF THE PHENOMENON

In order to combat the problem it is first necessary to be familiar with it. This maxim, when applied to gender violence means knowing at least its extent, in terms of statistics of social frequency and also its particular characteristics. All this requires the involvement of its central characters. This section aims to do just this.

2.1. SOME RELEVANT DATA

It happens everywhere...

According to the United Nations Secretary General's 2006 in depth Study on all forms of Violence against Women", "A previous review of 50 population -based studies in 36 countries showed that the lifetime prevalence of physical violence by intimate partners ranged between 10 per cent and over 50%"¹³.

- Studies carried out by the WHO (2009) on women's health and domestic violence found that between 4% and 12% of women referred to having suffered abuse during pregnancy.
- According to the special Eurobarometer on "Gender Equality in the European Union in 2009" (European Commission, published in 2010), with data collected between September and October 2009, 62% of Europeans and 61% of Europeans consider that combating gender violence should be a priority in combating inequality between men and women.¹⁴ And almost 7 out of every 10 women (68%) and 6 out of every 10 men (60%) think that acting against psychological violence suffered by every four women in the European Union is "urgently needed"¹⁵.

¹³ See Heise, L., Violence against women: An integrated, ecological framework (New York, St. Martin's Press, 1998); note 39; Heise, L., Ellsberg, M. and Gottemoeller, M., "Ending violence against women", Population Reports, vol. 27, N° 11 (1999), pp. 8-38; and Jewkes, R., "Intimate Partner Violence: Causes and Prevention", Lancet, vol. 359 (2002), pp. 1423-1429.

¹⁴ The question was: QC16 Here is a list of the areas where gender inequalities are apparent. In your opinion, in which of these areas should action be taken as a matter of priority? (MAX. 3 ANSWERS)

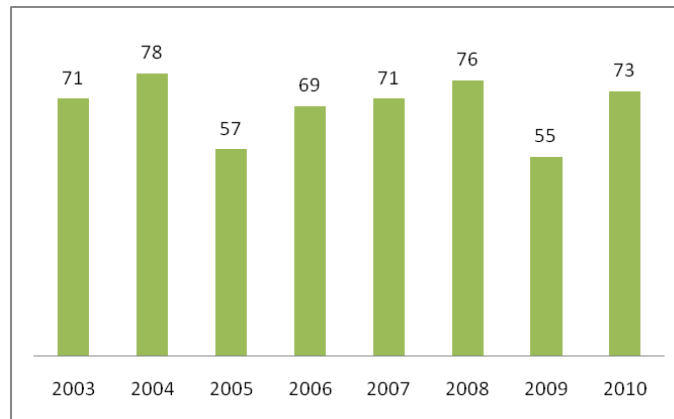
¹⁵ The question was: QC13 In the European Union, almost one in four women is a victim of physical violence, at least once in her adult life. Do you think that it is urgent or not urgent to take action against the violence suffered by women?

And, in Spain:

According to official surveys and statistics, over 600.000¹⁶ women suffered abuse every year in Spain over the last three years and an annual average of 134,000¹⁷ women have summoned up the courage to lodge a complaint, and around 70 have been assassinated.

The figures for fatal victims do not vary considerably from year to year.

Graph 1: Fatal Victims of gender violence. 1 January 2003 to 31 December 2010. TOTAL: 550.



Data from the Government Office for Gender Violence.

Despite these figures, gender violence is tending to become normalised. And thus in the opinion of the 253, 357 individuals surveyed by the Sociological Investigation Centre (CIS) in its weekly barometers from September 2000 to December 2009¹⁸, only 3% declared that “violence against women” is one of

¹⁶ The Women’s Institute has carried out three macro surveys on the situation of gender violence for the years 1999, 2002 and 2006. In the last year mentioned a drop in the figures was noted, but even so the report states that: “ **3.6%** of women resident in Spain aged 18 years or over, **declared that they had been victims of abuse**, during the last year, perpetrated by one of the persons living in their home, by their boyfriend, even if he did not live the woman. This percentage represents a total of 677,352 women of the 18,606,347 of this age (type B women) **9,6%** of women resident in Spain and aged 18 years or over **are considered to be “technically” abused** , which amounts to a total of 1,786,978 women approximately (type A women),” (Sigma Dos – Women’s Institute, 2006)

¹⁷ Data available on complaints per year are: 2007: 126,293; 2008: 142,125; and 2009: 135,540. Sources: Government Office for Gender Violence (data from 2007 and 2008) and General Council of the Judiciary (data from 2009)

¹⁸ Information referred to in the III report of the State Watchdog on Violence against Women (State Watchdog for Violence against Women , 2010)

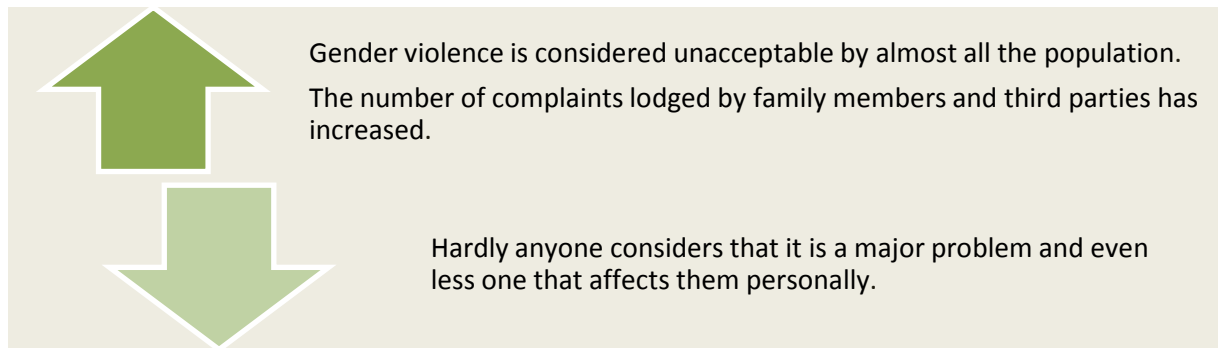
the three main problems in Spain¹⁹ and 0.8% indicated that it was one of their three main personal problems ²⁰. According to the National Watchdog for Violence against Women (2009) the highest percentages register around the months of November and March when the International Day against Gender Violence (25 November) or the International Women’s day (8 March), publicly highlight this situation.

Notwithstanding this fact, action to create awareness continues to have an impact on the population as a whole. In a study carried out by the National Office for Gender Violence (2009), 87.1% of those surveyed consider that gender violence is “very or quite” extended and 91.3% that it is “totally unacceptable”.

Another indicator which reflects a trend towards increasing social awareness of the problem is that there has been an increase in cases of gender violence in complaints which have been lodged by family members or third parties: from 2009 to 2010 complaints filed by family members rose from 1.4% of the total to 2.1%; and in the case of complaints by third parties the figure rose from 12.8% to 13.7%²¹.

It seems that yet again there are some factors which are set against each other in respect of the incidence of the phenomenon and creation of awareness of the issue:

Figure 5. Contrasting aspects in terms of public opinion and participation in gender violence



Folia Consultores 2010

¹⁹ QUESTION . In your opinion, what is the main problem currently affecting Spain? And the Second? And the Third? (MULTIRRESPUESTA).

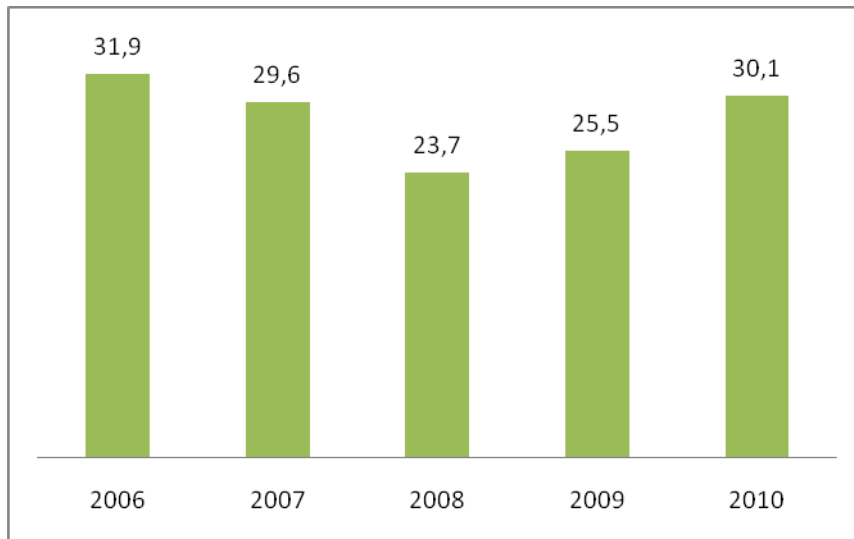
²⁰ QUESTION And what is the problem that affects you most personally?

²¹ Data facilitated by the Government Office for Gender Violence when presenting the Balance of gender violence for the first six months of 2010 August 2010.

The number of complaints has risen in recent years which could be due to the fact that women feel safer given the institutional support and resources which have been made available; and more information is now disseminated in the communications media. It is important to recall that under current legislation making a complaint is the key to accessing resources and, in particular, those of protection.

However, the complaint is also a visible manifestation of the woman's desire to put an end to a relation forever and for this very reason it can be a risk factor. In fact, as the graph below illustrates, almost 3 out of 10 mortal victims (28.16%) had lodged complaints.

Graph 2: Percentage of fatal victims of gender violence who had filed complaints 2006 to 2010

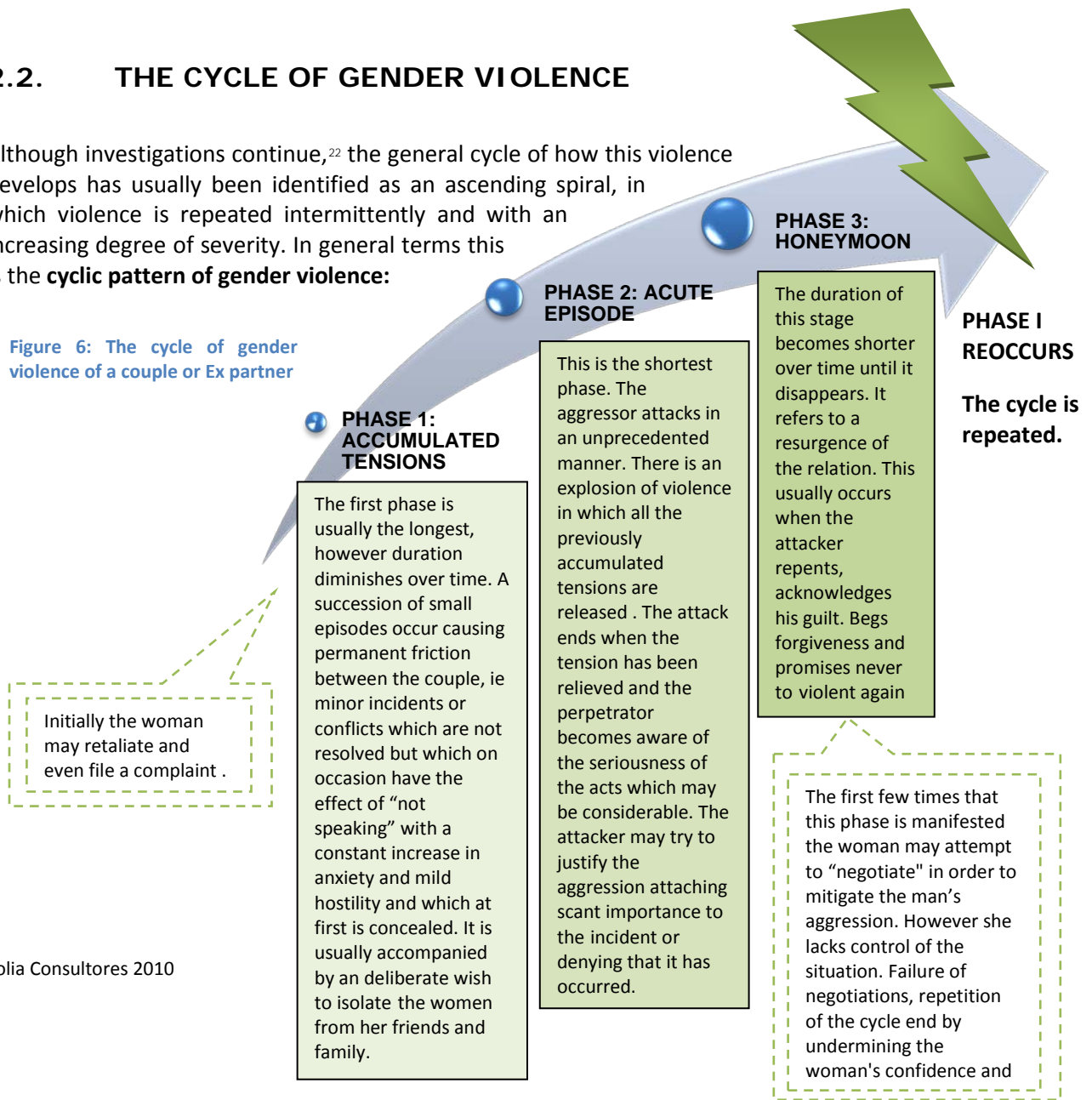


Authors' statistics based on data from the National Office of Gender Violence (2010)

2.2. THE CYCLE OF GENDER VIOLENCE

Although investigations continue,²² the general cycle of how this violence develops has usually been identified as an ascending spiral, in which violence is repeated intermittently and with an increasing degree of severity. In general terms this is the **cyclic pattern of gender violence**:

Figure 6: The cycle of gender violence of a couple or Ex partner



Folia Consultores 2010

²² Some research projects are investigating are concentrating on phases of the cycle of violence based on the classification of aggressors.

The “affective dependence syndrome”, that is, the emotional nexus which prevents the victim from breaking with her aggressor is fundamentally caused by the sense of isolation created by the aggressor who manages to convince the victim that he is her whole world and that he is acting this way out of love for her, thus ensuring that she forgives him and so justifies his behaviour (González Rodríguez, 2005).

Victoria Sau reduces this concept in her perceptive definition of aggressiveness to: “the perfect work of aggressiveness is to ensure that the victim comes to admire the executioner” (Sau, 1981).

The danger of suffering a serious attack, including homicide, increases when abused women abandon their abusive partners. This is when the aggressor feels he has lost control and in order to recover his power over his victim he may increase the dose of violence needed to maintain that fear. Without fear there can be no control.

2.3. EFFECTS OF GENDER VIOLENCE

Gender violence affects society as a whole

Gender violence affects all of society. Until recently it was considered to be a private problem which only affected the couple themselves and therefore it was felt that no one should interfere in the private affairs of two individuals. In contrast, over the years this mentality has changed.

As the Integral Law indicates in the Explanation of Grounds “in the current situation in Spain aggression against women has a special effect, as there is today a greater awareness than in previous eras, thanks largely to the efforts of women’s organisations who have striven to combat all forms of gender violence. It is no longer an invisible crime, but one which produces collective revulsion and evident social unease”.

Gender violence has become a public issue, which means that both institutions and society together must assume joint responsibility in endeavouring to eradicate the phenomenon. The murder of any woman at the hands of her partner or ex partner should lead us to reflect on the active role that each and every one of us must assume in the fight against this social evil.

All women suffer the effects of violence

In one way or another all women are involved in a model of social relations which is loaded with stereotypes that attempt to “put a woman in her place” when she transgresses any of these norms. Violence exercised explicitly against any woman will have “collateral effects” against all the others in the daily aspects of their lives such as fear of going out alone at night, passing through certain areas, what might happen should their clothes be considered “provocative” etc...

For these reasons, among others, which we will address elsewhere in this document, male violence against women is structural in nature as it collaborates and maintains this social order and thus assumes a patina of naturalness and normality –and therefore tolerance- and there is also the need to attack the phenomenon at its roots.

“(…)Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women’s lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.”.

(IV World Conference on Women, 1995).

Some suffer directly

Gender violence may be expressed through physical or sexual violence, and always, using psychological violence. All types of violence that a woman may suffer has a central psychological component (Montero Gómez A., 2007), either because it is not expressed in any other way, either due to the traumatic effects of blows or beatings, or because sexual violence or control of their lives destroying a woman’s psychology.

The consequences are devastating:

Physically, they may suffer blows, scratches, punching, etc causing wounds, and fractures. Doctors state that injuries are usually distributed on the head, the back and the breast although there is a tendency to attempt to ensure that they “won’t be seen”.

Psychologically, the consequences are those known in psychological terms as “post traumatic stress disorder” manifested by depression, anxiety, a feeling that their body is no longer their own, loss of sense of the physical world, nightmares and flashbacks of violent episodes.

Socially, it should be noted that in addition to the physical and psychological consequences there are others which affect social relationships, namely isolation, absenteeism from work, job loss, etc.

There are differences between short and long term consequences. Just after the abuse, a woman is in a state of shock, confusion and terror which may also cause a physical block. When the situation continues over time abused women manifest low self esteem, fear, anxiety, fatigue, disturbed sleep and appetite, nightmares and non specific discomfort and pain.

Some of these women will be identified and they will be given appropriate therapy or treatment however many of these , in fact the majority will slip through the net and may die due to causes which will not be directly related to continued abuse. Many premature deaths of women occur through being subjected to prolonged violence throughout their lives

In addition, their families and in particular the children suffer the consequences of this type of violence.

To summarise, the inability to react is a consequence of psychological deterioration produced by gender violence. Consideration of this premise is essential when initiating interaction with women victims and it is only possible if professionals possess the information and training required to do so.

Children are also victims of gender violence

The study of children as victims of gender violence carried out by Dolores Aguilar (2009) emphasises the need to distinguish between the term ‘being witness ’ to gender violence and “being exposed to gender violence” “as the first concept (witness) means observation of a fact or action which does not cause any damage or effect in the observer, and conversely, “being exposed to gender violence” does imply the existence of one or various negative effects caused directly or indirectly through exposure to the violent act, having immediate effect on the experience of personal growth and development in all their most

diverse aspects, of the child in a hostile environment perpetrated by its male parent or its mother's partner in their own home."

However, the study concludes that although parents believe that their children are impervious to violent scenes, such children exhibit symptoms of exposure to violence. This unsatisfactory relation is accompanied by infrequent communication and differences in educational developments. Aggressive fathers tend to have more intransigent attitudes and are more irritable with their children whereas their mothers usually behave differently when they are alone with them and tend to overprotect them. Children suffer the consequences of the violence suffered by their mother while violent fathers are lacking in care.

The health of these children is affected in all its physical and psychological aspects and will endure if no effective treatment is applied.

A study carried out by Save the Children (Horno Goicoechea, 2006), identifies the following effects on children who are victims of gender violence:

1. Problems in socialising: isolation, insecurity, aggressiveness.
2. Problems of integration at school, problems in concentrating, attention deficit and poor school performance.
3. Symptoms of post traumatic stress such as insomnia, nightmares phobias, anxiety and dissociative disorders.
4. Regressive behaviour: bedwetting and bowel incontinence.
5. Depressive symptoms: crying, sadness, isolation.
6. Alterations in affective development, difficulty in expressing themselves, and dealing with emotions, turning in on themselves or possibly development violent models and internalising erroneous gender roles.
7. Children assume parental roles, protecting the mother and assuming responsibility above and beyond their age.
8. In some cases death itself.

As a result, it is of vital importance that any intervention in terms of addressing gender violence takes into account that the underage children living in the context of this kind of violence also become victims of that same violence.

2.4. VICTIMS AND SITUATIONS OF PARTICULAR VULNERABILITY

There is no specific profile of a woman victim, nor is there one typifying her aggressor although there are risks and factors which affect their vulnerability.

It is important to stress that there is no specific cultural, economic, sociological or psychological profile for women who are victims of gender violence, nor is there one for their attackers. However, it is possible to point out factors which can influence a vulnerable state and which have been observed over recent years.

The greatest difficulty lies in the fact that the information available comes from those cases which arise from formal complaints, whereas there is a technical violence which remains unseen. For this reason it is only possible to extract conclusions from the cases which have been recorded, in this respect, and in the report of the National Watchdog for Violence against Women on the nature of complaints, court cases involving gender violence, murder of women victims and requests for information from the special service 016 which provides information and legal advice on gender violence matters:

- The largest age group of women filing complaints is that between 31 to 50 years. The assailants tend to be a little older in age. The average age of women calling the 016 telephone helpline for information and legal advice in gender violence matters is 40 years.
- Of those who called and provided information on the length of their relationship with their attacker²³, one in every four said that they had been with their partner for over 20 years and one in five had been in their relationship for between 10 to 20 years.
- The proportion of court cases involving women under 30 has remained stable since 2005, that is, around 38% in the case of victims and 29% in the case of their aggressors.

²³ This information corresponds to the period from 3 September 2007 to 31 December 2009 (State Watchdog for Violence against Women, 2010)

- There has been an increase in foreign victims in relation to their specific proportion of the population. There has also been a rise in foreign nationals accused. As the reports admit, it is impossible to know with the data available whether the high number of foreign nationals in legal actions and also those affected by current protective measures is due to a greater incidence of abuse or a greater use of police and judicial measures.
- Of the number of women murdered in 2010, almost 7 out of 10 had not filed a complaint against their attacker, most lived with their aggressors and their average age rose in respect of 2009. The interpretation of this data shows that they have lived more years with their attacker, exposed to violence, without any clear awareness of the risk which increases significantly when they attempt to leave the relation.

The profiles of victims and aggressors vary and a specific type cannot be defined, nevertheless it is important to recall that there are some groups of women who are particularly vulnerable and these were established in both Organic Law 1/2004, in article 32, and in the National Awareness and Prevention of Gender Violence Plan 2007-2008: disabled women, women in the rural environment, immigrant women and women from ethnic minorities.

The main factors contributing to the vulnerability of these women are detailed below:

Disabled women

Situations arising from disability are numerous and varied. Society is full of stereotypes about what a person with disability can aspire to (dependence, weakness etc) which are added to the stereotypes of what a woman is and what she can be.

This is the reason why women with disability live more intensely the factors of vulnerability which to a certain degree condition the lives of all women. Some of the more specific factors to be addressed and which should be taken into consideration are detailed below, in particular in any action designed to combat gender violence.²⁴ They are as follows:

- “Feeling pity” is a frequent expression used in social stereotypes when referring to disability. The pity assumed by the person in question assumes a higher moral ground and affects

²⁴ In addition to factors of special vulnerability of disabled women there are also women who are disabled as a result of the gender violence they have suffered. Cristina Santamarina carried out a study of this group and their discourse based on life histories for the State Watchdog for Violence against Women in 2007 which was published alongside the Watchdog’s own report o (2009)

disabled women's self esteem in a negative manner which hinders the requisite empathy in seeking attention if they are abused.

- At times disabled people suffer verbal abuse and humiliation based on their condition. The effects of this provide a breeding ground for acceptance of other types of aggression, also that perpetrated by their partners. (Mun Man Shum, Conde Rodríguez, & Portillo Mayorga, 2006).
- In the case of physical or sexual violence, disability may aggravate the difficulty in reacting and defending themselves.
- Disabled women who have no functionality are subject to increased dependency on their partners (a dependence which is not only emotional but also physical and economic) and therefore, the difficulties of leaving their abuser are increased. Economic dependence is aggravated by the added problem affecting many disabled women of seeking work.
- Finally, not all the services and resources available to victims of violence are accessible to disabled women. Physical and sensorial barriers are added to social prejudice in the face of disability.

In this respect it is important to point out that the Council of Ministers of 10 July 2009 approved the III Action Plan for disabled persons 2009-2012, which considers an area of intervention in abuse and violence which includes prevention and care for gender violence victims.

Women in a rural or village environment

Women who live in the countryside reside in a context where exaggerated gender stereotypes endure, and where there is greater social control than in more populated areas. Furthermore, the possibilities of access to available resources are not usually the same as in larger conurbations and at times women victims have no other option than to abandon their homes and they place they live in.

Gender violence in this type of environment has been the subject of a study (Franco Rebollar, Guilló Girard, & Nuño Gómez, 2009)²⁵, which in its conclusions indicates the following factors of a structural nature which are affecting the fight against violence and the provision of care for victims:

²⁵ "Gender violence in small municipal districts of the Spanish Statel". Collection Against Gender Violence , nº 6. Ministry of Health , Social Policy and Equality.

Table 1: Obstacles, problems and consequences of a structural kind identified in drawing up the Organic Law 1/2004 in rural districts or municipalities with less than 20,000 inhabitants

OBSTACLES AND PROBLEMS	CONSEQUENCES
<p>A traditional culture with gender relations which continue to maintain marked sexism in the division of labour and employment, and which at times culturally legitimises the use of violence, failing to consider a crime or the perpetrator to be a criminal.</p> <p>A social context in which strong family ties affect decision making by women victims with regard to exercising their rights.</p>	<p>Marked social control which affects victims in particular while obviating or normalising the position of their aggressor.</p> <p>Naturalised perception of violence especially towards older women. Lack of knowledge and seeking alternatives for them. Formal and informal labour market, particularly segregated by sex.</p> <p>Many women normalise their situation of inequality in the face of males which prevents them from visualising factors of violence in general and in their effective relations in particular.</p>
<p>Ageing population</p>	<p>Important resistance to cultural changes, for example, those related to the system of gender relations.</p>
<p>Lack of policies which will provide impetus to social organisation in a rural medium.</p> <p>Depending on the geographic situation, specific cultural practices.</p> <p>Depopulation of the rural environment, in particular municipalities of less than de 2.000 inhabitants.</p>	<p>Weak social organisations-stronger in municipal districts closer to the provincial capitals and increasing in proportion to their size as they exceed 10,000 inhabitants – which lack the capacity to take the initiative in engineering change.</p> <p>Social organisations which do not, in practice, incorporate any gender focus.</p>
<p>Obsolete or inadequate Infrastructures, above all public transport which hinders women’s mobility in a particular way, and therefore their access to the labour market and resources.</p> <p>Difficulties for covering information technologies and communication</p>	<p>Opportunities for access to resources of every kind diminish.</p> <p>The possibility of reconciliation for women victims is reduced.</p> <p>A scant and precarious labour market for women which hampers economic empowerment both for breaking away from the violent situation and developing</p>

	autonomous strategies such as developing strategies for autonomy in recovery processes in the medium and long term.
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Source: (Franco Rebollar, Guilló Girard, & Nuño Gómez, 2009)

It should be indicated that through Royal Decree 752/2010, of 4 June, the first rural sustainable development programme for the period 2010-2014 was approved.

Immigrant women

The first point to raise in this context is the fact that immigrant women is a term covering an extremely diverse range of people. The frequent generalisations made when speaking of women is equally inappropriate in this case, although there are some factors which, in many cases, increase their vulnerability in respect of gender violence.

A report by the Public Prosecutor of the Coordination Court for Protection of Violence against Women (2008) highlights the fact that in the year mentioned, 2008, the percentage of foreign abusers has increased, and that filing a complaint is a more difficult step for foreign women because their situation makes it difficult to break the circle of violence. This situation includes the psycho-social reality of immigrants, the cultural differences and those of the migratory project, the situation of "administrative irregularity" of some women who in turn, are "subject to restrictive measures which have an impact on their decisions" as by filing a complaint they are effectively making their situation clear to the Forces of Law and Order. However, for those women who do file complaints there are elements of difficulty and the report mentions their particular vulnerability during the legal proceedings, where victims often retain their right not to declare, due to their ties with the accused, added to which, in many cases they are extremely reticent about going to court due to their particular situation.

Conversely, with respect to foreign victims and attackers, the 2009 report concluded that "compared to the progressive rise in previous years of numbers of foreign victims, the 2009 period showed a significant drop. The reason for this is hard to pin down."

In general, it may be added that, compared to women in their own country, immigrants have a less extensive family and social network and in many cases, they do not speak the language, which is an important factor in accessing the correct information.

Aware of the need to adopt specific measures in this area, on 9 January 2009, the Council of Ministers approved a Plan of Care and Prevention of Gender Violence in the foreign immigrant population 2009-2012.²⁶

Women from ethnic minorities

Gypsy women are living through a period of change as they attempt to reconcile their gypsy identity with achieving greater autonomy in a society which, furthermore, maintains strong racist stereotypes.

In this context, gypsy women are more vulnerable to gender violence in that it is difficult for them to make decisions, because as Carmen González (2006), points out, in general:

- They try to avoid conflict in their personal relations so that problems do not go beyond the confines of their immediate environment.
- Their conduct is observed and controlled by their community and if they transgress in any way they are condemned and disparaged.
- By attempting to respond to the traditional mores and the modern way of life at the same time, they live double lives, triple working days, visible and invisible efforts which are acknowledged and yet at the same time, not recognised. They are encouraged to progress while at the same time this may be interpreted as an abandonment of their cultural identity.
- When they try to safeguard their identity, traditional feminine models are radicalised, identifying cultural features which are more related to subordination than to autonomy.

In the report by the Fundación Secretariado Gitano (Gypsy Foundation) on monitoring of the Convention for Elimination of all Forms of Discrimination against Women 1979²⁷ (2009) with regard to article 3 of the Convention explained that :

“The existing lack of knowledge from the majority culture towards that of gypsies limits women’s access to the normal resources available for assisting victims of gender violence against women. Another reason why few women take advantage of these resources is that in the majority of cases this access is

²⁶ Available on the website of the Ministry of Health social Policy and Equality

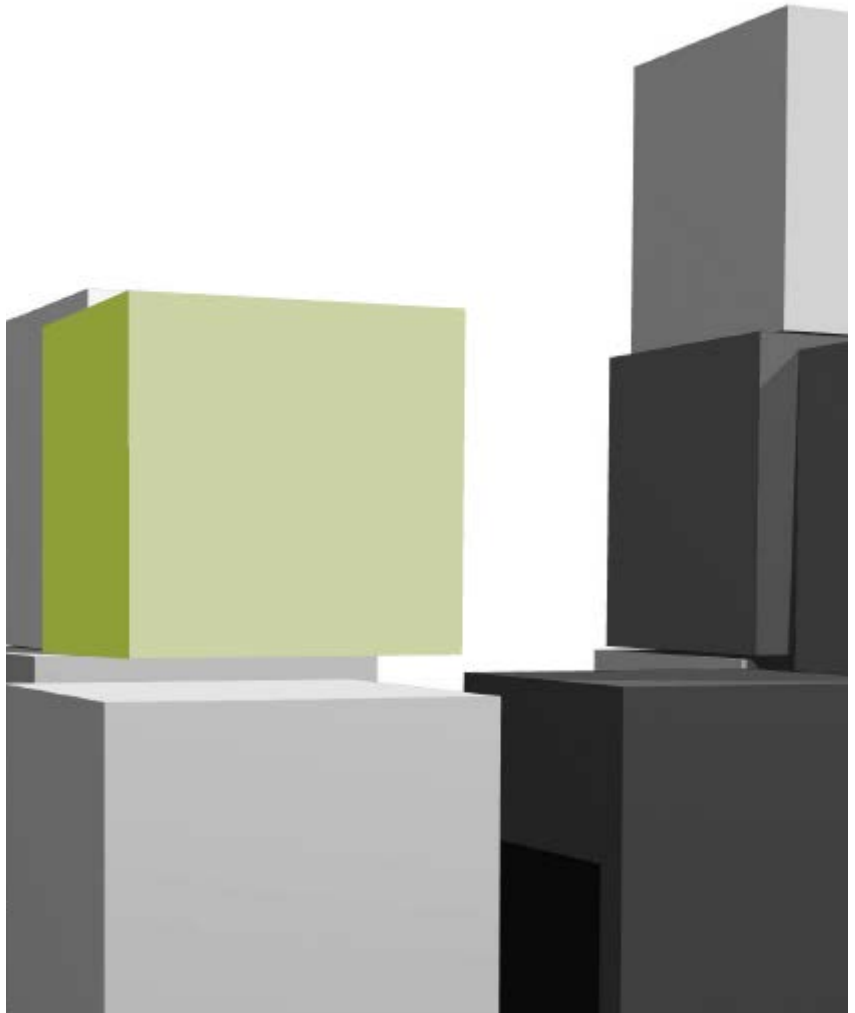
²⁷ Foundation and Office for Gypsy Affairs . Shadow report session 44 – Committee for the elimination of all forms of discrimination against women – Madrid, 20 June 2009.

conditioned by the need to file a complaint. For many gypsies, filing a complaint against their attacker means recognising that the internal resources of the community have not worked to solve the problem, in addition to accusing a member of their own community through a non gypsy institution, which may lead to rejection or breaking with their community, and few people are ready to give up their links with the group to which they belong. It is therefore necessary to take these difficulties into account to attempt to adapt these services to the needs of gypsy women as, since there are currently no such measures in place, many gypsy women are left without any recourse.”

That is, social control in its context is an obstacle to defending their rights in the event of violence, added to which there is a general mistrust of institutions of a society in which racial prejudices continue to endure.

With regard to the gypsy population, it should be mentioned that the “Development Action Plan for the Gypsy population 2010-2012”, approved by the Council of Ministers on 9 April 2010 includes gender violence studies.





3. LEGAL FRAMEWORK, REGULATIONS

AND ACTIONS WHICH SPECIFICALLY AFFECT

VIOLENCE AGAINST WOMEN

3. LEGAL FRAMEWORK, REGULATIONS AND ACTIONS WHICH SPECIFICALLY AFFECT VIOLENCE AGAINST WOMEN

For several decades the international community has addressed the issue of violence against women. International conventions, global conferences, resolutions, regulations, laws... all of these still appear to be insufficient, nevertheless they continue to be essential. From the international sphere to the European and thence to the Spanish state, legislation and polices have been filtering through with the ultimate goal of putting an end to violence against women. The most significant legal precepts are detailed in the following section.

3.1. INTERNATIONAL CONTEXT: SOME UNITED NATIONS MILESTONES

Violence against women began to be considered an issue of international concern in the nineteen seventies in the 20th century:

- Thus, at an international level, considerable attention was focused on the issue in the United Nations Decade for Women (1975-1985). **Four world conferences on women were** organised by the United Nations between 1975 and 1995 (México, 1975; Copenhagen, 1980; Nairobi, 1985; Beijing, 1995) which contributed to place the cause for gender equality at the heart of the global agenda.
- In 1985, in Nairobi, abuse of women was included for the first time as one of the forms of discrimination and it was first recognised that this violence was one of the main obstacles to achieving the goals of the United Nations Decade for women, namely equality, development and peace.
- In 1982 through a treaty, the **Committee for the Elimination of Discrimination against Women (CEDAW)** was set up in order to supervise the application of the Convention for the Elimination of all types of Discrimination against Women of 1979. The work carried out by this body helped to gain recognition of the fact that violence against women is also a question of discrimination. Some examples of this are Recommendation 12 (1989) and Recommendation 19 (1992).

- This about turn in qualifying violence against women as a problem of inequality and discrimination is complemented with recognition of violence as a violation of human rights. During the **II Congress on Human Rights held in Vienna in 1993**, the international community officially recognised that violence against women is a clear violation of human rights and that women’s rights are inseparable from and integral and inalienably universal human rights
- The Vienna Conference also significantly contributed to the impetus which led in 1994 to the adoption by the **United Nations of the Declaration on the elimination of violence against women**. According to this declaration violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women”. This definition was the most widely accepted and was confirmed in the Action Platform held in Beijing (1995).
- In March 1994 the United Nations Human Rights Commission adopted a resolution in order to “integrate the rights of women in the United Nations Human Rights mechanisms and the elimination of violence against women” by appointing a **Special Rapporteur for violence against women, its causes and consequences**. This mandate created an institutional mechanism in order to carry out a regular in depth examination of violence against women throughout the world and presenting the corresponding report.
- The Beijing **Declaration and Action Platform**, adopted by 189 countries in the Fourth World Conference on Women (Beijing, September 1995), consolidated those advances. The centre of attention was focused on the requirement to make countries responsible for measures designed to prevent and eliminate violence against women. In the Beijing Action Platform 12 main spheres for the adoption of urgent measures designed to achieve the goals of equality development and peace. One of the aforementioned spheres is that relating to violence against women, which includes three main objectives namely, a) adopt comprehensive measures to prevent and eliminate violence against women, b) study the causes and consequences of violence against women and the efficacy of preventive measures and c) eliminate abuse of women and provide assistance to victims of violence deriving from prostitution and trafficking of women.
- In the Resolution 50/134, of 17 December 1999, the General Assembly of the United Nations approved the annual celebration of 25 November as **International Day for the Elimination of Violence against Women**.

- In the **five year period of the Beijing Platform for Action** carried out in 2000 (**Beijing + 5**), the series of measures to be taken by governments in order to end discrimination and violence against women was extended, and it was requested that all forms of violence against women be classified as criminal acts.
- In October 2000, the **Security Council** unanimously adopted a highly innovative resolution regarding women, peace and security. The resolution 1325 required Member States to ensure an increased presence of women at all levels of decision making for the prevention, management and solution of conflicts.
- The General Assembly has addressed various aspects of violence against women in recent years and has requested **individual reports** on several of the issues such as violence against women at home (resolution 58/147); crimes of honour committed against women and girls (resolution 59/165); elimination of all forms of violence against women (resolution 59/167).
- In 2006 **In –depth study of all forms of violence against women** by the Secretary General of the United Nations which established a world framework for future actions.
- Various **Resolutions relating to the Elimination of Gender Violence against women** have reinforced the need to act in this area, such as Resolution 161/143, of 19 December 2006, Resolution 62/133, of 18 December 2007, Resolution 63/155, of 18 December 2008.
- In 2008, the Secretary General of the United Nations launched a **global campaign “Unite to end violence against women”** which will continue until 2015, the date set for achieving the Millennium Development Objectives.
- As part of the institutional reform of the UNO in July 2010, the General Assembly of the United Nations created **UNO Women** the United Nations body created for Gender Equality and Empowerment of Women, one of whose strategic policies is to eradicate violence against women o²⁸ .

²⁸ <http://www.unwomen.org>

3.2. EUROPEAN CONTEXT: RESOLUTIONS AND PROGRAMMES FOR ACTION

Equality between men and women is a fundamental right and a common value of the European Union enshrined in article 2 of the European Union Treaty and the Charter of Fundamental Rights.

In turn, article 8 of the Treaty on the Functioning of the European Union establishes that in all the Union activities it will incorporate the goal of removing inequalities and encourage equality between the sexes, as well as Declaration 19 on article 8, which expressly mentions that in order to achieve equality between the sexes it will be necessary to combat domestic violence.

Some of the precedents are listed below:

- European Convention on Human Rights, Council of Europe, 1950.
- Council Directive 75/117/EEC of 10 February 1975, on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.
- Council Directive 76/207/EEC of 9 February 1976, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
- Council Directive 79/7/EEC of 19 December 1978, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- Recommendation no. R (90) 2 of the Council of Europe on social measures concerning violence within the family

In 1999, the first report of the European Commission on monitoring the mainstreaming policy highlighted the progress that has been made in incorporating equal opportunities in all community actions and policies.

From 2000 a series of recommendations, guidelines, decisions, directives, resolutions, regulations and various initiatives have been issued within the framework of the European Union and the Council of Europe on questions such as, for example:

- Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council of 29 June 2000, on the balanced participation of women and men in family and working life (2000/C 218/02).
- Council Decision 2000/750/EC of 27 November 2000, establishing a Community action programme to combat discrimination (2001 to 2006).
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
- Council of Europe Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence
- Directive 2002/73/EC of the European Parliament and the Council of 23 September 2002, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- Council Resolution of 20 October 2003 on initiatives to combat trafficking in human beings, in particular women. (2003/C 260/03).
- Council Directive 2004/113/EC, of 13 December 2004, implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- Decision of the OSCE (Organisation for Security and Cooperation in Europe) MC.DEC/15/05: Preventing and combating violence against women.
- Initiative opinion of 16 March 2006 of the European Economic and Social Committee on Domestic Violence against Women (SOC/218).
- Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)).
- European Pact for Gender Equality adopted by the Council of Europe of March 2006.
- Decision no 771/2006/EC of the European Parliament and the Council of 17 May 2006, establishing the European Year of Equal Opportunities for All (2007) – Towards a Just Society.

- Decision no 1672/2006/EC of the European Parliament and the Council of 24 October 2006 , establishing a Community Programme for Employment and Social Solidarity — Progress.
- Regulation (EC) no 1922/2006 of the European Parliament and the Council of 20 December 2006 establishing a European Institute for Gender Equality.
- “EU Guidelines on violence against women and girls and Combating all Forms of Discrimination against them” adopted by the Council in December 2008 (Doc. 16173/08 + COR 1).
- Own-initiative opinion of the Committee of the Regions on ‘Priorities for regional and local authorities to prevent violence against women and improve support for victims’.

a) European Union

Throughout this period, questions on gender violence have been the subject of policies issued by the **European Commission** aimed at both eradicating and preventing the phenomenon. Thus, the working programme of the European Commission for equality between men and women 2006-2010, determines eradication of violence against women as one of the six priorities for action in the EU in respect of gender equality. In turn the DAPHNE III programme (2007-2013) establishes a specific programme for preventing and combating violence perpetrated against girls, young people and women, and for protecting victims and groups at risk, as part of the general programme “Fundamental rights and justice”.

The strategy for equality between men and women 2010-2015 was approved by the European Commission in September 2010²⁹ and one of its main tenets is “Dignity, integrity and the end of gender based violence”.

In recent years the **European Parliament** issued a resolution on 26 November 2009 on the elimination of violence against women, urging Member States to recognise sexual violence and rape as a crime and to ensure that such offences result in automatic prosecution³⁰.

The Stockholm Programme approved by the **European Council** of 10 and 11 December 2009, set out the priorities for the next five years in the area of freedom, security and justice and establishes a

²⁹ Communication of the Commission to the European Parliament, the Council , the European Economic and Social Committee and the Committee of the Regions Brussels, , 21/0/2010. COM(2010) 491 final.

³⁰ Resolution of the European Parliament of 26 November 2009, on the elimination of violence against women.

framework for response to many aspects relating to violence against women (Presidency of the European Council, 2009).

One of its paragraphs states as follows:

“Vulnerable groups in particularly exposed situations, such as women who are victims of violence or of genital mutilation, are in need of greater protection, including legal protection.. Appropriate financial support will be provided, through the available financing programmes”.

b) Council of Europe

The final document in the Campaign to combat violence against Women including Domestic Violence (2006-2008)³¹ —promoted by the Council of Europe and whose slogan in Spain was «*Stop domestic violence against women*»—, states that the measures taken to date have not been as effective as hoped and that:

“Measures to protect women and punish perpetrators have had limited effect as can be seen by the alarmingly low conviction rate of perpetrators of violence against women, particularly in comparison with other violent crimes. Services for women victims of gender-based violence remain insufficient and inconsistent and in some countries nongovernmental organisations with limited resources are solely responsible for providing them without any support from the state. Very often national action plans have not addressed violence against women in a comprehensive, holistic way or been provided with sufficient financial and other resources to ensure their effective implementation Where there are examples of “good practice” these are not always available to all women because of geographical, budgetary, language or access restrictions or because they are only being run as pilot projects”.

Based on this evaluation the Council of Europe Working Group made recommendations to both the Council of Europe and its Member States focusing on violence against women which occurs in other social spheres such as rape or sexual aggression.

Finally, the Council of Europe Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence -CAHVIO), created in December in 2008 in order to prepare a European Convention, finalised in its ninth meeting in Strasbourg (18 to 21 January 2011) the text of the

³¹ Council of Europe 2009.

Convention of the Council of Europe on Violence against Women and its explanatory memorandum³². On 11 May 2011 it was signed by thirteen countries which included Spain, “Council of Europe Convention on preventing and combating violence against women and domestic violence”.

3.3. LEGISLATION AND STATE PLANS

In Spain, the *Organic Law 1/2004, of 28 December on Integral Protective Measures to Combat Gender Violence* entered into force on 29 January 2005, except for titles relating to criminal and judicial protection which entered into force on 29 June 2005.

Approval of this integral law has meant considerable progress in combating this social evil, having created a whole series of resources which have helped to improve protective and safety mechanisms and assistance to victims, as well as creating social awareness in respect of the severity and magnitude of this problem.

Thus, it is important to note that the Organic Law 1/2004 recognises a series of **rights of victims** of gender violence and their children, in order to ensure that they can put an end to the violent relation and recover their vital purpose. In order to make these known the Government Office for Gender Violence has published the “Guide to the rights of female victims of gender violence”³³.

This guide contains all the information on rights including the right to information, to integral social assistance, immediate social assistance, employment and social security rights (income for active reinsertion, a priority in access to protected housing and public residences for the elderly) and other rights (such as filing complaints, requesting a Protection Order in criminal proceedings) including a specific section on the rights of foreign women.

Furthermore, Organic Law 1/2004 establishes the creation of a comprehensive system of **institutional protection** in which the General State Authority through the Government Office for Gender Violence in collaboration with the State Watchdog for Violence against Women promotes the creation of public policies aimed at offering protection to victims of gender violence.

³² At the time of writing this Guide, the Convention Draft has been submitted to the Committee of Ministers who in turn have passed it to the Parliamentary Assembly. It is hoped that the Assembly will ratify the text in March and the Convention will be signed by the Committee of Ministers in May 2011.

³³ Available on the website of the Ministry of Health, social Policy and Equality in 12 languages including all the official languages of the Spanish state.

From an institutional perspective the following measures are worthy of note:

- Together with the Government Office for Combating Gender Violence³⁴, in order to ensure greater coordination in actions of the General State Authority and integral monitoring of the mechanism in place for integral protection on 27 February 2007, Coordination and Violence against women units were created in the Government Offices and Sub departments.
- The State Watchdog on Violence against Women is an associated inter-ministerial body attached to the Ministry of Health, Social Policy and Equality through the Government Office for Gender Violence, responsible for assessment, evaluation, institutional collaboration, reports or studies and proposals for action in gender violence matters³⁵.
- The Courts of Violence against Women have authority in the criminal and civil orders. In the criminal system they hear cases involving criminal liability for specific crimes committed when they have been perpetrated against someone who is or has been their spouse, or a woman who is linked or has been sentimentally linked in a relationship with the perpetrator, even if she has not cohabited with him; the adoption of protective orders and hearing and ruling on offences when the victim is one of the persons mentioned above. In the civil order they shall hear, among other cases, those of annulment of marriages, separation and divorce; those concerned with paternity, those pertaining to guardianship and custody of underage children or with alimony claimed in the name of such children.
- The Public Prosecutor in the Court of Violence against Women has an equivalent Section in each Public Prosecutor's Office of the High Courts of Justice and the Provincial Courts to which Public Prosecutors specialising in the field are attached. These prosecutors act in criminal proceedings in cases of crimes or offences which are attributed to the Courts of Violence against women, in addition to acting in civil procedures of annulment, separation or divorce, or concerned with the guardianship and custody of underage children in which the spouse or the children have alleged abuse.

This Organic Law presupposes an important change in that it saw the need to address the fight against violence in an integral manner however, even though the main regulatory framework for any action is

³⁴ Depends functionally on the Ministry of Health, Social Policy and Equality (MSPSI) through the State Office for Equality.

³⁵ Royal Decree 253/2006, of 3 March establishing the functions, operating regime and composition of the State Watchdog for Violence against Women de(BOE of 14 March 2006). Its reports may be consulted on the website of the MSPSI.

that of the State Public Authority the Autonomous Communities have also legislated on this issue as will be seen in the following section.

In addition to the Organic Law 1/2004, another legal text which is concerned with the fight against gender violence is the **Organic Law 3/2007, of 22 March for effective equality of men and women** (Law on Equality hereinafter) which indicates that one of the general criteria for action by public authorities is *“the adoption of measures required to eradicate gender violence, family violence and all forms of sexual harassment on grounds of sex”* (Title II. Cap. I. Art. 14.5).

It is also important to take into account that the fight against gender violence and the adequate protection of its victims requires not only adoption of specific regulations but also inclusion of provisions in those sector regulations where it is appropriate (social services, employment, health, public office, security, justice, etc.).

Together with the laws, different plans have been approved which address specific aspects of gender violence or which include provisions designed to combat this violence using different strategies.

Specific plans:

- The **National Plan for Creation of Awareness and Prevention of Gender Violence 2006-2008**, established in the Organic Law 1/2004, was designed to introduce *“in the social scenario new scales of values based on respect for fundamental rights and freedoms and equal rights between men and women, in addition to the exercise of tolerance and freedom within the democratic principles of coexistence all of which is from the perspective of gender”*. This Plan was approved by the Council of Ministers of 115 December 2006 with two aims: a) Improve the response to gender violence and, b) Ensure a change in the model of social relations. Fundamental agents in applying this plan include local authorities.
- The **Plan for attention and prevention in respect of gender violence in the foreign immigrant population 2009-2012**, the goals of which are to *“Create the appropriate conditions for addressing the problem of gender violence taking into account the specific circumstances of the foreign population in order to improve attention and prevention from a global perspective. In order to achieve this aim, any initiatives will take as a reference correction of two of the fundamental factors namely, on one hand cultural bias through provision of information, creation of awareness and consciousness raising, and on the other external supports through attention, advice and counselling and aid which will reinforce women’s rights. The measures*

employed, ed in addition to providing an improved response to violence will also facilitate integration of the foreign population in references of coexistence”.

- The Framework **Protocol for Special Attention to Children Exposed to Gender Violence** approved by mutual agreement in 2010 between the General Government Authority and the Autonomous Communities and the Cities of Ceuta and Melilla, establishes a set of measures based around three pillars of action in order to improve the care and protection of children living in an environment where gender violence exists.

Other plans:

- **The 2nd National Strategic Plan for Infancy and Adolescence 2006-2009**, approved by the Council of Ministers of 16 June 2006, contains different measures relating to underage children and gender violence.
- **The National Action Plan for Social Inclusion in the Kingdom of Spain 2008 – 2010** establishes various actions to create awareness, prevention and attention of gender violence.
- The **Strategic Plan for Equal Opportunities 2008-2011**, includes in its modes of action, a measure which is specifically concerned with gender violence, although its prevention is included in a transversal manner by means of specific measures in other areas (Education, Image, Attention to Diversity and Social Inclusion, etc.).
- **The Human Rights Plan**, approved by the Council of Ministers of 12 December 2008, includes “combating gender violence” as one of the areas of action specific to their integral activity, in addition to incorporating different measures of external action.
- **The 3rd Action Plan for Disabled Persons 2009-2012** is designed to promote autonomy so that the disabled are able to benefit from all the policies on equal opportunities. The plan contains goals and actions in an instrumental area (investigation, information and cooperation) and in the following areas: health, abuse and violence; social protection and justice (aimed at the most vulnerable in this group).
- **An Action Plan for equality between men and women in the Information Society (2009-2011)**, approved by the Council of Ministers of 18 December 2009, establishes within its 3rd Axis the goal of “Promoting access and use of ICT as tools in combating gender violence” (goal 3.3).

- **The first Programme of sustainable rural development 2010-2014**, framed within the objective of improving the socio-economic situation and the quality of life of populations in rural zones within the framework of environmental respect and the sustainable use of natural resources, contains actions for the protection, attention and promotion of services for victims of gender violence and the training of the public entities acting in this field.
- **The Action Plan for Development of the Gypsy population 2010 – 2012** establishes, amongst other measures, studies on gender violence affecting gypsy women.

3.4. AUTONOMOUS REGIONAL LEGISLATION

In response to the 1st Annual Report of the State Watchdog for Violence against Women (2007), which highlights the fact that legislative plurality of autonomous policies of the Autonomous Communities is reflected in the numerous regulations on violence against women, as national state laws coexist with autonomous legislation all of which have the same regulatory purpose.

Thus, some Autonomous Communities have developed regulations in this respect which affect the phenomenon of violence against women pursuant to the mandate of the Organic Law 1/2004, when it entrusts to the Autonomous Communities the task of organising and providing specific services and recognition of specific rights within their framework of competence. Nevertheless, some of these autonomous regulations provide an entry for other types of abuse such as employment, educational and social violence. All this should be taken into account when defining strategies for action in combating violence against women and specifically in the sphere of gender violence in the terms of Organic Law 1/2004³⁶.

³⁶ See Appendix I of this document.



4. RESOURCES FOR COMBATING GENDER VIOLENCE

4. RESOURCES FOR COMBATING GENDER VIOLENCE

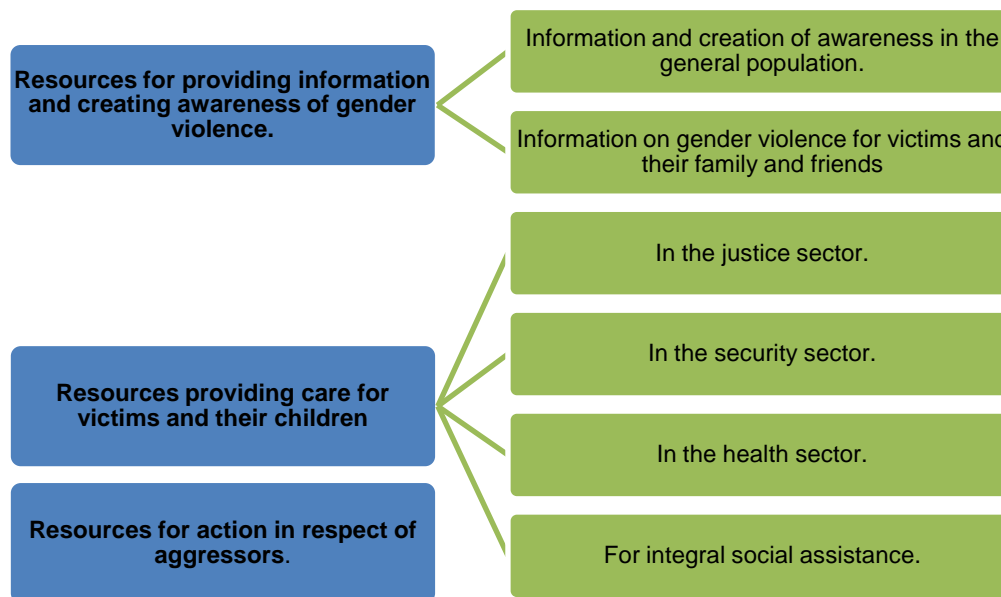
As has been seen, Organic Law 1/2004 recognises a series of rights for women and their children who are subjected to gender violence. In order to make these effective, different Public Authorities have set up the necessary services and resources.

The specific resources will depend on the Autonomous Community and the particular locality, therefore the general resources available and those set up at national level are considered.

The Organic Law 1/2004 promoted use of general resources and set up other more specific means, using every strategy available in order to combat gender violence. This chapter is devoted to the measures currently in place (2010) and mobilised mainly by Public Authorities

As this inter-sectoral Proposal is designed to act as a tool for professionals who will be involved at some point in the process, the following classification has been devised to place the resources in order

Figure 7. Resources against gender violence and designed to mitigate its effects.



The fact should be highlighted that women who are victims of gender violence generally gain access to resources when they have previously attested to their condition of victim. In this respect it is important to mention that there is no standardised system for accrediting a situation of gender violence among the various competent public authorities, nor in respect of access to the rights and services in question.

Pursuant to the terms of Organic Law 1/2004, the case of gender violence is attested by a protection order in favour of the victim and exceptionally, with the report of the Public Prosecutor containing indications that the woman is a victim of gender violence thus resulting in the issue of a protection order. Furthermore, various state regulatory provisions include the terms required to attest to a situation of gender violence situation, although practically all the Autonomous Communities usually inform and provide care to women who are victims of gender violence even when there has been any previous complaint.

4.1. RESOURCES FOR PROVIDING INFORMATION AND CREATING AWARENESS OF GENDER VIOLENCE

This section addresses institutional resources for providing information and creating awareness of gender violence among the population in general, and specifically aimed at its victims.

4.1.1. INFORMATION AND CREATION OF AWARENESS OF THE PUBLIC IN GENERAL

Initiatives seeking to provide information on the phenomenon and to facilitate personal and social involvement to combat gender violence which are aimed at the population overall and which will also help to change cultural attitudes leading to inequality. That is, the aim is to inform in order to prevent new cases, and to create awareness and increase commitment of the population in general³⁷. The main institutional initiatives in this respect are as follows:

³⁷ The Spanish Federation of Municipalities and Provinces and the Women's Institute published the *Guide for creating awareness and preventing violence against women from the perspective of local authorities* Folia Consultores (Coord.). (2007).

Information campaigns

Information is the basis for creating awareness, and in this respect the Organic Law 1/2004, includes in Title I, arts. 3 to 16, measures designed to *‘strengthen measures for creating public awareness and prevention providing the public authorities with effective instruments in terms of education, social services, advertising and the media’*.

These measures should be set up, taking into account the specific nature of each context and with an overview of the cultural diversity inherent in that environment. They should be aimed at both men and women, and ensure access of disabled persons to such measures.

The State and the Autonomous Communities, within their area of competence, carry out campaigns for creating awareness and providing information in an ongoing and accessible manner which analyses the phenomenon of violence in all its dimensions and emphasising the severity of the problem from the perspective of infringement of fundamental rights and perpetration of the crime assumed.

Some regional government equality plans include combating gender violence as a pillar of their main plan, in others specific plans have been designed and activities are always planned for the 25 November which is “International Day for Eradicating Violence against Women “ and the 8th March “International Women’s Day” when campaigns are run to highlight the importance of equal opportunities and therefore against violence.

Regulation of advertising and recommendations for communications media

The Organic Law 1/2004 has reinforced the current legal provisions in **advertising** matters designed to respect the dignity of women and the right to a non stereotyped image, which is non-discriminatory, irrespective of whether or not it is displayed in the public or private communications media.

Chapter II of the Organic Law establishes that illegal advertising is that which “uses a women’s image in a disrespectful or discriminatory way” requiring the public body responsible to take measures for ensuring that women are treated in accordance with constitutional values and principles without prejudice to any other actions carried out by different bodies. The law authorises the State Office for Gender Violence, the Institute for Women or any other equivalent body in the different Autonomous Communities, the Public Prosecutor’s Office and the associations dedicated exclusively to the defence of women’s interest to act before the courts in bringing cases of unlawful advertising in the terms of the General Advertising Law 34/1988, of 11 November.

The law goes on to require Public Authorities to ensure strict compliance with legislation in terms of protection and safeguarding of fundamental rights, especially the eradication of unfavourable conduct

leading to situations where women are placed in an unequal situation in all the social communications media. Finally, it indicates that dissemination of information on violence against women will guarantee, with corresponding informative objectivity, the defence of the human rights, freedom and dignity of women and children victims of gender violence.

In particular, article 13 of the aforementioned Organic Law states that “the Public Authority will promote self regulations agreements which together with preventive control mechanisms and effective out of court settlements of controversies will contribute e to compliance with advertising legislation”.

Communications and advertising professionals play an essential role in transferring values and principles for helping combat the phenomenon of violence against women in an effective manner. As part of this role they may take measures such as those listed below:

- Cooperation with advertising agencies in order to channel training of their professionals in equality and to set up awards for best practices in advertising.
- Amplification of the self regulating agreement in the sphere of advertising including criteria for out of court resolution of controversies.
- Agreement between bodies legitimised to exercise the action of cessation and rectification in order to guarantee a coordinated and efficient action.
- Amplification of the self regulatory agreement of television operators in matters of protection of minors in order to incorporate gender violence and discrimination on grounds of sex.
- Agreements with the Audiovisual Regulatory Authorities in order to establish collaboration procedures which will eradicate from programming and advertising direct or indirect incitement to gender violence.
- Promotion and dissemination of best practices in content and treatment of the news.

Some local councils are applying these measures in their own territories with local communications media or have reached agreements with the autonomous authorities in order to encourage these best practices.

Website with resources for support and prevention of cases of gender violence (WRAP)

Since 2009 a Digital platform has been implemented for Managing Knowledge of Gender Violence in order to provide a response to the need to systemise the collection, exploitation, analysis and diffusion of information on gender violence.

The first module of the Platform, which has been accessible since July 2010, is the Resources Website for support and prevention in cases of gender violence (WRAP), which is an integrated service in the Secretary of State for Equality web site which provides active maps indicating the different resources (police, courts and information attention and advisory services) that the public authorities and social organisations have made available to the public and victims of gender violence.

4.1.2. INFORMATION FOR VICTIMS OF GENDER VIOLENCE AND THEIR SOCIAL CIRCLE.

The Organic Law 1/2004 in Chapter I Title II, “**Right to information, integral social assistance and free legal aid**” and specifically article 17 contains a guarantee of the rights of victims and indicates that “all women who are victims of gender violence irrespective of their origin, religion or any other condition or personal or social circumstances, are ensured all the rights recognised in this Law” and furthermore, it indicates that “ information, comprehensive social assistance and legal aid to victims of gender violence in the terms regulated in this chapter contribute to making real their constitutional rights to physical and moral integrity, to freedom security and equality and non-discrimination on grounds of sex.”

Article 18, relating to measures set up to guarantee the right to information indicates that women victims of gender violence have the right to receive comprehensive information and advice adapted to their personal situation through the services, organisations or offices provided by the Public Authorities.

That is, they have the right to be informed on a permanent basis by persons or services through any means appropriate or available, however in addition the following information services have been designed with these women and their family circle in mind:

The 016 telephone service providing information and legal advice on gender violence matters

The service consists of a free telephone helpline providing information and advice on gender violence 24 hours a day for 365 days a year, which is accessible from every location in national territory.

Attached and answerable to the Government Office for Gender Violence, this helpline provides information and specialised legal advice on gender violence matters. It was created with a view to ensuring the right to information and adequate advice on the personal situation of gender violence victims throughout national territory, irrespective of their place of residence.

The service includes: transfer of emergency calls to 112; coordination with similar telephone services in the Autonomous Communities, where these exist; information for women who are victims of violence along with their close family on how to act in a case of abuse, as well as resources and rights of victims, (employment . social services, financial assistance, aid, shelter etc.).

Callers are attended in the four official Spanish languages in addition to a further 47 languages.

This service also provides another telephone number 900 116 016, for the hard of hearing and people with speech impairment. In order to ensure full access to the service it can also be obtained through the following forms of media access: Telephone text (DTS); mobile telephone or PDA (in both cases these should be previously set up with the TOBMOBILE application³⁸).

Information instruments proper to the Autonomous Communities

Some Autonomous Communities, in addition to having their own telephone information service coordinated with the 016 number³⁹, also provide one to one personal service. With their different names or titles these Information Centres, Women's Guidance and Attention or specific resources for Gender Violence, always include in their services provision of information on resources with regard to gender violence. These resources are designed to inform women of their rights, provide them with guidance and advice in carrying out any formalities required, and advise them of all the public or private resources available to them.

³⁸ The TOBMOBILE application is provided free at : www.telesor.es

³⁹ At the present time, all the Autonomous Communities with the exception of four, have implemented agreements for transfer of the 016 service.

4.2. RESOURCES PROVIDING ATTENTION TO VICTIMS AND THEIR CHILDREN

4.2.1. RESOURCES IN THE AREA OF JUSTICE

One of the governing principles of the Organic Law 1/2004 is to strengthen the criminal and procedural framework in place in order to ensure integral protection to victims of gender violence from the perspective of the courts, .

In order to achieve this, the Integral Law amended the Penal Code with respect to suspension and substitution of penalties, the committing of crimes during suspension of the penalty, protection against injuries, against abuse, against threats and against coercion, the transgression of the sentence and protection against ill treatment.

Furthermore, civil procedural regulations were established, amending the Law on Civil Procedure 1/2000, of 7 January and penal procedural regulations amending the Law on Criminal Procedure; the law established Judicial Measures for Protection and Safety of Victims; the Courts of Violence against Women were created and these began operating on 29 June 2005 with competence which may be exclusive; the role of Public Prosecutor for Violence against Women was created; and the creation of Integral Forensic Assessment Units were contextualised.

a) Immediate legal aid

Legal aid for victims is automatic without any prior need for proof of insufficient income.

Article 20 of the Organic Law 1/2004 guarantees women victims of gender violence legal aid which is free and specialised, granted immediately in all legal and administrative procedures dealing directly or indirectly with the violence suffered, without prejudice to the fact that should their right to free legal aid subsequently fail to be recognised they shall be required to remunerate the lawyer and court representative when they act in proceedings for their services.

In particular, in the case of providing legal advice, defence and legal aid to women victims of gender violence it will be guaranteed to all those who request it, proceeding immediately to the appointment of an on- duty legal aid lawyer who specialises in defence of gender violence victims as established by the respective Law Associations .

Having been appointed as legal aid lawyer of the victim in question he/she will inform her of her rights to request free legal aid, and the requirements for eligibility (which includes insufficient funds for bringing a court action, which in general means that the income of the victim does not exceed twice the Public Indicator for Multiple Effect Income) and she will be assisted, if necessary in completing the application forms and she shall be advised that should she subsequently be found ineligible for free legal aid she will be required to pay the corresponding legal fees in the case.

Furthermore, it is indicated that in order to make effective the right to immediate and specialised legal aid, on the 3 July 2007, the Technical Committee of the Judicial Police approved the “Protocol for Action and Coordination of the State Security Forces and Lawyers in respect of Gender Violence” in order to ensure and homogenise legal aid services when formulating and submitting a complaint and an application for a protection order; to improve the police services in respect of women victims; to improve the police witness procedure and to establish general guidelines for providing information and assistance to victims both in judicial matters and with regard to the possible social services to which they are entitled.

The Protocol offers guidelines for provision of immediate and specialised legal aid by Law Associations and establishes the parameters which should guide the action of the lawyers assigned by duty rota to assist gender violence victims, which include the following:

- The requirement to be available at all times, in the form and conditions established by each law association.
- The lawyer may not leave the territory where he or she is required to provide legal aid to victims who have requested assistance.
- As soon as the lawyer is contacted from a police station or court and called to assist a victim of gender violence he/she shall go as rapidly as possible to the place where the victim is located and inform his/her client of her rights to request free justice and the requisites for its recognition, assisting, if necessary, in completing application forms.
- The lawyer assigned, prior to formulating a complaint or application for a protection order shall interview the victim in private.
- If the victim, following the advice received, decides to file a complaint and apply for a protection order, the lawyer will assist her in doing so and if appropriate will request specific penal and civil protective measures.

- And his or her legal advice shall include full information on the different modes of protection, the appearance of the victim in the proceedings and the consequences as well as her rights.
- Thus, women who are victims of gender violence shall be guaranteed the right to immediate legal assistance 24 hours per day which will be free when the victims can attest to having insufficient income to pay their legal fees.

b) Protection Order

As a general rule, the Protection Order is adopted by the Court of Violence against Women without prejudice to the authority attributed to the Court sitting during rota duty. It may be decreed by the Judge or at the request of the victim, a relative or the Public Prosecutor.

The protection order is a court ruling which, in a single document, contains cautionary measures of a penal and civil nature designed to help a woman who is a victim of gender violence and, if appropriate, her children, and at the same time it activates the mechanisms of social protection set up by the Public Authorities to assist the victim⁴⁰.

Criminal measures may include, among others, prohibiting the aggressor from residing in a specific location, issuing a restraining order prohibiting him from approaching the victim and/or her family members or other persons to be established by the Judge or prohibiting the aggressor from communicating with the victim and/or her family members or other persons through any means: by letter, telephone etc.

In turn, civil measures which may include the establishment of use and enjoyment of the home, furniture and domestic appliances and goods, the attribution of guardianship and custody of children who are minors, suspension of the exercise of parental authority, suspension of the visiting rights and those of communication and residence with the father of the children or ordering the manner in which these must be carried out, or establishing the provision of alimony.

The duration of civil measures is 30 days; therefore, prior to the end of this term it is necessary to initiate the family procedure- separation, divorce, annulment or measures affecting the children. In this case, the measures will remain in force for 30 days following filing of the complaint and within this period the civil judge shall be required to decide whether or not these shall remain in force.

⁴⁰ The application form for a protection order is available in 9 languages on the web site of the Ministry of Health, Social Policy and Equality and the State Office for Equality (www.migualdad.es).

The article regulating the Protection Order (544 ter.) was included in the Law on Criminal Procedure through the Law Regulating the Protection Order for victims of Domestic Violence 27/2003, of 31 July, partially amending the Law on reform of procedural legislation for introducing a new Judicial office 13/2009, of 3 November which states as follows:

1. The investigating judge shall issue a protection order for victims of domestic violence in cases in which there were proven indications that a crime or offence had been committed against physical or moral integrity, sexual freedom, freedom or safety of any of the persons mentioned in article 173.2 of the Penal Code, results in an objective situation of risk for the victim which requires adoption of some of the protective measures regulated in this article.

2. The protection order shall be agreed by the sitting judge or the judge of first instance of the victim or person related to her in one of the ways indicated in the previous section, or the Public Prosecutor.

Without prejudice to the general duty to file a complaint in article 262 of this law, the bodies or aid agencies, albeit public or private, who were aware of any of the cases mentioned in the previous section should immediately inform the Duty Judge or the Public Prosecutor in order to initiate proceedings to issue a protection order.

3. The protection order should be applied for directly to the court or the Public Prosecutor or to the Security Forces ⁴¹, victim assistance offices, or social services or aid agencies attached to the public authorities.

Said application should be sent immediately to the authorised judge in the case. Should there be any doubts regarding the territorial competence of the judge, the procedure for issue of a protection order should be initiated and resolved by the judge receiving the application without prejudice to this subsequently being submitted to any proceedings by another competent official.

Social services and the agencies referred to above will assist the victims of domestic violence requiring help in requesting a protection order, providing them with the necessary information and forms, and if appropriate remote communication channels with the Justice Authority and the Public Prosecutor.

4. Having received the protection order the duty judge, in the cases mentioned in section 1 of this article, will convene an urgent meeting with the victim or her legal representative the applicant and the alleged aggressor, assisted, if appropriate, by a lawyer. The Public Prosecutor will also be convened.

⁴¹ Guardia Civil Protocol in the event of protection order <http://www.guardiacivil.org/mujer/ley2.jsp>

This hearing may be substantiated simultaneously with that established in article 505 when its convocation is appropriate, with the hearing regulated in article 798 in those cases processed in accordance with the procedure established in Title III of Book IV of this law or, if appropriate, with a summary trial. When, as an exception, it is not possible to hold the hearing during the duty turn, the Judge before whom the application was submitted will convene the hearing as soon as possible afterwards. In any case the hearing should be held within a maximum term of seventy two hours from the time of submitting the application.

During the hearing the Duty Judge will take the appropriate measures to avoid any confrontation between the alleged aggressor and the victim, her children and any other members of the family. To this effect the judge will ensure that their declarations will be made separately in the hearing.

Following the hearing, the Duty Judge will rule on the case, issuing a pronouncement on the application for the protection order and for the content and duration of the measures included in the order. Without prejudice to this fact, the Investigating Judge may, at any time during the proceedings, adopt the measures established in article 544 bis.

5. The protection order confers on the victim of the actions mentioned in section 1 a comprehensive protective statute which will include the civil and criminal cautionary measures contained in this article and any other measures for social assistance and protection established in the legal system.

The protection order shall be deemed valid before any authority and administrative body.

6. Cautionary measures of a criminal nature may consist of any of those measures established in criminal procedural legislation. Their requirements, content and duration will be those established as a general rule in this law. They shall be adopted by the investigative judge according to the comprehensive and immediate protection needs of the victim.

7. Civil measures should be requested by the victim or her legal representative or by the Public Prosecutor when there are underage or incapacitated children, provided that they have not been previously agreed by a civil court and without prejudice to the measures established article 158 of the Civil Code. These measures may consist of the attribution of use and enjoyment of the family home, determining the custody and visiting rights communication and length of time spent with children, provision of alimony, as well as any other provision deemed appropriate in order to prevent and avoid and danger or harm to the child.

The civil measures contained in the protection order will have a temporary validity of 30 days. If within this term the victim or her legal representative were to lodge a family process before the civil courts the

measures adopted will remain in force for thirty days following presentation of the claim. During this term the measures should be ratified, amended or rendered ineffective by the judge of first instance authorised to hear the case.

8. The parties shall be notified of the protection order and the Clerk of the Court shall immediately inform the victim in an integral manner and the competent public authorities in order to adopt the appropriate protection measures albeit for safety or social, health, psychological aid or any other type of assistance needed. For this purpose a regulated administrative coordination system will be set up to ensure the flexibility and efficacy of these notifications.

9. The protection order will imply a duty to keep the victim apprised of the procedural status of the defendant and the scope and duration of the cautionary measures adopted. In particular, the victim shall be informed at all times of the penitentiary situation of the alleged aggressor.

To this effect the penitentiary authority shall be informed of the protection order.

10. The protection order shall be recorded in the Central Register for Protection of Victims of Domestic and Gender Violence.

11. In those cases in which during the criminal proceedings in progress a situation of risk arises for any of the persons involved with the perpetrator, as a result of any of the relations indicated in section 1 of this article, the Judge or the Court hearing the case may issue a protection order in accordance with the terms of the previous sections.

If the victim voluntarily decides to return to live with the aggressor with a protection or restraining order in force, what is known as “consented breach” occurs.

It is important to lodge a complaint in respect of this breach because the victim is placing herself in a risk situation of which she may or may not be conscious.

When these cases are reported (by any person) to the court or the Public Prosecutor or the Security Forces, the aggressor may be condemned for committing the crime of breaching his conviction.

c) Courts of Violence against Women

The **Courts of Violence against Women** have been one of the most important innovations introduced by the Organic Law 1/2004 of 28 December on Integral Protection Measures to combat Gender Violence. The first courts were created and set up as a result of Royal Decree 233/2005, of 4 March and

the Order JUS/1037/2005 of 19th April and are regulated (as all courts are) in the Organic Law of the Judiciary and the Law on Judicial Demarcation and Organisation.

These are specialised courts contained within the system criminal justice and they exercise penal and civil authority which may be compatible (the courts of first instance and enquiry combine gender violence cases with those of the penal or penal –civil system) or exclusive (they hear only gender violence cases). The Integral Law provides for an exclusive court or one compatible in each judicial area.

Regulated in Title IV article 45, the Integral Law stated in its Explanation of Grounds that:

“These Courts will hear the evidence and, if appropriate, will rule on the criminal case in matters of violence against women along with any related civil cases so that either type of case will be heard in first instance by the same court. This will ensure that the constitutional mediation of the due penal process in that the fundamental rights of the alleged aggressor enter the issue, without this reducing in the least the legal possibilities available under this Law for the best most immediate and effective protection of the victim, as well as the resources for preventing repetition of the attack or the escalation of violence”.

That is, one of the advantages is to permit that the same Court hears all the complaints filed by a woman who is a victim of gender violence, even in the event that such complaints are lodged on different dates, which enables the Court to gain an overview of the relation between the aggressor and the victim.

Another advantage is that they are specialised bodies and their presiding judges are required to undergo additional training. In order to create specific courts judicial protection needs to be specialised in these cases.

d) Public prosecution of Violence against Women

The Organic law has also created the role of **Public Prosecutor of Violence against Women** who as court prosecutor exercises the following duties which become part of article 18 of the Law 50/1981, of 30 December regulating the Organic Statute of the Office of Public Prosecution.

- Carry out enquiries referred to in article 5 of the Organic Statute of the Office of the Public Prosecutor and intervene directly in those criminal proceedings which the State Public Prosecutor considers to be of particular significance, referring to crime of gender violence included in article 87 te.1 of the Organic Law of the Judiciary.

- Intervene, having been delegated to do so by the State Public Prosecutor in civil proceedings included in article 87 ter.2 of the Organic Law of the Judiciary.
- Supervise and coordinate action of the Sections for Violence against Women, and compile reports thereon, informing the Chief Public Prosecutor of the Public Prosecution departments to which they belong.
- Coordinate the criteria for action of the various public prosecutors in matters of gender violence, for which purpose a proposal may be made to the State Public Prosecutor to issue the appropriate instructions.
- Draw up and submit on a six monthly basis to the State Public Prosecutor a report to be submitted to the Board of Public Prosecutors of the Supreme Court and t the Prosecution Council listing the procedures followed and actions taken by the Public Prosecution Office in matters of gender violence.

Sections devoted to gender violence were created in the Public Prosecution Department of the National Court, in each public prosecution department of the High Courts of Justice and- in particular affecting local bodies- in all the Provincial Courts.

The purpose of these Sections is to act in penal and civil procedures which are the competence of the Courts of Violence against Women.

In all cases in which a local, provincial or autonomous action protocol is carried out against gender violence, the participation of these delegated Public Prosecutors specialising in gender violence should be considered in the Provincial Courts⁴²

It is appropriate to recall that one of the duties of the Public Prosecution Service is to protect victims. Any person wishing to give notice of a case of gender violence is able to approach the Public Prosecution Service and this department will in turn make the necessary enquiries, following which it shall evaluate whether or not to file a complaint irrespective of what the victim decides⁴³.

⁴² The procedure for approval of the participation of the Public Prosecutor delegated to gender violence in a protocol for action is the first reviewed by the Chief Prosecutor of the Province and subsequently it is signed by the Court Prosecutor .

⁴³ The procedure for approval of participation of the Public Prosecutor delegated to gender violence in the action protocol is that firstly it should be reviewed by the Chief Prosecutor and subsequently signed by the Court Prosecutor.

The complaint permits initiating the judicial procedure and when this has been initiated the victim will be cited as a witness. If the victim has lodged a complaint and requested legal aid, she shall be entitled to this and her testimony will be important.

If the victim retracts or withdraws the complaint or during the judicial proceedings, they shall continue provided that the public prosecutor has ascertained that there is a basis for this. Although her testimony will not be available the judge may rule on the remainder of the evidence (the police enquiries, the medical report, other witnesses etc.).

The Public Prosecution Service may request a Protection Order which if it is upheld may include measures to restrain the attacker. Although the victim does not wish the aggressor to be ordered to keep a distance, if the Public Prosecutor considers that there is any risk the procedure will continue so that this Order will be issued.

e) Integral Forensic Evaluation Units

The Ministry of Justice or the competent bodies in the Justice Departments of the Autonomous Communities⁴⁴ create Integral Forensic Evaluation Units within the framework of the Integral Law which indicates that: “The Government and the Autonomous Communities which have assumed authority for justice, shall organise within the scope according to each forensic services so that they are provided with integral forensic evaluation units responsible for designing overall and integral action protocols in cases of gender violence”. To summarise, they are a condition for ensuring the quality of the court response (Domestic and Gender Violence Group attached to the General Council of the Judiciary 2008).

The Ministry of Justice structures these Units as:

- Multidisciplinary teams comprising at least one person from the following specialities: Forensic Medicine, Social Work and Psychology.
- Attached to Legal Medicine Institutes.

These units provide service to the Violence Courts however they are not specific to gender violence cases as they also issue reports for the family courts, for example.

⁴⁴ In the territory within its competence the Ministry of Justice deals with UVFI in all the provincial and island capitals.

They presuppose an important advance because they provide the possibility of using forensic medicine, psychological and social examinations of the persons implicated in the case in a joint or integrated manner, thus gaining detailed information not only on the physical and mental state but also the psychological state of the victim, and also the perpetrator and in addition any people who have been witnesses. This is important because from a judicial perspective this permits:

- Determination of whether the victim is being “mentally affected” this being the concept that is used by article 153.1 of the Penal Code in order to classify so called psychological abuse as a crime. Without that element the crime cannot be determined or, if appropriate, the corresponding civil liability.
- The degree of psychological damage of specific witnesses, such as for example, the victim herself or children and the form that this damage takes, if it exists, may influence the credibility of their testimonies in the procedure.
- In the case of the active subject it is possible to determine:
 - ◆ Whether there is any circumstance which would exempt or mitigate criminal liability such as mental deficiency or anomaly or the heat of passion, all of which are contained in articles 20 and 21 of the Penal code.
 - ◆ If the aspects of their "psyche" recommend, during the procedure, the adoption of any of the cautionary measures considered in the Organic Law 1/2004.
 - ◆ The most appropriate measures for re-education or other programmes or treatment, to be imposed on the perpetrator convicted for these crimes in the case of conditional substitution or remission of the penalty of prison custody which had been ordered.

In a similar manner the General Council of the Judiciary GCJ (2008) determines three pillars for this forensic evaluation: people, taking into account women and children living in the same home as the aggressor; the study of the physical, psychological and social consequences, and the circumstances and facts, in order to evaluate the effects of specific attacks and the situation of continued violence.

In order to avoid the repetition and duplication of reports and as a result, secondary victimisation of women and their children, the GCJ recommends that the requisite examinations or explorations be carried out following submission to the Court of the social or psychological reports that have been compiled by the corresponding Social Services or local Women’s Aid centres or any other agencies which are treating or have been treating women and their children.

The risk evaluation carried out by these different teams is fundamental to the court proceedings.

Alongside the set up of these Units in support of the Violence Courts a "**Protocol for Treatment and Integral Forensic Action for gender and domestic violence**" has been established adapted to the Organic Law 1/2004.

f) Crime Victim Aid Offices

Crime Victim Aid offices are located in the courts and are concerned with all victims of crime however, preferentially, those who have been victims of violence resulting in death, serious injury or damage to physical or mental health, as well as victims of crimes against sexual freedom, albeit direct or indirect victims. By dedicating their time to indirect victims these offices may assist families of the victims or any persons in their charge as well.

Despite the fact that they are not a specific resource, they do provide special treatment to gender violence⁴⁵ They are a free public service set up by the Ministry of Justice in accordance with the Law on aid and assistance to victims of crimes of violence and against sexual freedom^{35/1995}, of 11 December. They are attached either to the Ministry of Justice or the corresponding Departments of Justice in the Autonomous Communities authorised in this matter⁴⁶.

In general they are attended by officials or employees of the Justice Authority and in some cities by an interdisciplinary team (psychologist and social worker).

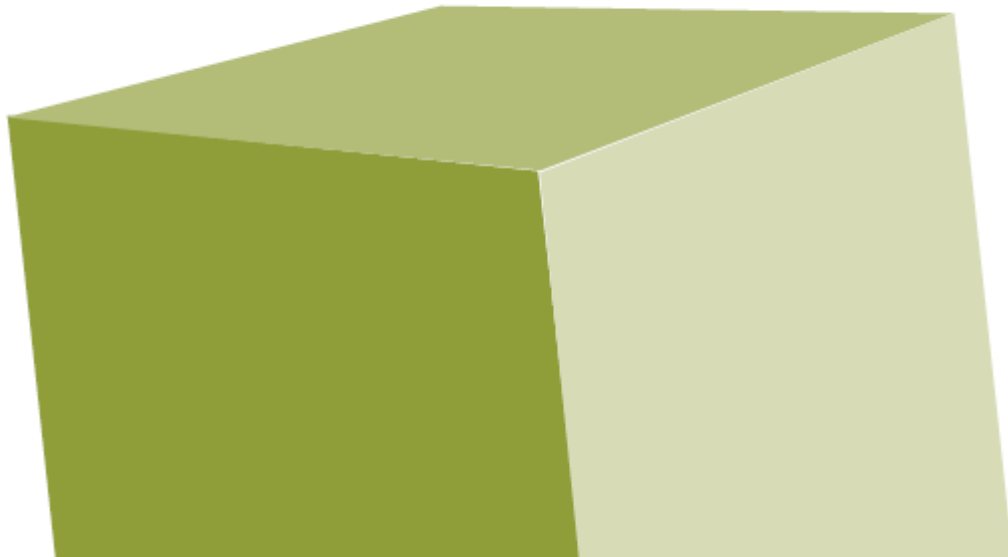
In addition to supporting coordination between the institutions involved (Justice system, Public Prosecution Service, Security Forces, Autonomous Communities, Local Councils, Associations etc) these Offices liaise with the Law Associations in cities where these exist. The persons to whom this service is offered are provided with:

- Information on their rights and in order to prevent any lack of protection following the crime.
- Information on criminal complaints, where to file them, guidance on their content and form as well as the Court proceedings involved.

⁴⁵ For example, the web page of this Office in Barcelona states that “the main activity consists of providing advice on women’s fundamental rights when filing complaints and taking part in the court proceedings should they take legal action. They also coordinate and monitor the protection orders issued for victims of domestic violence in Barcelona”.

⁴⁶ their location may be consulted on the Ministry of Justice website

- Accompaniment should this be required at the court enquiries.
- Information on financial assistance to which they may be entitled as a result of the crime, as well as processing the formalities at the Treasury Ministry.
- Information and guidance on existing social resources.
- Support for access to medical, psychological, social and legal criminological treatment of crime victims who, given their circumstances, find themselves in a situation which could be considered a potential risk.

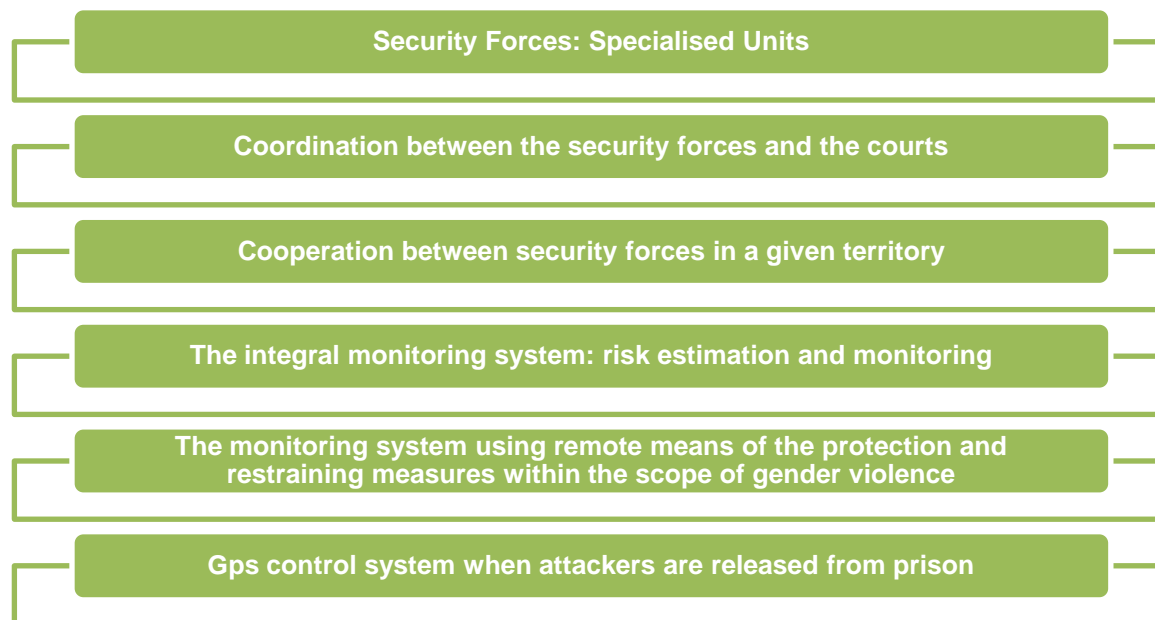


4.2.2. SECURITY RESOURCES

One in every three women will firstly seek help from the “police or the Courts” in the event of suffering gender violence⁴⁷.

Victim protection is a transversal criterion throughout the process and for this reason the Authorities have set up the following resources.

Figure 8 Resources for the safety of victims and their families



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The Security Forces, both the National Police and the Guardia Civil, Autonomous Regional Police or Local Police Forces. have their own functions and duties in ensuring the safety of citizens, and in the case of gender violence they provide areas of confidence for victims.

⁴⁷ (Government Delegation for Gender Violence, 2009)

In addition, the National Police Force, the Autonomous Police and the Guardia Civil are responsible together with the courts for receiving complaints⁴⁸, thus the following are important:

- a) the importance of ensuring the necessary resources for immediate legal aid to the victim as established in the Integral Law in order file a complaint.
- b) That the personnel and structure of the Security Forces are sufficiently qualified to deal with victims and to evaluation the situation and the processes in which they are involved.

Below information will be provided on other services and specific tools for combating gender violence:

a) Security Forces: Specialised Units

The Organic Law 1/2004 promoted the organisation of specialised units both in the National Police Force and the Guardia Civil answerable to the Organic Units of the Judicial Police (OUJPs). The Protocol of the Secretary of State for Security (2005) states that “the presence of public officials who specialise in the treatment of gender and domestic violence in all departments of the Security Forces, in addition to specific training in instruments and indicators for evaluating risk”.

Within the **Guardia Civil** the Female Minors Team (EMUME) was created in 1995 in order to address violence in the family in all its forms (from psychological abuse to injuries and homicides); crimes against sexual freedom, and aggressions and sexual abuse outside and within the family circle; crimes relating to juvenile delinquency and criminal acts relating to human traffic for the purpose of sexual exploitation and child pornography through internet. EMUME personnel can be found in provincial capitals, (Investigation Departments) and in municipal districts (Territorial Teams). As part of their duties they provide telephone advice to the Territorial Units of the Force (Stations) on their own initiative or in response to consultations. If necessary they take on the criminal investigation and provide personal assistance to victims.

The **National Police Force** under the auspices of the Judicial Police created a Family Aid Service (SAF) in 2007 based on the union of two specialised units: the Women’s Aid Service (SAM) and the Children’s Group (GRUME) which were set up in 1986. In this way in police stations as a specific department of the Judicial Police Brigades specialised professionals both men and women belonging to different levels of the National Police Force receive the complaints relating to gender violence, child victims of any kind of abuse and crimes against sexual freedom to name just a few.

⁴⁸ As will be seen later, progress has been made in enabling the Local Police Forces to exercise some of these functions.

There is a Central SAF and a Central EMUME each with their own staff, who are responsible for monitoring the cases, assisting territorial units and intervening directly as required, and they provide information and liaise with the other Public Authorities.

In addition to the National Police Force, there are also Prevention Units, Assistance and Protection against Abuse of Women (UPAP) which are located in all Police Stations and these are equipped with specialised police officers. They do not have judicial duties (crime investigation) but are concerned with risk assessment, monitoring, coordination and structuring of victim protection services.

The **Autonomous Regional Police Forces** (in the Basque Country, Navarra and Catalonia) and the **Local Police** ⁴⁹ have also set up their own quality systems and specialised programmes for dealing with the phenomenon.⁵⁰

b) Coordination between the security forces and the courts

When a complaint is filed, all the mechanisms for protecting the victim are set in motion and the Organic Law 1/2004 promotes coordination of the Security Forces with the Courts.

In effect in 2003, the Protocol for implementing the Protection Order for Victims of Domestic Violence was approved, which was followed by the **Protocol for Action of the Security Forces and coordination with the Courts for protection of victims of Domestic and Gender Violence** of the Secretary of State for Security (2005).

In said document, coordination procedures were set up between the Security Forces and the Courts in each phase of the project.

As general criteria it was established that:

“Any criminal complaint in matters of gender or domestic violence or any application for a protection or safety measure for victims filed at the police station, should be processed without delay through any urgent and safe channel set up for this purpose, including remote means, and submitted to the competent Court accompanied by the requisite police report, irrespective

⁴⁹ As may be seen in another section the local police may act as judicial police if the corresponding agreement is signed, within the framework of (FEMP) on 20 February 2007.

⁵⁰ By way of example on the official web pages of the autonomous police forces information is provided on the quality systems set up for procedures (Ertzaintza) and on the services charter (Mossos d'Esquadra).

of whether or not it is processed through ordinary proceedings or through the special "fast track trials" as appropriate. In cases of gender violence, the judicial authority will be the appropriate Court of Violence against Women depending on the domicile of the victim. Only in the case that it is not possible to make use of a Court of Violence against Women will authority pass to the Court of Enquiry on duty in the place where the actions were committed or, if appropriate, the place of the application. In order to hear the case, the parties shall be summoned before the corresponding court and simultaneously before the competent Court of Violence against Women.

In any case it has been established that the Judicial Police will keep the Court and the Public Prosecution Service, and if appropriate, Victim Aid Offices, informed at all times of any incidents of which they are apprised and which may affect the content or the scope of the protective measures adopted; and the Court in turn shall keep the Security Forces and the Public Prosecution Service informed in a similar manner (State security office-Ministry of the Interior, 2005).

In order to optimise communication between the courts and the Security Forces, the submission of the data by the courts through the **Central Register for the Protection of Victims of Domestic Violence** ⁵¹ which contains record of the penalties and security measures imposed in judgment for crimes or minor offences, cautionary measures and protection orders agreed in criminal procedures in process, against any of the persons referred to in article 173.2 of the Organic Law 10/1995 of 23 November of the Penal Code and in addition the recording of breaches of any conviction, measure or protection order agreed in said criminal proceedings.

c) Cooperation between security forces in a given territory

The Ministry of the Interior and the Spanish Federation of Municipalities and Provinces (FEMP) have progressed in collaborating and cooperating with the Security forces in order to ensure adequate **reciprocal communication of information and risk assessment** in order to set up the appropriate measures, mainly for protection of the victim and her family.

In this respect both entities signed an initial protocol – The Protocol for Collaboration and Coordination between the State Security Forces and the Local Police Force in matters of protection of victims of domestic and gender violence of 13 March 2006- which was designed to “optimise human resources

⁵¹ Currently regulating pursuant to Royal Decree 95/2009 of 6 February governing the System of administrative registers in support of the Administration of Justice (BOE no. 33 of 7 February 2009).

and materials of the existing Security Forces in the corresponding municipal term in order to ensure effective compliance with the court protection measures for victims of gender violence, pursuant to the terms of article 31.2 of the Organic Law 1/2004”.

This protocol provided the framework for the impetus for **Local Security Bodies**⁵² (which had been created in 1986 through Organic Law 2/1986 of 13 March on State Security Forces) which established in an Act ⁵³ the forms and procedures for collaboration coordination and optimisation of resources; the criteria for intervention and the division of functions; procedures for communication and information; mechanisms for coordination and collaboration with other public and social resources. In each Local Security Board a Police Liaison team is set up to form a structure which will ensure the application and monitoring of the agreements adopted.

In the municipal districts where there is no Local Security Board the Protocol planned a Police Coordination Committee comprising the police personnel responsible for the security Forces in the municipal district.

The Protocol established a maximum of 24 hours for the reciprocal exchange of information between the Security Force territorially authorised in the territory and the corresponding Local Police Force.

The following year progress was made in the same area with the “Framework Agreement for collaboration, cooperation and coordination between the Ministry of the Interior and the Spanish Federation of Municipal Districts and Provinces in matters of civil security and road safety” (2007). The Convention set a goal to establish the general regulatory framework for an improved and effective participation of FEMP and local bodies in the design, execution and development of civil security and road safety policies within their territorial scope. This required setting up mechanisms for operational participation and coordination between the State Security Forces and the Local Police Forces acting in the same municipal district.

This Framework Agreement gave rise to "Typical Agreements" to be used as models for drawing up Bilateral Agreements for adhesion of municipal districts.

⁵² Organic Law 2/1986, of 13 March on the Security Forces and Royal Decree 1087/2010, of 3 September approving the Regulation governing Local Security Bodies.

⁵³ The Acts are sent to the Secretary of State for Security which forwards them to the Commission monitoring implementation of the Protocol. This Commission comprised representatives of the Ministry of the Interior -Secretary of State for Security- and the Spanish Federation of Municipalities and Provinces. It was replaced in 2007 by the State Commission for Local Security created within the framework of the Convention of that date, and jointly presided over by the President of FEMP and the Secretary of State for Security with parity of representatives of the state and FEMP.

In the Framework Agreement there are further developments in the local Security Bodies⁵⁴ describing the Local Safety Plans which should include Action Plans for "joint and planned police action of the Security Forces within the scope of the municipal district in addition to their coordination with other professionals and public services involved in the light of problems which give most cause for concern in the respective Local Community".

This agreement also emphasises the exchange of information between organisations and institutions and states that the "Ministry of Interior and the FEMP will adopt specific measures to ensure that the Local Police are integrated in the national system of Police Databases through signature of the corresponding Protocols between the Ministry of the Interior and the respective Local Councils".

An important innovation is the fact that on the basis of this agreement, **the Local Police may participate in the duties of the Judicial Police**, on some issues including those relating to gender violence, both in terms of receiving complaints and the investigation of events. In order to make these functions effective, the local councils have to sign bilateral Agreements of adhesion to the Ministry of the Interior which include details of:

- The precise list of issues on which the Local Police will act and the specific responsibility it will assume in relation to each of these issues.
- The forms, procedures and terms of specific communication of information to the appropriate national security forces on the actions carried out by the Local Police in these matters, pursuant to the terms of article 53.2 of Organic Law 2/1986 on the Security Forces, as well as procedures for transferring enquiries and information to the competent National Security Forces when and as appropriate.
- A copy of the report on enquiries made by the Local Police shall always be submitted to the State Security Forces in accordance with the protocols established. And an information procedure will be set up by the Local Police for channelling information to the person responsible for the respective unit of the National Security Force with authority in the territory.
- Pursuant to the terms of article 52.3 of the Organic Law on the Security Forces, the Government delegates or sub delegates in attention to the list of public officials submitted by the respective Mayors of local Councils shall authorise the components of the Local Police

⁵⁴ The Autonomous Communities are incorporated irrespective of whether or not they have their own Police Force.

Forces of the aforementioned local councils, for non uniform action with respect to matters contained in the respective bilateral Agreements.

As the Parliament Equality Commission suggested (9 November 2009) in January 2010, the “Manual of Best Police Practices” was approved, which serves as a reference for all the Police Forces (national, autonomous regional and local) and provided the impetus for the “European Manual on Best Police Practices for combating violence against women” approved by the Council of the European Union in June 2010, as one of the measures set up during the Spanish presidency of the Union.



d) The integral monitoring system: risk estimation and monitoring

Both in order to set up preventive strategies and to protect victims, it is necessary to ensure that the Security Forces - and if possible all those involved - acting in the same area are apprised of the requisite information regarding the risk level assumed by some women, the processes in place based on the complaints filed, and the protective measures of women in force.

All this is facilitated through the collaboration, cooperation and coordination established in the aforementioned Framework Agreement entered into by the Ministry of the Interior and FEMP in 2007, however, in this section there is a focus on the specific mechanisms and resources which facilitate shared information whilst at the same time ensuring the rights of victims.

The Ministry of the Interior Safety Study Bureau (GESI) set up the Integral Monitoring of Gender Violence (VGD) which includes a tool for assessing risk to the victim and a monitoring protocol. The tools for evaluating risks were devised by experts based on exhaustive work in the field.

This computerised system, the use of which is regulated in the **“Common Protocol for assessing risk for the National Security Forces and autonomous regional police forces and communication to the courts and the public prosecution service⁵⁵”** is accessed by the Guardia Civil, the National Police Force, the Mossos d’Esquadra, (Catalonian Police Force) the Public Prosecution Service, the criminal courts and the Courts of Violence against Women, Prison Authorities, Government delegations and sub-delegations, Integral Forensic Assessment Units, Autonomous Communities through aid services, coordination points of protection orders and aid offices for crime victims and local bodies ⁵⁶.

The aim is to place the victim at the centre of a system designed to: bring together institutions involved in protection and security, carrying out risk assessments and adopting protective measures and implementing a system of advice, warnings and alarms which will permit according to the established protocols, a rapid and effective reaction ⁵⁷.

The initial estimation of the victim’s risk situation includes indicators which will be updated and which will provide weighting of the victim’s risk. This is carried out by the public official making the enquiries

⁵⁵ It was approved in 2007 (Instruction 10/2007), however it was amended in 2007 (Instruction 14/2007), in 2008 (Instruction 5/2008).

⁵⁶ The Erzaintza has its own system in place however trend is to coordinate with this one. The Navarra regional police force will also attempt to coordinate with the VGD. Progress is also being made in incorporating the General Council for the Judiciary so that judges will have access to the information, although it is not sufficient information to make an expert assessment .

⁵⁷ Taken from a press release of the Ministry of Equality 3/9/2009

and concerned with investigations in the National or Autonomous regional police or the Guardia Civil. They use the normalised assessment form (Police Risk Assessment –VPR). The first evaluation is made when the victim makes her declaration. A further assessment may be made, once all the information has been compiled and when the formal enquiries have been completed.

Based on information introduced, using as an initial source the victim’s own declaration, the computer system (VGD) assigns one of the following risk levels along with the appropriate measures:

Table 2: Risk levels in the assessment of gender violence victims

Risk level	Protective measures to be taken by the police
Level 0. Not noted	The same police measures as for any other person filing a complaint, especially information on rights and resources available to the complainant.
Level 1. Low	<p>In addition to level 0 measures the following are compulsory:</p> <ul style="list-style-type: none"> ▫ Provide the victim with permanent contact numbers (24hours) for the nearest Security Forces. ▫ Sporadic telephone contacts with the victim ▫ The aggressor is informed that the victim has been provided with police protection service ▫ Recommendations for self protection and ways of avoiding any incidents. ▫ Precise information on Telephone Service for the Care and Protection of Victims of Gender Violence (ATENPRO). <p>Complementary measures:</p> <ul style="list-style-type: none"> ▫ Personal, sporadic and discreet personal contact with the victim (agree with the victim on the appropriateness of using uniform or not, or vehicles). ▫ Drawing up a data sheet with relevant information on the victim and the attacker which patrol personnel will use. ▫ Accompanying the attacker when he picks up his belongings at home if the Court orders him to leave the home.
Medium Level 2.	<p>In addition to level 1 measures the following are compulsory:</p> <ul style="list-style-type: none"> ▫ Regular surveillance of the home, workplace and entering and leaving schools. ▫ Accompanying the victim in any actions ordered by the court, or involving assistance or administrative action required. ▫ Training the victim in self protection measures.

Risk level	Protective measures to be taken by the police
	<ul style="list-style-type: none"> ▫ Ensure that the victim is provided with a mobile phone (remote assistance) <p>Complementary measures: level 1 measures in addition to:</p> <ul style="list-style-type: none"> ▫ Regular checks of the attacker's compliance with the court protection measures. ▫ Interviews with Social Services attending the victim, Local Authority attention points in order to identify other effective means of protection. ▫ Transfer of the victim to an aid refuge
High Level 3.	<p>In addition to level 2 measures the following are compulsory:</p> <ul style="list-style-type: none"> ▫ Permanent surveillance of the victim during the emergency until the attacker's circumstances are no longer an imminent threat. ▫ If she has not already done so insist that the victim go to an Aid Refuge or to the home of another family member during the first few days particularly if the attacker has not been arrested. ▫ Sporadic controls of the attacker's movements. <p>Complementary measures: Level 2 measures in addition to:</p> <ul style="list-style-type: none"> ▫ Sporadic contacts with persons in the attacker's and victim's circle neighbours, family, workplace, leisure areas etc. ▫ Sporadic controls at the victim's holiday residence ▫ Ensure that electronic devices are made available for surveillance of the attacker. ▫ Permanent surveillance of the entering and leaving schools.
Extreme Level 4.	<p>In addition to level 3 measures the following are compulsory:</p> <ul style="list-style-type: none"> ▫ Permanent surveillance of the victim until circumstances of the attacker are no longer an imminent threat. Intensive monitoring of the attacker's movements until he no longer poses an imminent threat to the victim. ▫ If appropriate, surveillance of the children's entering and leaving school.

Sources: Instruction no. 10/2007 of the State Security Office approving the protocol for police assessment of the level of risk of violence against women in cases stipulated in the Organic Law 1/2004 of 28 December and notification of courts and the Public Prosecution Service. Instruction 5/2008 of the State Security Office amending instruction 10/2007 of 10 July

The person introducing the information is not authorised to change a higher risk level to a lower one- however it may change to a higher level if it is deemed appropriate- From “medium” level onwards the victim will be informed of this fact, and in any case, the victim should be apprised of the police protection measures which are immediately applicable according to each level.

Should there be any discrepancy between police protection measures agreed on by the judge and those resulting from a police assessment, those ordered by the judge will always be applied and the court authority will immediately be informed of the existing discrepancy in order to rule as appropriate.

The risk assessment will be regularly updated (Police Assessment of Risk Development -VPER-). The protocol sets the frequency with which this will be carried out, however in any case, new evaluations will be made when the Judicial Authority or the Public Prosecution Service requests it, or when it is known that there have been significant changes in the circumstances or behaviour of the victim or the attacker. For new assessments, the sources used include new declarations from the victim, and also those with whom she has close ties or professional information⁵⁸The possibility established in the Framework Agreement entered into by the Ministry of the Interior and the Spanish Federation of Municipalities and Provinces (2007) that the Local Police will be able to perform the work of the judicial police will enable local councils to be included in the information and monitoring system based on the responsibilities that they assume⁵⁹. They may act merely as recipients of information or introduce new information in the system (for example, the fact that the victim has returned to live with her attacker). The Local Safety Body will establish responsibility or information levels.

In any case the VGD Monitoring System provides an important tool in coordinating the resources for working against violence in a district or area.

e) The monitoring system using remote means of the protection and restraining measures within the scope of gender violence

⁵⁸ The evaluation of risk could improve with increased participation of forensic experts from the Ministry of Justice or the Autonomous Communities

⁵⁹ Obviously this measure particularly affects larger local authorities. Nevertheless the Ministry of the Interior is working on the possibility of organising communal services to be jointly shared for local police forces and various small town councils.

The integral Law with respect to court measures to protect and ensure the safety of victims establishes in article 64.3 that in order to guarantee compliance with the protection and restraining orders imposed on abusers it “may order the use of instruments with the appropriate technology for checking immediate compliance”. In this case, these electronic devices are able to detect the proximity of gender violence attackers, in order to control the protective measures ordered by the courts. There are two components in this system: a device for the accused abuser and a device for the woman who is victim.

Signature took place on 8 July 2009 of an “Agreement between the Ministry of Justice and the Ministry of the Interior, the Equality Ministry and the General Council of the Judiciary and the State Public Prosecution Service for Implementing the Action Protocol for Remote Monitoring of the Measures for Restraint and Protection in Gender Violence”.

The Protocol states that in improving the safety context by using this system three basic results are sought:

- Effectively ensuring the victim’s right to safety.
- Documenting the possible breach of the restraining order.
- Dissuading the attacker.

It is the authorised Court which should order the cautionary measure for protection and restraint to be controlled using this system, and it shall notify the territorially competent Security Forces within a maximum term of 24 hours. The Clerk of the Court shall inform the Control Centre⁶⁰ of the decision with the precise details, and the Centre will inform the installation company and the victim, with whom the time and place of installation of the device will be agreed, clarifying and providing any information required. The device will always be provided to the victim- who may receive it in her home, at the court or at the nearest police station- prior to installing the device for the attacker. The accused should enter an appearance for fitting the device at the court that has ordered the measure to be applied.

The system has two types of communication: alarm and warning, set according to the level of more or less risk.

- **Alarms:**

⁶⁰ The Control Centre is managed by the company awarded the contract for this service.

- Serious technical incident: any incident which affects any of the system components and which would cause it to cease working.
- Entry of the attacker in the exclusion zone.
- Approximation to the victim and the exclusion zone with loss of cover in the location system.
- **Warnings:**
 - Slight technical incident: any incident which affects any of the system components and which would cause abnormal operation of the system however not its interruption.
 - Approximation of the attacker to the exclusion zone.
 - Pressing the panic button by the victim

f) Gps control system when attackers are released from prison

The Court of Penitentiary Surveillance will decide whether or not to impose this measure at times at the instigation of the prison. This system is only used for convicted abusers. It works by exclusion zones or compulsory residence and the victim is not involved in the operation of this device in any way. Above all it is used as a condition for temporary parole and third degrees. It is used in cases of gender violence, however not exclusively, as well as with sexual attackers in other times of crime.

4.2.3. HEALTH RESOURCES

Health centres are areas where cases of gender violence are often detected, where action to rehabilitate victims and assisting them in recovering their health takes place and where the injury reports required for court proceedings are issued.

Organic Law 1/2004 establishes in articles 15, 16 and 32:

- That the Health Authorities under the auspices of the Inter-regional Council of the National Health System will promote and encourage the actions of health professionals to ensure early detection of gender violence and they shall propose the measures deemed necessary in order to optimise the contribution of the health sector in combating this type of violence.

- Promote the development of programmes for creating awareness and ongoing training of health personnel in order to improve and encourage early diagnosis, assistance and rehabilitation of women in gender violence situations.
- Require the competent education authorities to ensure through degree and diploma curricula, and specialisation programmes of social and health professions that students will be capable of preventing, making early detection and providing action and support for victims of this type of violence.
- Incorporate a new prevention and integral intervention section on gender violence in National Health plans.
- Plan the creation of a Committee against gender violence- within a term of one year from entry into force of the Integral Law and under the auspices of the Inter-regional Council for the Health Service - in order to provide technical support and guidance in planning the health measures considered in the Integral Law, assessing and proposing the measures required to apply the health protocol, along with any others deemed appropriate so that the health sector will contribute to the eradication of this violence.
- Draw up collaboration plans with the remaining public authorities (Justice, Security forces, Social Services and equality bodies) in order to ensure that actions are planned through protocols which will ensure overall and integral action of the different authorities and services involved, and which guarantee proof of the procedures followed.
- Promote – in the Authorities with competence in health matters- the application, permanent updating and dissemination of protocols containing standards and guidelines for health action, both within the public and the private sphere and, in particular, the Protocol approved by the Inter-regional Council of the National Health System.

These protocols will address prevention, early detection and continuous intervention in respect of women subject to gender violence or those at risk of suffering such violence. They shall expressly refer to relations with the Justice Authority in those cases in which it is clear or there are well founded suspicions of physical or psychological harm caused by these attacks and abuse. Furthermore, particular consideration will be given to women who due to their personal and social circumstances may be at greater risk of gender violence or accessing services provided in the Integral Law such as minorities, immigrants in a situation of social exclusion or with disabilities.

In 2004 the **Commission against Gender Violence** was created within the Inter-regional National Health System ((CISNS)⁶¹, presided over by the Secretary of State for Health. The Commission's Technical Department is responsible for the Women's Health Watchdog (OSM) a body governed by the General Office of the Agency for Quality of the National Health System, the purpose of which is to promote the reduction of inequality in health, promoting the inclusion of a gender focus and fairness in health policies and systems. Furthermore, there are representatives of the Autonomous Communities (AC) of the Government Delegation for Gender Violence, the Women's Institute and the General Office for Public Health.

Different working groups have been created within the Commission (epidemiological surveillance; health assistance protocols; ethical and legal aspects; assessment of actions; professional training).

The Commission issues an annual report to the State Watchdog for Violence against Women and the Plenary Session of the Inter-regional Council.

There is a **Common Protocol for Health Action against Gender Violence** drawn up by general consensus of the Commission against Gender Violence and approved by the CISNS in December 26, which was officially presented and distributed to the various Autonomous Communities in April 2007. This Protocol constitutes a basic tool for training health care professionals in improving the quality of assistance to women who are victims of gender violence.

In order to improve implementation of the Common Protocol, the Commission against Gender Violence attached to the CISNS also drew up **quality criteria** for basic training of professionals approved by the CISNS in December 2007.

In 2007 the Inter-Regional Council of the National Health System (CISNS) approved the list of **18 common indicators for epidemiological surveillance of gender violence**. During 2008 the Commission against Gender Violence carried out the technical task of compiling 18 descriptive information sheets in order to facilitate their collection from the Autonomous Communities health services in a normalised and homogenous manner ⁶².

⁶¹ The Autonomous Communities are authorised in Health matters and the CISNS Is the permanent body for coordinating liaising, communicating and informing the health services and the State Authorities. The purpose is to promote cohesion in the National Health System (SNS) through effective and fair guarantee of citizens' rights throughout national territory.

⁶² These indicators will not under any circumstances give the number of cases of gender violence occurring in each AC, as there are other sources of population information designed for this purpose such as Surveys regularly carried out by the Women's Institute.

The Autonomous Communities have developed their own information systems, protocols and guides for health action in accordance with the content of the Common Protocol. The decision approved by the Health and Consumer Commission of the Senate on 4 November 2008 instigated the coordination, promotion and if appropriate, funding among others actions relating to the **inclusion of Gender Violence in all health plans and service portfolios of the Autonomous Communities** in line with the National Health System services portfolio, as a prioritised area of work, both in primary assistance and in specialised attention including mental health and gynaecology and obstetrics services, and also the **Systematic inclusion** of actions for early detection and adequate attention to gender violence in all specific programmes, such as those of mental health and pregnancy care".

In 2009 the basic educational content and common materials for training SNS professionals⁶³ were approved and have developed various training activities in the AC ensuring the need to also train administrative and management personnel.

The training is aimed basically at professionals in primary health care (family medicine, paediatrics, nursing, midwifery physiotherapy and social work), however also professionals in the emergency services (medicine and nursing) , mental health units (psychiatry, psychology , nursing and social work in some Autonomous Communities) centres for planning and obstetrics and gynaecology, units for sexually transmitted diseases, orthopaedics services etc).

In the event of creating a local protocol on gender violence, it is necessary to count on the Health Centres through the Primary Care Management department in each Health Area or similar territorial organisation unit of the Public Health Authority.

4.2.4. RESOURCES FOR INTEGRAL SOCIAL ASSISTANCE

Article 19 of the Organic Law 1/2004 referring to the right to integral social assistance, in its first point indicates that “women who are victims of gender violence have the right to social services, care, emergency, support and refuge and integral recovery. The organisation of these services by the

⁶³ For local authorities it is interesting to have this information if they decide to set up their own training activities within their territory. Basic educational content and materials common to the national health system.

Autonomous Communities and Local Corporations will respond to the principles of permanent attention, urgent action, specialised provisions and professional multidiscipline”.

The purpose of these services is to provide cover to needs deriving from the situation of violence, and restore the victim's situation to that prior to her suffering violence, or at least to mitigate its effects.

The same services make it possible to ensure that the victims:

- -Receive advice on actions which they can take and learn their rights.
- - Are aware of the services that they may approach in order to obtain material, medical, psychological and social assistance.
- - Access different housing resources (emergency housing, temporary shelter, aid refuges etc) in which their safety is ensured and their basic needs are covered.
- - Recover their physical and/or psychological health.
- - Are able to obtain training insertion or reinsertion in the workplace, and receive psychological and social support throughout the progress of recovery in order to prevent double victimisation.

The right to integral social assistance is also recognised for children living in family circles where gender violence has occurred. Thus section 5 of the aforementioned article 19 recognises this fact when it establishes that "children in the custody or guardianship of the abused woman shall also be entitled to integral social assistance through these social services. To this end, social services should have specially trained staff to assist children in order to effectively prevent and avoid any situations which could lead to psychological or physical harm to children living in environments where gender violence occurs".

The organisation of social services guaranteed in this right corresponds to the Autonomous Communities and Local Authorities who frequently collaborate with women’s organisations in doing so.

Although filing a previous complaint provides access to full social assistance, it will be guaranteed with a Protection Order. Integral social assistance should be organised through **Coordination Points**.

The Protocol for implementing the Protection Order for victims of domestic violence ⁶⁴ refers to Coordination Points in its section 3.3.4., in the “Measures for social assistance and protection”, which states that:

“By means of a general regulation which may be drafted by each Autonomous Community an integrated system of administrative coordination which, with a view to ensuring flexibility of communications, will focus on the following:

- A Coordination Point will be established to which the Judge will remit the Protection Order and which will make available the assistance requested by the victim or which is necessary and contained in the Legal System.
- In addition, a communications system will be set up preferably through remote means, which will permit rapid submission of the Protection Order from the duty Court to the corresponding Coordination Centre.
- The Coordination Point will assign assistance and protection appropriate to the victim’s needs, facilitating access in real time to the aid requested by victims”.

The Coordination Points in the Autonomous Communities are therefore, administrative units which facilitate aid and protection to victims, according to the measures agreed in the Protection Orders and those appropriate based on the situation of victims and their children⁶⁵.

For this purpose in the Coordination Points of the Autonomous Communities attention is diverted to the resources available to each Autonomous Community and which in general terms may be:

- Specific Aid Centres for women who are victims of gender violence.
- Networks of Assistance resources
- Networks of Information and Aid Centres for Women.
- Information and Advisory Centres.

⁶⁴ Devised by the Monitoring Commission mentioned in additional Provision two of the Law 27/2003.

⁶⁵ See also Additional Provision One of Royal Decree 95/2009, of 6 February regulating the System of administrative registers in support of the Administration of Justice.

The Integral Law refers to multidisciplinary aid which includes informing victims, (which has been mentioned in a previous section), psychological assistance, social support, monitoring of claims for women's rights, educational support to the family unit, preventive training in equality values (aimed at personal development and the acquisition of skills in non violent settlement of conflicts); and support for training and insertion in the labour market.

If the case is shelved or there is an acquittal due to the victim withdrawing or retracting her complaint, the Integral Law does not provide for multidisciplinary aid.

a) Shelter and access to housing resources

The main goal of public bodies is to attempt to ensure that victims are not obliged to vacate their homes. For various reasons, this is sometimes inevitable. This is when various resources may be mobilised based on the degree of autonomy of a particular victim.

Access to housing

Women victims are included as beneficiaries of the assistance provided by the State Plan for Housing and Rehabilitation 2009-2012 with the right to preferential protection⁶⁶. In addition, the condition of a gender violence victim will be taken into account when allocating the grant of a place in a public residence for the elderly.

The Autonomous Communities have also set up some actions in this respect which respond to the following classification:

- Exclusive action plan in matters of protected housing for women victims of gender violence.
- Housing Plan which includes and gives preferential treatment to women victims of gender violence.
- Agreements which give priority to older women in the public network of specific resources.
- Aid and assistance in obtaining a home (rental accommodation, used and /or social housing).

⁶⁶ Art. 28 of Organic Law 1/2004 and Royal Decree 2066/2008, of 12 December, regulating the State Housing and Rehabilitation Plan 2009-2012.

Residential alternatives

It is necessary to insist on the subsidiary nature of residential alternatives which may be provided, because the goal is to ensure that women remain safe in their own homes and that it should be the attacker who is required to leave the premises⁶⁷.

The Autonomous Communities usually manage the resources available for women to temporarily leave their homes. These are:

Emergency aid centres: These centres provide primary care and attention providing shelter to women and their children, providing accommodation, protection and the necessary support, in addition to appropriate psycho-social aid through a team of professionals.

An Emergency Aid Centre is a short term resource.

Residential Centres for Women: These Centres are designed to give shelter and provide professional treatment needed by women and their children during a specific period of time whenever they are in a serious situation of gender violence.

They house national and foreign women who have been victims in situations of physical and psychological abuse, whenever the situation requires it, due to the seriousness of the facts and when there is no other alternative accommodation resource available, and they do not have sufficient financial resources to face the situation of abuse and run the risk of physical or mental abuse.

Integral Centres: They are residential areas where the needs of women who are victims of violence and their children are met with housing and integral professional assistance, encouraging personal independence and providing the appropriate resources to help them turn their lives around.

The Integral Centres are attended by a team of professionals comprising psychologist, a social worker and educators.

They provide the following services: accommodation, protection, maintenance, psychological attention, employment guidance services, social service and attention to educational, social, health and integration needs, required by women and their children.

⁶⁷ Unless there is a report to the contrary from the professional team.

Transit apartments: This type of accommodation is organised on the basis of self management, and is designed for women who have been abused and with children in their care to live together, and who need temporary shelter in order to integrate in their environment in a sufficiently independent manner.

In all cases, it is appropriate for the Autonomous Community to manage them whilst liaising with the local Authority.

b) Psycho-social care

Support and psycho-social assistance for women

Most of the Autonomous Communities have services in place provided in the municipal sphere –almost always in provincial capitals – which care for women who are victims of gender violence. They are usually services managed directly by the Autonomous Community or through agreement with the corresponding local authority.

On numerous occasions these are specific services designed to assist women who are victims of gender violence. These are usually services which attend women in general, and which include women who have suffered violence.

In addition, exceptionally, the services are centralised or focused in one place in Integral Aid Centres. However, the model almost always considers diverse services in a number of different venues.

Support and psycho-social assistance for children

The Organic Law 1/2004 addresses the need for aid to children in the following articles:

- Art. 5 “children of victims of gender violence who are affected by a change of residence deriving from acts of gender violence, are entitled to immediate schooling in their new place of residence”.
- Art. 19.5 “ (...)children in the custody or guardianship of the abused woman shall also be entitled to integral social assistance through these social services. To this end, social services should have specially trained staff to assist children in order to effectively prevent and avoid any situations which could lead to psychological or physical harm to children living in environments where gender violence occurs”.

With respect to schooling it is normal for the local education authority to address these children, as well as ensuring assistance in the continuation of their education and to ensure play areas for them.

With regard to integral assistance, it is affected by the fact of whether or not there are psychological support services in place that specialise in children. In this respect the study “Gender Violence in small municipal districts in the Spanish State”⁶⁸ indicates that all the Autonomous Communities state that they have at least one resource providing psychological assistance to children, albeit specific and without any age limit, or with one of their own units, or general psychological services which include children . Notwithstanding this fact, the aforementioned study emphasises that “this care and attention is usually provided by specific services for women who are gender violence victims which makes it difficult for children living in a more rural context to obtain easy access to these services.”

c) Telephone Service for the Care and Protection of Victims of Gender Violence (ATENPRO).

The Telephone Service for the Care and Protection of Victims of Gender Violence (ATENPRO) is a mode of service which, using the appropriate technology, offers victims of gender violence immediate attention and care, in the event of incidents, 24 hours a day 365 days a year, irrespective of their location.

It is based on the use of mobile telephone technologies and remote location. It should enable women at risk of gender violence to enter into contact with specifically qualified staff who will be able to provide an adequate response to their needs. In addition, in emergency situations, centre staff is able to respond adequately to any crisis arising either alone or by mobilising other human and material resources in the community. It should be possible to contact the Aid Centre at any given time and from any location by just pressing a button and in “hands free” mode.

The service is not restricted to attending to the needs that victims of gender violence may occasionally require but also to considering programmed actions of a preventive nature. Therefore the Aid Centre regularly contacts the service users, with their authorisation, in order to permanently monitor and update their personal and social details, check that the system is functioning properly and intervening if the circumstances would advise it. In addition, users may communicate with the Aid Centre when they consider it necessary and not only in crisis situations.

⁶⁸ “Gender violence in small municipal districts in the Spanish State”. Madrid: Government Delegation for Gender Violence (Ministry of Equality) – Spanish Federation of Municipal Districts and Provinces Coordinated by: Folia Consultores (2010)

One of the basic aims of the service is to ensure that the victim feels safe and secure and protected during the process, which will enable her to take control of her life again, facilitating contact with a secure environment and ensuring any possible intervention immediately.

The specific goals of the service are as follows:

- Providing security and tranquillity to users of the service and by extension, to their close circle or family offering them support, information and advice, and guaranteeing interpersonal communication in the event of any needs 24 hours a day, thus contributing to their recovery.
- Encouraging self esteem and quality of life of users of the service, contributing to the creation of a social network in support for their normal environment and encouraging them with every security to maintain contact with their non aggressive family members and social circle.
- Ensure that they receive immediate and appropriate attention in emergencies from specialised personnel ensuring that the victim using the service feels secure and mobilising the resources needed, based on the type of emergency that has occurred.
- Actively monitor the situation that the victims using the service find themselves in through regular contact with the aid centre.

All the services provided form part of the recovery process.

The service may be requested by victims of gender violence who fulfil the following requirements:

- They no longer live with the person or persons who have abused them.
- Participate in special programmes for assistance to victims of gender violence in their autonomous region.

As an exceptional and temporary measure, ATENPRO may provide service to women who have not filed a complaint but who fulfil the other requirements for accessing the service, and with respect to which a report has been issued, by the Social Services or the Equality service of the autonomous regional or local public authorities.

The actions and the measures implemented by the Social and Equality Services of the appropriate autonomous regional or local authorities assisting the victim shall be designed to provide her with attention and care and to help her recover fully from the abuse and, if appropriate, file the corresponding complaint for gender violence abuses.

d) Employment rights and job seeking support

Specific rights for workers, the self employed and public servants

Organic Law in article 21, recognises the employment rights of women attesting to their situation of victim of gender violence, seeking to ensure their protection in any repercussions that their situation might have in the workplace. The aim is to facilitate their continuation in the labour market, protect victims from abandoning work, and If appropriate, provide the appropriate assistance.

In the case of **employed workers** Collective Bargaining Agreements and Corporate Agreements may consider making improvements in respect of the following rights:

- Reduction of the working day, in order to ensure effective protection or the right to integral social assistance- with the concomitant reduction in salary. A special agreement may be signed with Social Security in order to maintain the same contribution conditions.
- Rearrangement of working hours in order to make effective victims' protection or their right to full social assistance.
- Geographical mobility: the worker who is a victim of gender violence and who is required to abandon her job in the place where she was working in order to ensure her protection or right to integral social assistance , shall have a preferential right to take up another post within the same professional category or professional group that the company may have vacant at any of their other work centres. The transfer shall initially be for a six month period during which the company will be required to reserve the worker's former job for her.
- Suspension of the employment, reserving her job for a period of six months which may be extended for a maximum of eighteen months if the Judge so decides. This suspension period is considered as an effective period for social security payments for retirement, permanent incapacity, death or survival, maternity or unemployment
- Right of the worker to decide to end the employment contract which will be considered as a case of legal unemployment, and as a result, should the victim fulfil all the other requirements, she will be entitled to receive unemployment benefit, or if appropriate, subsidy for unemployment.

- Absence motivated by her physical or psychological situation as a result of gender violence, attested by social or health services without having any consideration of absenteeism from work.
- Unfair dismissal, in the event of dismissal or cancellation of the employment contract by the company.

Self employed workers will be allowed to defer payment of contributions in the event that they cease working in order to make effective their protection or right to integral assistance. This period will be considered effective contribution for the purposes of social security benefits. During this period the right to Social Security health care is maintained.

Civil servants are entitled to:

- Rearrangement of working hours.
- Movement to another job in their department, scale or professional category with similar characteristics, without any need to take up a specific vacancy requiring cover. This transfer will be considered as forced transfer.
- Ability to take a sabbatical without having provided the previous minimum service and without a permanent position being required. In this case, she is also entitled to reserve the job for six months, which may be extended for up to eighteen months if the judge deems it pertinent. During the first two months of this break she shall be entitled to receive full salary and, if appropriate, family provisions for any child in her care.
- Absenteeism, total or partial justified by social or health services.

Programme of social and employment integration for women who are victims of violence

With regard to the employment market, according to article 22 of the Organic Law 1/2004 framing the actions contained in Royal Decree 1971/2008 of 21 November approving the **Social and Employment insertion for women who are victims of gender violence** this Programme considers as measures for action:

- Individualised social and employment itineraries.
- Specific training programme for encouraging social insertion and employment.

- Incentives for encouraging the start of new self employed activity.
- Incentives for companies that contract victims of gender violence.
- Incentives for facilitating geographic mobility.
- Incentives for compensating salary differences.
- Agreements with companies in order to facilitate contracting women who are victims of gender violence and their geographic mobility.

They may be beneficiaries of the actions included in the programme for victims of gender violence who are registered as seeking employment with the Public Employment Services ⁶⁹.

As the management of measures and subsidies considered in this programme is the task of the National Employment Public Service and the bodies or institutions of the Autonomous Communities (AC) with authority to manage active employment policies, all the AC set up initiatives to comply with the law. They provide a number of actions in terms of training and employment services:

- Employment plans take into account specific measures to encourage the integration in the job market of women who are victims of gender violence and through Agreements with the corresponding Employment Boards.
- Through general services of the Employment Offices or general services providing Guidance in Employment which give priority to women who are victims of violence.
- Services providing guidance to women or women with special difficulties in finding work.
- Specific services dedicated to employment or training for women who are victims of gender violence.
- Agreements, conventions or subsidies to companies who contract women who are victims of gender violence.

⁶⁹ Compatibility of grants: The measures included in the programme will be compatible as well as the other measures of active employment policies for reinsertion in the job market of this group and with other grants, aid, income or resources for the same purpose, provided by any Authorities, or public or private institutions, or national European Union or international bodies. Grants to attend professional training courses for unemployment are compatible with receiving payments and subsidies for unemployment including the active income for insertion in the job market.

- Subsidies to bodies providing social initiatives involving training programmes and social and employment services for helping excluded women to enter the job market.
- Specific micro credits for women victims of gender violence or programmes providing advice and assistance to enterprising women, and in particular victims of gender violence.
- Women's Centres or aid centres for women also provide employment advice and assistance.
- Taking into account the rural aspect, services exist which help to promote employment in a rural environment or provide specific centres providing guidance to women living in small or rural municipal districts.

To conclude, all the AC within their scope of competence and authority set up actions for employment for women in order to cover the specificity of women who are victims of gender violence.

e) Financial assistance

The most desirable option for caring for women who are victims of violence is to supplement normalised resources with others, based on the characteristics of each woman, without automatically identifying gender violence with a situation of exclusion.

Chapter IV of the Organic Law 1/2004 which refers to financial rights, indicates in article 27, in respect of social assistance which, when victims of gender violence do not have an income exceeding an amount based on a monthly calculation of 75% of the minimum professional salary excluding the proportional part of two extraordinary payments, will receive a **single payment**, provided that it can be assumed that due to their age, lack of general qualifications or specialisation, and their social circumstances, the victim will have particular difficulty in finding work and due to this circumstance she will not participate in employment programmes set up for her insertion in the labour market.

Specific financial assistance for women victims of gender violence

This assistance is enshrined in the terms of Organic Law 1/2004 of 28 December on Integral Protection Measures against Gender Violence and royal Decree 1452/2005, of 2 December⁷⁰. The finance is

⁷⁰ Compatibility: This aid is compatible with the assistance mentioned in the Law 35/1995 of 11 December on Aid and Assistance to Victims of Crimes of violence and against Sexual Freedom. Conversely, it is incompatible with other aid which has the same purpose, as well as with the participation of the Job Seeker's Allowance programme (RAI).

provided by the National State General Budgets and is granted and paid by the Autonomous Community or the Cities of Ceuta and Melilla pursuant to their own procedural regulations.

The financial aid will be paid in a **single payment** and the amount will generally be equivalent to the following:

1. Six month unemployment subsidy if the gender violence victim has no family responsibilities.
2. Twelve months unemployment subsidy when the victim is responsible for a family member or a minor.
3. Eighteen months unemployment subsidy when the victim is responsible for two or more family member or minors, or a family or minor in her care.

The amount of assistance paid to women with a recognised degree of disability equal to or greater than 33% shall be:

1. Twelve months unemployment subsidy when the victim has no family responsibilities.
2. Eighteen months unemployment subsidy when the victim is responsible for a family member or a minor.
3. Twenty four months unemployment subsidy when the victim is responsible for two or more family member or minors or a family or minor in her care.

If the gender violence victim is responsible for a family member or a child in her care having a recognised level of disability equal to or over 33% the aid provided will amount to:

1. Eighteen months unemployment subsidy when the victim is responsible for a family member or a minor.
2. Twenty four months unemployment subsidy when the victim is responsible for two or more family member or minors or a family or minor in her care.

The amount paid in aid shall be equivalent to twenty four months unemployment subsidy in the following cases:

1. When the gender violence victim with family responsibilities or a family member or child in her care has a recognised level of disability equal to or greater than 65%.

2. When the gender violence victim and a family member or child in her care has a recognised level of disability equal to or greater than 33%.

In order to benefit from this right to financial assistance the women victim of gender violence should, on the date of application for assistance, comply with the following requirements:

a) Lack income which, calculated on a monthly basis exceeds 75% of the minimum professional salary in force, excluding the proportional part of two extraordinary payments.

For the purposes of determining the requirement of lack of income, only the victim's available income will be taken into account, without counting the income of other members of the family unit cohabiting with the victim.

If the applicant has family responsibilities it shall be deemed that she fulfils the requirement of lack of income when the monthly income of the family unit as whole, divided by the number of its members does not exceed 75% of the minimum professional salary.

To this effect family responsibilities shall be deemed to be those when the beneficiary is responsible for at least one family member due to consanguinity or affinity up to and inclusive of the second degree and with whom she lives. Family members whose income exceeds the minimum wage excluding the proportional part of two extraordinary payments shall not be considered as the victim's dependents.

b) Have special difficulties in finding work given their age, general lack of qualifications or specialisation or their circumstances which will be justified by means of a report issued by the Public Employment Service.

Financial assistance for victims of violent crime and crimes against sexual freedom

The Law 35/1995 of 11 December on Aid and Assistance to Victims of Violent Crime and Against Sexual Freedom cover the system of public aid to direct and indirect victims of violent crime committed in Spain resulting in death or grievous bodily harm or serious harm to physical or mental health.

Women who are direct victims may access this assistance when they have been subjected to grievous bodily harm or serious harm to their physical or mental health as a direct consequence of the crime. To this effect, serious injuries are those which seriously affect corporal integrity or physical or mental health and which temporarily or permanently affect the person suffering the abuse. Permanent incapacity will not be considered unless it involves a degree of disability of at least 33%.

Specifically, provided that the corresponding requirements are fulfilled, women who are victims of gender violence who have been injured to a degree that renders them incapacitated permanently, partially or totally, or those who have been victims of a crime against sexual freedom and have received psychological treatment, may access this type of aid and assistance.

The Ministry of Finance and the Treasury through the General Costs and Public Pensions department is responsible for recognising the right to receipt of this aid.

Advances from the fund for guarantee of alimony payments

Urgent processing of the procedure for recognising advances from the Fund for Guarantee of Alimony Payments according to Royal Decree 1618/2007 of 7 December on Organisation and Operation of the Fund for Guarantee of Alimony Payments.

The underage children of who are entitled to alimony payments as recognised by a court and which have not been paid, and who are part of a family unit whose resources and financial income computed on an annual basis including all income does not exceed the amount resulting from the multiplication of the annual amount of the Revenue Multiplier Effect Index (IPREM in Spanish) current at the time of requesting the advance by the corresponding coefficient, based on the number of underage children in the family unit, shall be entitled to these advance payments from the Fund for Guarantee of Alimony Payment, managed by the General Office of Personal costs and Public Pensions attached to the Ministry of Finance and the Treasury. This legally determined advance shall be restricted to 100 euros monthly which may be paid during a maximum term of 18 months. This procedure will be processed on an urgent basis should the person who has custody and guardianship be a victim of gender violence, with the maximum term for resolving and notifying the applicant for the payment being two months .⁷¹

Job seeker's allowance (RAI)

Royal Decree 1369/2006 of 24 November regulates the Job Seeker's allowance for the unemployed with special financial needs and difficulties in finding work.

⁷¹ The procedure for recognising the advance shall be processed urgently when the person having custody of the child is a victim of gender violence. To this effect the gender violence victim must attest to her condition as such through any of the following means: a court judgment, through a court ruling ordering the cautionary measure for protection of the victim and a restraint order or provision custody of the accused; through a protection order for the victim and exceptionally through a report issued by the Public Prosecution Service containing indicators that the complainant is a victim of gender violence until the protection order is issued. In the urgent procedure the maximum term for resolving the issue and notifying the person requesting the service is a period of two months

The RAI consists of financial assistance for a maximum duration of 11 months including protective action due to unemployment aimed at the unemployed included in the “ Job Seeker’s allowance programme” hereinafter the RAI programme who have special financial needs and difficulties in finding work and who undertake to take action which will help them to find a job. This assistance is managed by the State Public Employment service which either recognises or refuses the right to admission to the programme and pays the job seeker’s allowance.

The job seeker’s allowance is 80% of the monthly Public Indicator for Multiple Effect Income (IPREM) in force at any given time.

In order to be included in the Job Seeker’s Allowance Plan⁷² and receive the payment, gender violence victims should attest to their situation with one of the following documents:

Protection order issued by a court or as a result of a court ruling for criminal cautionary measures for the woman’s protection.

- Report of the Public Prosecutor indicating the existence of proof that she has been subject to gender violence when issuing the protection order.
- Court judgment convicting the attacker.
- Certification of social services in the Autonomous Regional Authority, the City Council or the Aid Centre indicating her situation.

In order to receive the RAI allowance, victims of gender violence are not required to be registered as unemployed for a twelve month period, nor do they need to be over the age of 45. In addition, the attacker’s income is not taken into account as part of the income of the family unit ⁷³ . They may benefit from a new RAI programme within the 365 days prior to the date of application. In order to maintain the confidentiality of their home address an alternative address may be used or a post office box number.

⁷² Incompatibility: Receipt of the RAI is incompatible with financial assistance accorded to gender violence victims who cannot participate in employment programmes. This does not preclude their entitlement to inclusion in the RAI programme when their circumstances are altered or changed

⁷³ The sum of the income mentioned for the family unit (comprising the victim and her children under the age of 26 or incapacitated adults or fostered minors) divided by the number of family members which should not exceed 75% of the minimum wage, excluding the proportional part of two extraordinary payments.

As with other possible beneficiaries they are required to be registered as unemployed, and should not be eligible for unemployment benefit or subsidies, or to an agricultural wage and they should be lacking in private income of any kind in excess of a monthly calculation of 75% of the minimum wage in force, excluding the proportional part of two extraordinary payments.

These requirements make it possible for victims to benefit from the RAI which they should apply for and subscribe to an **activity undertaking** by virtue of which they shall carry out different actions to be determined by the public employment service in the Job Seeker's plan which will be developed while the worker is part of the programme.

In order to **change residence**, women victims of gender violence and who benefit from the Job Seeker's Allowance Programme may receive a single payment as a supplementary aid, equivalent to three months of the amount awarded with the RAI, without this affecting the duration of said income, when they have been required to change their residence in the 12 months prior to the request for admission to said Programme or during the time they remain with the programme. This assistance may be awarded only once per right to admission on the Programme.

4.3. ACTION IN RESPECT OF CONVICTED ATTACKERS WITH NON CUSTODIAL SENTENCES

Just as there is no specific victim profile, nor is there one specific to the aggressor. Nevertheless when an attacker is convicted, the characteristics of his sentence will be different, based on the facts of the case. Furthermore, the Law considers in some cases the necessity for participation in re-education programmes and psychological treatment.

Within the Spanish system, and as a general rule, for all prison sentences in respect of their duration other forms of compliance or execution are established for those of a shorter duration by means of suspension and replacement of execution of the custodial sentence.

As a general rule, the granting of a suspension or replacement of enforcement of the sentence should be decided in a resolution of the competent court, taking into account the criminal danger posed by the convicted subject, the existence of a criminal record and other circumstances surrounding the case in question.

4.3.1. SUSPENSION OF SENTENCES FOR THE ATTACKER

In general terms the conditional suspended prison sentence is established for custodial sentences of less than two years.

In the case of gender violence crimes, the court will in any case base suspension on compliance with specific obligations or duties established in regulations 1, 2 and 5 of article 83 of the Penal Code, such as the prohibition on frequenting certain places, `approaching or communicating with the victim or with those family members or persons that the judge or court determines; **and participate in training, employment, cultural, road safety, sexual and other similar programmes** (Penal code regulations 1, 2 and 5 of article 83). That is, training programmes are not perceived in the law as special re-education programmes and psychological treatment as occurs in the case of replacement of a custodial sentence.

In the event that the suspended sentence was for a conviction for crimes relating to gender violence, non compliance by the prisoner with his obligations or duties imposed will determine the revocation of the suspension of enforcement of the sentence.

Although this suspension may be granted, the restraint order on approaching the victim remains in force unless the convicted criminal requests and is simultaneously granted an acquittal.

Suspension of the sentence may be accompanied by a personalised plan of intervention and monitoring proposed by the sentence management services and alternative measures dependent on the Prisons, of which the competent judge or court will be informed in order to enforce the sentence. During the suspension period, these services undertake to control whether or not the personalised plan is being fulfilled.

4.3.2. REPLACEMENT OF THE CUSTODIAL SENTENCE WITH COMMUNITY SERVICE

The regulation establishes for all types of crime, the replacement of a custodial sentence by community service. Thus prison sentences which do not exceed one year may be replaced with a fine for task which will benefit the community, and in cases of prison sentences which do not exceed six months, also by permanent tracking system.

In the event that a prisoner has been convicted of a crime relating to gender violence, the prison sentence may only be replaced by community service or permanent tracking in a place which differs from and is separate the domicile of the victim. In these cases, the Judge or Court shall additionally impose in addition to specific re-education programmes and psychological treatment, compliance with the obligations or duties described in rules 1 and 2 in section 1 of article 83 of the Penal code.

With this measure the convicted party will carry out unpaid tasks in specific activities for the public good. The Prison Authority facilitates these tasks and it may set up the appropriate agreements for this purpose with other public authorities, or public or private bodies. According to Royal Decree 840/2011 of 17 June, prior to being imposed the measure should be agreed on by the convicted party.

In general this measure is characterised as follows:

- The convicted party should give his consent.
- The daily duration does not exceed eight hours
- It is enforced under the control of the Judge of the Parole Board.
- The dignity of the convicted party may not be compromised.
- Insofar as is possible, enforcement of this sentence is governed by a principle of flexibility in order to ensure that compliance with the penalty imposed is compatible with the daily activities of the convicted party.

Royal Decree 1849/2009, already established that “preferably Local and Autonomous Regional Authorities which, due to their proximity to the convicted party and due to their purposes and objectives are in the ideal conditions for undertaking the work of providing tasks for the social good which will make reparation for the harm caused by the crime”.⁷⁴



⁷⁴ The Spanish Federation of Municipalities and Provinces (FEMP) and the Ministry of the Interior signed a Collaboration Agreement in 1997 in order to manage compliance with community service orders renewed on a yearly basis, to which local authorities can adhere.

5. WORK AGAINST GENDER VIOLENCE
WITHIN THE LOCAL SPHERE

5. WORK AGAINST GENDER VIOLENCE WITHIN THE LOCAL SPHERE

In the fight to achieve equality and to combat discrimination which is the basis of gender violence, the local Authority plays an indispensable role. This chapter addresses how to act and on the basis of which goals.

The importance of the local authority in striving to achieve equality and in combating gender violence can be found in a number of national regulatory texts, namely:

- The Spanish Constitution, which indicates in article 9.2 that “it corresponds to the public authorities to promote conditions which will ensure that individual freedom and equality and of the groups to which such individuals belong are made real and effective; removing obstacles which impede or hinder their development and facilitating participation of all citizens in political, economic cultural and social life”.
- In addition, article 25 of the **Law 7/1985 of 2 April regulating the Bases for Local Organisation** states in relation to the competence and authority attributed in the local sphere, that “the Municipal district in order to manage its interests and within the scope of its competence, may promote all kinds of activities and provide any public services which contribute to satisfying the needs and aspirations of the neighbourhood community”.
- However, in addition, article 31 of Organic Law 1/2004 of 28 December on Integral Protection Measures against Gender Violence establishes that:
 - “1. Public authorities will draw up collaboration plans which guarantee systemisation of their actions in the prevention, assistance, and prosecution of gender violence acts which should involve the health authorities , the Administration of Justice , the Security Forces and social services and equality bodies.
 - 2. When drawing up said plans, protocols for action will be designed which determine procedures that ensure global and integral action of the various public authorities and services involved, which ensure actions that provide proof in the procedures followed”.
- In turn the **Organic Law 3 /2007 of 22 March for effective equality of men and women** states in article 15 that “ the principle of equal treatment and opportunities between men and women will inform in a transversal manner on the actions of all the Public Authorities” and adds that “

the Public Authorities will integrate this principle in an active manner when adopting and enforcing their regulatory provisions , in the definition and public policy budgets in all spheres and in developing all the activities overall" which will lead to the incorporation of transverse measures.

Furthermore, it should be recalled that there is no generic authority in this matter, thus the transversal nature of the measures required for addressing this serious social problem implies the involvement of numerous fields of action. In this way, actions of the various Public Authorities are determined by the competent areas of each (integral social assistance, health, employment, justice, safety etc.).

Therefore, it is essential that when implementing any local strategy for addressing gender violence there is a clear knowledge of both national and autonomous regional regulations in force, and if appropriate, applicable plans and protocols for institutional collaboration and action.

5.1. PRINCIPLES AND BASIC CONDITIONS FOR ACTION BY LOCAL AUTHORITIES

The neighbourhood, the municipal district, this is where psychological and physical abuse takes place, and it is here that it is easiest to prevent, detect and combat the phenomenon. To state that the Local Authority is the closest to the people is not a statement of intention but something which is clearly evident and has connotations in the actions carried out by local authorities to adapt their services and competence to social needs.

In order to be able to act in the local sphere it is necessary, first and foremost, to be aware of the magnitude of the problem and the complexity of the causes which allow gender violence to exist and to persist, in order to take integral action which considers both aid and preventive aspects, and which takes into account the fact that men and women are socialised in different ways, emphasising the influence exercised by socialising agents, beliefs which uphold this type of violence etc.

Combating gender violence should become a basic focus of social intervention policies. The measures set up in this field should be designed basically to eradicate violence through prevention, and through creating awareness in the population of the severity of the problem and providing education based on equality and non-discrimination on grounds of sex, penalising violent behaviour, as well as prevention by means of persuasive force and mitigating the effects that violent people produce on their victims (Women's Institute 2002).

As violence against women is a complex problem, and given the seriousness and magnitude of the problem for society as a whole, however mainly for women who suffer it, it is necessary to work in an integral manner and with two main focuses: on one hand taking action to create awareness which will help to criticise and address the causes of gender violence and beliefs that perpetrate it, and in addition, taking specific action aimed at women victims and their children. All of this without prejudice to the other measures that may be taken in respect of attackers.

Prior to enumerating the ideal conditions for local authorities in taking action, some of the **basic principles** to be considered before taking any integral action on a local level need to be considered. In any case, these principles should also be recommended when taking local action against gender violence:

- **Political commitment** It is important that integral action against gender violence should form part of the political agenda of the local authority. The fact that the whole government will assume the implication of the fight against gender violence will ensure greater success and will have an impact in eradicating this type of violence. In this way, commitment and political resolve is considered as a basic principle on which local public policies against gender violence will be based.
- **Coordination** This coordination should be established in a dual sense: on one hand through coordination between the different Public Authorities, always taking into account the competence of each type (local, autonomous regional and, if appropriate, national); and on the other through coordination between different areas of action of local services, particularly those of the municipality. This last type of coordination is essential in providing an effective response to women, thus preventing any secondary victimisation, endeavouring to ensure that women do not have to narrate their situation several times over to different people.
- **Multidisciplinary teams** As we have seen throughout this document, combating gender violence needs to be addressed from an integral perspective, including preventive aspects as well as ensuring the care protection and safety of victims. For this purpose and given that integral action against gender violence acts throughout the different phases of the cycle of violence, it is recommended that there should be a multidisciplinary team that from the different fields of action, address the fight against this type of violence.
- **Specialisation** Promoting specialisation of professionals acting in the prevention, detection, information, care and protection of victims, is essential in combating gender violence. In order to achieve this specialisation it is necessary to encourage and promote training of these professional groups. It is indispensable to be familiar with the characteristics of this violent

phenomenon, as well as its causes and consequences, to ensure that there is no prejudice involved when addressing this problem, which is essential in order to ensure that the care and information offered to victims is as professional and of the best quality possible. The principle of specialisation becomes, of necessity, an independent requirement in order to successfully eradicate gender violence.

- **Transversality** All measures addressed in eradicating this violent phenomenon should take into consideration the specific needs of victims, such as, logically, a gender perspective which takes into account not just the causes produced by this violence but also the characteristics which differentiate this violent phenomenon from other types of violence.
- **Accessibility** Ensuring accessibility of existing resources is an essential principle in order to ensure that all victims of gender violence, irrespective of their social, financial, employment or personal situation, are able to access all the public resources made available for helping victims start a new life, free from violence.
- **Participation** Encouraging participation of social organisations and bodies which, within the territorial scope of each local authority, act against gender violence, is a basic and indispensable principle for integral action to be successful.

Given the governing principles through which any local integral action against gender violence undertaken and directly relating to each of those principles, the **basic conditions** should be considered, based on which the action should be taken. These basic conditions which should be viewed from different levels: from an organisational perspective and from the area of care for victims.

a) Organisational conditions

- The sense of responsibility of many local authorities, both regional governments and town councils (sometimes known as *cabildos* or *consells* in Spanish) has led them to set up specific proposals for combating violence against women. As we have already seen, it is important to highlight the fact that the greater the commitment of the municipal team the better the results will be when executing the programme, plan or protocol at a local level. For this purpose we can state that in order to ensure guaranteed success in executing an integral action against gender violence, it is also important to undertake the work of **creating awareness in the municipal corporation** of the importance of establishing a joint action strategy.
- From the **institutional and organisational perspective** it should be pointed out that it is not an essential condition to create a specific and exclusive body which will undertake to draw up,

enforce, monitor and evaluate the integral action proposal against gender violence, however, it is necessary for there to be a coordination body which will assume the impetus and responsibility in respect of all the actions to be taken (hereinafter this body will also be referred to as a “monitoring committee”). In any case and without prejudice to the foregoing, it is suggested and recommended that an independent structure be created which, in addition to exercising those essential functions of coordination, also assumes those of drawing up and monitoring all the actions in this field.

- As has already been indicated, gender violence is a social problem which the various Public Authorities and local councils are required to redress, and not just "women's" or “Equality” organisations- should they exist, but also Social Services, Youth or Sports Education and Health Services, Local Police, Urban Planning, Housing or Employment in addition to bodies with authority beyond the local sphere but in the same territory (National Security Forces, Guardia Civil or National Police – and autonomous police forces, courts, Health Services etc.) and social organisations.
- Ensure coordinated action of these diverse agents who will ultimately act together for the same purpose is an organisational challenge requiring rationalisation and optimisation of public and social resources guaranteeing another essential condition: Institutional coordination (between various authorities and between different areas within the same administration) and between the different agents involved. In order to ensure correct coordination of all these services, it is recommended that **coordination protocols should be set up**, through which each local service can be appraised of the action to be developed, and when the corresponding referrals should be made. It is a question of ensuring that all the spheres of action have clearly defined the specific actions which are to be carried out within their sphere of activity.
- Therefore, it is essential to ensure flexible **sources of communication** both municipal and non municipal, (for example courts or health services) it is useful and essential to ensure the possibility of monitoring the women’s situation and especially the development of their risk level. Improving sources of communication coordination is improved between the different services or areas involved in the process of eradicating gender violence.

b) Basic conditions for attending to victims

- In the case of direct care and attention for victims in a municipal district, social services are responsible for their care. If at a municipal level they are deemed to be **within social and equality services**, it would be necessary to establish a specific body or unit for directly attending to these women and their children with the recommendation that this unit should be equipped by three professional profiles: legal, psychological, field and social work. This would in short result in a unit able to reach all cases of violence deriving from different incidents in which cases of violence could be detected or received. In turn, these professionals would set up actions and would mobilise the resources needed in order to safeguard the physical and psychological integrity of the victims, and to initiate a process of integral recovery: health and protective measures, accompaniment, housing, if appropriate etc.
- Training in gender perspectives is required specifying in violence against women and professionals involved in the information and action procedures within the framework of existing protocols and regulations, and in accordance with the circumstances of each case. The main purpose is designed to ensure adequate and proper attention and to prevent secondary victimisation. We propose to act from the perspective of our perception of what violence precisely means or what it is not, and to act and provide responses irrespective of our awareness of the problem. For this reason it is important to be aware of our position on the matter, based on ideological, philosophical and epistemological criteria. At times professionals working with gender violence victims fail to take into account that people are socialised within a belief system and that we have an explanatory theory or model for these beliefs, and some theories consider violence to inevitable and may end up justifying the violent situation that they are required to address. Perceiving violence against women as something which is not a women's problem but rather a social one, caused by men behaving violently⁷⁵, is essential in order to ensure that no one feels they can justify a situation of violence in this way. It is also essential to be aware of the difficulties for women in requesting help and taking decisions so that their reception and the first interview should be welcoming and useful while opening up possibilities of providing subsequent support in the decision making process. It is necessary to highlight the fact there are women victims of gender violence who fail to file a complaint, and therefore it is necessary to seek formulas designed to provide them with care and to achieve their integral recovery and, if appropriate help them to file the appropriate complaint.

⁷⁵ We speak of "violent behaviour" and not "violent men" because, as indicated in another section of this document, their violence is only directed at women with whom they have or had a relation.

- It is necessary to be aware of existing resources and, if appropriate, create new resources which should be assessed based on the possibilities available to each local environment.
- The diversity of individual situations, their origin, psychological conditions etc require **personalised programmes and accompaniment** for each woman and her children; as a result it is essential that planning of services offered is flexible and is perfectly coordinated. The protective programme that the institutions are required to provide should be clear, and there should be a professional on hand throughout the process.
- Finally, **confidentiality** should be one of the basic premises in any actions carried out in ensuring the integrity and protection of women and their children.

All these proposals are usually contained in specific programmes for combating gender violence which, at times, are included in municipal plans for equal opportunities and for which, in all cases, it is necessary to ensure adequate resources (albeit technical, material and financial).

5.2. CONDITIONS FOR SELECTING A STRATEGY FOR ACTION

A problem with the inherent complexity characteristic of violence against women cannot be addressed in a simplistic manner in any of its aspects. Action strategies need to be put in place which should be numerous, coordinated and appropriate for different groups, different people, and appropriate to the different phases that they are going through.

Taking into account these factors, a local authority, prior to deciding how to address this problem will need to assess, among others, the following issues:

- Based on size, the dispersion and type of population in the territory: the strategies for a small rural municipality will differ from those of a suburban municipal district or for a comarca (local administrative division); or a municipality with a well established settled population or a high percentage of immigrants; or a territory with an extremely dispersed population or a more densely populated area etc.
- Based on the groups where it is intended to have an effect: the young population will need messages and projects other than those of the more adult population, abused women according to the moment in which they find themselves will accept a different strategy , the children will need specific strategies etc.

- Based on the objectives pursued, and therefore the time frame within which it is hoped to achieve results: if the task is to address a social emergency, different strategies will be needed from those required to create conditions which will help to change in social values.

As a prior requisite for selecting a strategy it is recommended that the basic situation should be diagnosed, and the most important details of the reality of the gender violence in that particular local environment should be compiled, as well as the characteristics of existing resources or the difficulties encountered. Data collection should be systematic in order to permit monitoring and evaluate the process of women's treatment and the incidence of violence in the territory. By previously analysing the existing situation, it will be possible to ascertain the reality of the present one in a more objective manner, and thus help to choose the most appropriate course of action.

This diagnosis should also include the regulatory framework in each territory, as well as all the existing protocols in this matter.

Furthermore, in order to create an action strategy it is recommended that a team be in place, the members of which will vary according to the type of local authority, however, in general, it may include technical and political supervisors in the various municipal areas such as women/equality, health, social services, the police, as well as representatives of social entities (women's associations and services concerned with this field) and other authorities with competence and a presence in the territory.

In any case the "Proposal for Local Integral Action to combat Violence against Women" may take various forms, depending on the action strategy adopted:

- Include a specific section on violence against women in equality programmes.
- Create specific programmes to combat violence against women.
- Develop inter-institutional coordination protocols.

5.3. SPECIFIC PLANS AGAINST GENDER VIOLENCE AND AREAS OF ACTION

In general, it is important to highlight the creation within the local sphere of specific action plans to combat gender violence, always taking into account the existing resources as well as the means available. In this respect the need for such action plans to address the different areas of action

AREAS OF ACTION	Group (s) for whom the action is designed	Ideas for local actions
	<p>Women's associations</p> <p>Groups concerned with the administration of justice.</p> <p>Local police, national police, autonomous regional police, Guardia Civil (rural)</p> <p>Social Services and health services</p>	<p>Cooperation to incorporate their goals for combating violence.</p> <p>Information on the existence of protocols for detection and care.</p> <p>Collaboration in training actions provided for other groups</p>
INFORMATION/TRAINING	<p>Abused women</p> <p>Social Services</p> <p>Local police, national police, autonomous regional police, Guardia Civil (rural)</p> <p>Health Services</p> <p>Educational Services</p> <p>Women</p>	<p>Information campaigns on their rights and how to file complaints, safety and integral care and attention.</p> <p>And with those that are detected in any service: Information on their rights and resources available to them</p> <p>Ongoing training organised on the basis of criteria which enable individuals and teams to identify, analyse and properly understand the problems of violence against women and to enable them to set up responses which do not victimise.</p> <p>Training in applying protocols for action in combating violence against women</p> <p>Information on the existence of protocols for detection and care.</p> <p>Training of teachers in the prevention and detection of possible child victims in cases of gender violence.</p> <p>Training of teachers in the prevention and detection of possible child victims in cases of gender violence.</p> <p>Training in the causes and consequences of violence against women</p>

AREAS OF ACTION	Group (s) for whom the action is designed	Ideas for local actions
	Women's associations	<p>Training to avoid situations of violence for groups based on individual and group needs</p> <p>Training for coordinated action with the authorities.</p>
CREATION OF CONDITIONS WHICH WILL FACILITATE PERSONAL AUTONOMY	<p>Abused women and their children</p> <p>Businesses and Public Employment Services</p> <p>Public housing companies, housing cooperatives etc.</p>	<p>Integral attention coordinated with the services which are provided or managed by the Autonomous Communities.</p> <p>Aid and incentives to facilitate access to employment of groups at risk of exclusion , and specifically women victims.</p> <p>Aid and incentives in order to facilitate access to housing for women and their children.</p> <p>Allocations of public housing for women and children.</p>
COORDINATION OF SERVICES	<p>With the administrative areas in the same territory</p> <p>With social organisations</p>	<p>Ensure coordination (through development and monitoring of protocols decided on and those of which all the services should be are) of resources for aid and assistance for an adequate medical, psychological, social and legal response fro abused women and their children and other dependents.</p> <p>For example, with Education:</p> <p>Detection in the school of possible cases of abuse.</p> <p>Coordination in services needed for children of abused women.</p> <p>Ensure coordination with actions of social bodies in the same territory.</p>

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5.4. PROTOCOLS FOR ACTION

However, in addition to action plans to combat gender violence, it is also important to set out and agree on some protocols for action. Protocols are defined as written procedures which are established by a local authority on what should be done to identify and respond appropriately to victims of gender violence. A protocol is a tool for systemising and coordinating work carried out in this field and should be included in the programme or plan that the local authority decides to adopt in order to combat violence against women.

Thus, in addition to plans, it is important to draw up protocols which will permit optimum collaboration between the different authorities and various professional groups involved.

The action protocol coordinated in the issue of violence against women provides a document which will coordinate all areas of action of a territory, which may be complemented with specific protocols for action (for example, in the field of health, the police etc).

Who creates and monitors protocols?

Although the idea is based on an administrative area, for example, the sector for Women, Social Services or the Local Police, once more the need is emphasised for creating a specific structure (a monitoring committee) which coordinates the various areas involved and, in addition, creates and monitors both the programme or plan to combat violence against women as well as the action protocols.

Given that the task involves various sectors, it is recommended that all protocols be drawn up in close collaboration with the professionals who will ultimately be carrying out the work-always taking into account the protocols which have already been approved by national and autonomous authorities - and which include the participation of women's associations.

What aspects are included in a protocol for coordinated action in combating violence against women?

Every local authority will draw up the most appropriate protocol for action based on its particular nature, characteristics such as population, goals, available resources etc. However, in all cases it is possible that that the following plan will be devised:

Table 4 Possible areas of local action against gender violence

Sections	This section may include:
1. Presentation of the protocol for action to combat violence against women	<p>The reasons why this Authority in particular has been moved to implement a programme or a plan to combat violence against women.</p> <p>The framework of this protocol will include: presentation of the plan or programme adopted by the local authority to combat violence against women</p>
2. Basic information on the characteristics of violence against women in the territory in question	<p>Although it is possible that most of the professionals working in the different areas are fully informed regarding this issue, nevertheless a section containing details and information on violence against women should still be included . It will be more useful if specific data for the territory is added to the general information.</p>
3. Areas involved and a guide to resources	<p>Areas of the local authority having specific tasks in the plan or programme to combat violence against women.</p> <p>specific resources (professional, infrastructures, etc) that each area brings to this programme and their functions</p>
4. Specific protocols for attention and referral in each area	<p>For example: protocol for teams responsible for Social Services, protocol for the Local Police, protocol for health professionals, protocols for agents of equality etc</p> <p>Each of these areas draws up a plan of how their professionals should act when they discover a case of violence or when they have attended to a woman and, if appropriate, her children.</p> <p>This section also contains details of the instruments used to compile data in each case: procedures and files</p>
5. Protocol for coordination between different areas and with other organisations and bodies.	<p>This protocol includes the different routes and circuits devised for attending to victims both in the case of urgent action and more normal intervention.</p>
6. Documentation and useful bibliography	<p>Further information is provided on each area in order to complement the information available on violence against women.</p>

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5.5. PROPOSAL FOR SPECIFIC ACTIONS IN THE MUNICIPAL AREA

As has been reiterated throughout this document, Local Councils due to their privileged position of proximity to the populace are able to identify and develop strategies and pinpoint and set up resources and measures which will contribute to eradicating gender violence. They are more likely to be able to provide specific responses; the municipal scope is therefore more appropriate and effective in developing policies aimed at combating violence and ensuring that victims will receive attention commensurate with their needs.

Actions which may be developed within the local sphere have been reorganised from a gender perspective and may be implemented from local councils or women's centres which may define and coordinate social actions for protection and prevention to be developed in the area.

In general expect for legislative and procedural measures along with health measures and those relating to educational aspects, as they lack authority in these spheres, local authorities are working with structured actions in three main areas:

- **Prevention and creation of awareness**
- **Attention and support for victims**
- **Coordination between and beyond the bounds of municipalities**

5.5.1. PREVENTION AND CREATION OF AWARENESS

Creation of awareness and prevention form the corners stones of any programme designed to eradicate gender violence, although it is true that in the case of prevention, the results of their actions are generally only perceived in the mid and long term. At times this may create difficulties for the government team, given that political mandates run for four years and it is likely that they will not see the immediate results of their efforts.

Although creating awareness and prevention in matters of gender violence is a two pronged approach, with differing objectives (and therefore they require different courses of action) there are nevertheless two areas which complement each other. Although the purpose of creating awareness is to make this social problem better known and to increase understanding of its causes, thus ensuring greater visibility

and bringing problem into the public arena rather than remaining a hidden private issue; prevention also acts directly on the causes, attempting to prevent violent action occurring in future ⁷⁶.

Firstly, it is necessary to take into account that creation of awareness and provision of information are fundamental in preparing local integral action against gender violence, as not all women who are abused in this way decide to file a complaint, either through fear or because they are not aware that they are actually victims because they have not been physically abused.

Prevention, however, should be implemented at different levels: primary prevention, acting on the causes of violence; secondary in order to improve actions which are being carried out, and thirdly by trying to prevent the situation from becoming chronic and promoting recovery programmes.

Although some actions in matters of creating awareness and prevention in a local environment may be significantly costly in budget terms it should nevertheless be recalled that not all measures require costly financial investment. Ideally available resources should be optimised in order to make the strategy for action more effective and therefore some of the proposals outlined below can be implemented without having too much impact on budgets:

a) Creation of awareness and information

- An excellent tool for informing on gender violence is to use all the communications channels available to the Town Council or local authority. In this way the corresponding **web site** could provide a specific section on “gender violence” in which, in addition to offering information on this violent phenomenon (description, causes, consequences etc) victims’ rights are explained and existing resources explained.
- If, in addition, there is a **municipal magazine or journal** this could include informative articles or sections relating to gender violence, as well as information on the resources available to victims.
- **Public censure** and condemnation of all types of behaviour and/or actions involving any type of violence against women, irrespective of whether or not this occurs in the municipal territory, is not only a clear statement of the government authority to combat this social ill, but also it serves to draw attention to and provide information on this violent phenomenon.

⁷⁶ “Guide for creating awareness and preventing violence against women from a local authority perspective” Spanish Federation of Municipalities and Provinces (FEMP) 2007.

- **Manuals, pamphlets or informative guides** may be compiled, aimed at women adults and children, containing recommendations on how to detect and act in the event of violence in any of its forms. One basic premise is to use simple clear and concise language, always with a view to ensuring that all women will be able to understand its content. However, in addition to drawing up these documents all the information compiled needs to be disseminated in a manner which will ensure that it will reach as many women as possible. In order to disseminate the information, as well the web sites of the respective local authorities, other tools and strategies may also be used such as: distribution in some local authority work centres,, schools and educational institutions, municipal sports centres, health centres, social services, organisations and entities involved in social action, hairdressing salons in the municipal district and local businesses or markets. Although distribution in places such as hairdressers shops or markets may appear to perpetrate gender stereotypes which will have little effect, it should be recalled here that some women are particularly vulnerable and socially isolated, particularly those in rural environments and the smaller municipal districts. It is also important to highlight the need for immigrant women to have access to information on this type of violence. When there is a large foreign immigrant population in the local authority area it is recommended that these informative manuals, pamphlets or guides be translated into various languages ⁷⁷. Bringing information to the places regularly visited by women is crucial to ensuring that any victim of gender violence will be able to obtain information on her rights. Although the subsequent dissemination of **campaigns for creating awareness** of violence against women is considerably expensive, it is important to stress the need to have in place strategies for creating awareness. Therefore, and in the event that budget constraints do not permit specific funds for creating and disseminating information, perhaps the best course of action would be to use and disseminate campaigns which are run at a national or autonomous regional level. Not only in order to maximise existing resources, but also in order to use that possible financial investment for other extremely important resources in the local sphere such as, for example, direct attention for victims.
- The **local communications media** (mainly radio and newspapers) can also assume an active role in combating gender violence. In this way, they may issue some programmes and/or reports which provide information and create awareness of this problem.

⁷⁷ As mentioned in another section of this Inter SEctoral Proposal the Government Office for Gender Violence has translated into various languages some information documents of interest such as the “Guide to the Rights of Women who are Victims of Gender Violence”; the guide “Employment and social security rights ”; the basic application forms for the “Protection Order”;; the application form for the Job Seeker’s Allowance PRogramme (RAI); yand the application form for “residence authorisation “. All these documents are available on the Web site of the Ministry of el Health Social Policy and Equality– State Office for Equality.

b) Prevention

- Within the scope of prevention, special emphasis is placed on **collaborating with the areas and services concerned with Youth and Sports Policies** in order to review models of how to act and inform young people.
- It is also very important to take into account the use that young people make of **information and communications technologies**. Using internet and social networks when addressing the problem of gender violence with the younger sectors of the population, is an essential tool in ensuring that this message is conveyed to today's youth (crucial in eradicating violence) and will help to have a more effective influence in preventing violence and in detecting and caring for victims.
- Planning of preventive programmes should be based on the premise that violence is a social problem and not an individual one and all the population should be aware of it. Nevertheless, programmes should also be devised aimed specifically at girls in order to teach them how to recognise and detect violence in its early forms and to say "no" to situations which could go against their wishes, as well as teaching them to ask for help and above all to work emotionally to avoid feelings of guilt and fear.
- **Prevention workshops** in schools, and adult education institutions, civic centres, associations etc have also proved to be a very useful tool in eradicating violence.
- Guides for detection of abuse and resources available may also be published, aimed at professionals working in the field of gender violence, which will help to prevent this type of abuse.
- **Providing training courses and/or informative workshops** aimed at a number of professional groups active in the field of gender violence is essential in order to improve, not only care given to victims, but also to improve the mechanisms in place for early detection.
- In general, **publications** on existing resources and also on the possibilities of leaving a violent situation, aimed at all women in general are also a useful tool for preventing gender violence.

5.5.2. ATTENTION AND SUPPORT FOR WOMEN VICTIMS OF VIOLENCE

Attention, support and care for women victims in one of the key phases of the intervention procedure, as often this is the decisive moment for these women in taking a decision to end the abuse that they have endured. It is therefore extremely important to take into account some of the considerations indicated below:

a) Specific and specialised teams

As indicated in previous sections, it is essential to have a specific and specialised team to attend to gender violence victims.

With regard to this point, two crisis situations need to be distinguished where on one hand women's lives could be endangered and which require them to immediately vacate their family home, and those situations of chronic violence in which it is necessary to work on helping women to leave the violent situation behind. In any case, in both situations it is necessary from the very first for the specialised team to be able to offer victims: information, guidance, legal advice, while they need to source and manage resources, as well as providing care and support, surveillance and protection.

This document recommends that the professional team attending the victim should include at least three professional profile from the fields of law, psychology and social work who will maintain close relations and liaise with other areas or services which provide health care, safety and accommodation resources etc. Furthermore, where there are minors in the care of women victims, it is important to remember that action will need to be taken on their behalf as well. It is therefore important that the team working in this area is fully trained and familiar with the kinds of situation that these young people find themselves in, so that the care provided can be specially adapted to their needs.

It is also essential to coordinate with those other areas where local Authorities have no competence, but which are necessary in order to offer women the best attention and care available.

b) Legal advice

This specialised advice and assessment is necessary to help women get out of their situation, and facilitate their access to all the resources available to them in terms of justice provided by the Local Authorities, and public or private bodies. Another objective is to facilitate decision making in order to file a complaint and avoid as far as possible secondary victimisation. Victims should be offered all the support and legal information needed to file a complaint against their attacker, with all the judicial security, personal and family protection and that of other networks, should they decide to file a complaint, which is fundamental in this process.

c) Psychological support

The psychological treatment devised for these women should be based on their specific needs, problems and difficulties. In this respect it is essential to provide proper care for the women, as in the majority of cases, any further work or help will depend on this crucial moment. Psychological support may be group based or individual, and the two types of therapy may be provided simultaneously depending, on the moment and the situation in which the women finds herself at any given time.

It is important to recall that this psychological assistance also has to be provided for children in the care of victims of violence.

d) Job seeking advice and support

One of the problems in helping women suffering abuse is the fact that there are scant resources available to provide employment and training at a local level.

At times it is possible to create resources in the local environment aimed at supporting women victims in their job search either as employees of companies or as self employed entrepreneurs, working to assist them in their task and to facilitate creation of awareness in the local business network in the area where this social problem occurs, in order to establish incentives aimed at companies who will contract victims of gender violence and provide real impetus to getting these women into the job market.

e) Access to housing

Although it is appropriate to underline that the aim is to ensure that women remain safe in their own homes and that the attacker will have to abandon the family home (unless there is a recommendation to the contrary in a professional report) it is true that in a local environment it is possible to set up formulas which will help women victims to gain access to appropriate housing.

In this way the local authority is able to promote different measures, such as giving women who are victims of gender violence priority in obtaining local authority social housing or that some of the requirements for obtaining such housing will be waived in order to gain access (such as for example the requirement to attest to a minimum period of time working or residing in the municipal district).

Therefore it is recommended that the situation of women who are victims of gender violence should be included in the “Municipal Housing Plans”.

f) Support and care

The ATENPRO telephone service described earlier helps the victim to feel safe and supported during the process of turning her life around. Although the purpose and the nature of the system has already been

described, it is necessary to explain here the procedure to be followed, in order to ensure that women can use this resource as it is a service provided through local authorities who provide the initial step in accessing this aid. It is important to point out that this provision is made by the General State Authority and is completely free of charge thus it does not involve any expenditure for local authorities.

The ATENPRO service is accessed through the local authority which should request membership and should undertake to comply with the requirements of the "Protocol for Action for the Telephone Helpline for Victims of Gender Violence" which include the following:

- Agreeing with the entity providing the service on the resources to be mobilised in their area in the event of an emergency call: municipal police, 112 emergency service etc.
- Check that the applicant fulfils the conditions for access to the service, and assess the suitability of the service for each specific case.
- Register in the service and process exceptional applications for registration.
- Assess continuity in the system every six months.
- Actively collaborate with entities providing the service in order to locate users in the absence of contact with a Care Centre.
- Deregister the user from the service when she no longer fulfils requirements for access, when as a result of regular evaluation it is deemed that she no longer needs to remain in the system or when she requests it.
- Cooperate with the entities providing the service in order to recover the terminals.
- Approve the monthly list of users registered in their local area submitted by the entity providing the service.

The application for membership should be addressed to the Spanish Federation of Municipalities and Provinces (FEMP) and the Government Office for Gender Violence, who will put the local authority in contact with the company providing this service in their territory.

g) Safety

One of the basic requirements to be considered in the first instance is ensuring the safety of women victims and the children in their charge.

On this point, the role that the local police can play in ensuring their safety is vital, as they provide an excellent reference in protecting these women and their children. Therefore, and provided that they have the competence and capacity for action, an example of good practices would be visiting the domicile of the victims, ensuring their transfer to emergency centres when women need to leave the family home, or monitoring and controlling restraining orders. In any case, it is necessary to take into account the terms of the section relating to "Safety resources" (section 4.2.2 of this document).

5.5.3. INSTITUTIONAL AND INTER-INSTITUTIONAL COORDINATION

As has been mentioned in previous sections, the creation of a Municipal Structure for Violence against Women with the participation of all the municipal areas which may have some degree of implication in the problem (civic safety, employment, education, culture, youth etc) should be objective. From this structure it will be possible to agree on the action to be taken, create a special file for compiling data which will hold information on violence and its incidence in the municipal district which will assist in proposing protocols for derivations and specific action by areas.

From this perspective there will be no need for women to go from one resource to another in search of help as there will be protocols for referral, and this will permit monitoring of the action taken by each service involved. In turn, specific protocols could be set up for early detection of violence, designing applicable indicators in the various areas involved: social services, education, employment, health, youth etc.

It is also essential to coordinate and exchange information with other services in the municipal district but which do not depend on the local Authority such as the courts, mental health centres, and health clinics, the State Public Employment Service (SEPE) etc. as their action is crucial to mobilising resources and provision of services and to detection.

5.6. CHALLENGES FACING LOCAL PUBLIC AUTHORITIES

As has already been mentioned, the number of inhabitants and how they are dispersed throughout the are fundamental criteria in evaluating strategies to combat violence against women which may be set up in each local authority.

Most of the Spanish population live in villages and towns with over 20,000 inhabitants, although municipalities with less than 20,000 inhabitants make up 95.1% of the total. That is, there is a considerable dispersion of small villages and towns where municipal resources are scarce, and which are lacking in public transport facilities and also information and communication, however, it should be recalled that there are also victims of gender violence whose rights need to be ensured and guaranteed.

Table 5. Municipalities based on population

Population sectors	Number of municipalities	% of total number of municipalities	Total number of inhabitants	% of total number of inhabitants
<5.000	6811	83,9	6,030,168	12.90
5.001-20.000	910	11,2	8,879,796	19.00
20.001-100.000	332	4,1	13,163,136	28.16
>100.001	62	0,8	18,672,707	39.95
	8115		46,745,807	

Source: Own compilation based on data from the Local Authority Register Ministry of Territorial Policy

Implementing an integral programme to combat violence against women requires coordinated resources of the various authorities involved in the same region or territory: the General State Authority, the corresponding Autonomous Community and any local authorities that exceed municipal boundaries (for example, *comarcas*, *diputaciones (county councils)* *cabildos*, - Spanish administrative divisions - or island councils) and local municipal authorities.

Nevertheless, the local councils themselves do not tend to have a great deal of resources. In addition, only when inhabitants exceed 20,000 are Social Services included as part of the compulsory services ⁷⁸. Smaller municipalities tend to band together so that their population will have access to the same

⁷⁸ Law 7/1985 of 2 April regulating Local Regimes Article 25, section c.

resources. In a possible territorial programme for combating violence against women, jointly organised social services may provide an area for coordination and resources.

In the case of average and large sized cities, in general the equality or women’s services are coordinated with Social Services in order to carry out activities or programmes relating to gender violence. Although the situation in each Autonomous Community and the implication of local bodies such as County Councils (*Diputaciones*) is very diverse, there is already consolidated experience in this area and the Spanish Federation of Municipalities and Provinces is currently working on its dissemination.

Notwithstanding this fact, in the study carried out on the effects of Organic Law 1/2004 in small and rural municipal districts⁷⁹, some institutional problems were identified which hindered access to resources or impeded the guarantee of the rights of victims of gender violence living in these areas.

These are summarised in the following table:

Table 6. Obstacles and problems of an institutional nature and consequence to obtaining rights and access to resources and services for victims of gender violence in the case of municipalities with less than 20,000 inhabitants or rural municipalities.

OBSTACLES AND PROBLEMS OF AN INSTITUTIONAL NATURE	CONSEQUENCES FOR ENSURING VICTIMS' RIGHTS AND ACCESS TO SERVICES
Scant administrative competence and policies of local bodies for developing equality policies or against violence. Associated with this, insufficient public resources for developing own initiatives.	Institutional structures provided with small teams or based on individual leadership.
Governing culture which does not incorporate citizen participation	Lack of alternative proposals for social implication of significant local agents in local policies.
Lack of visibility of the fight against gender violence as a local political priority for the "reduced" number of cases of physical violence identified, particularly in municipalities of less than 5,000 inhabitants.	<p>Scant formalised inter-institutional and in house coordination.</p> <p>Scant implication of the provincial councils in order to promote processes of exchange, organisation or grouping of resources to combat violence.</p> <p>Lack of interest by local development in gender focus and expert personnel who are not sensitive to gender.</p> <p>Lack of local equality policies especially from a transversal perspective.</p> <p>Lack of support, training or authority of the professionals in Women's Centres (or similar centres) in order to promote the transversal nature of</p>

⁷⁹ "The situation of gender violence in small municipalities of the Spanish state". Collection "Against gender violence. Documents", no. 6 Minsitry of Health, Social Policy and Equality.

OBSTACLES AND PROBLEMS OF AN INSTITUTIONAL NATURE	CONSEQUENCES FOR ENSURING VICTIMS' RIGHTS AND ACCESS TO SERVICES
	<p>the remaining local policies.</p> <p>Lack of training measures in matters of gender violence for technical and political personnel of local authorities.</p> <p>Lack of knowledge on the part of the population of the functions of services and existing resources.</p>
<p>Lack of training proposals for groups in rural areas.</p> <p>Training proposals are either too instructive or sporadic.</p> <p>Scarcity of training proposals involving semi present or distance teaching.</p>	<p>Lack of interest on the part of professionals in training outside the area.</p> <p>Risk of poor quality service in detecting and attending to victims.</p>

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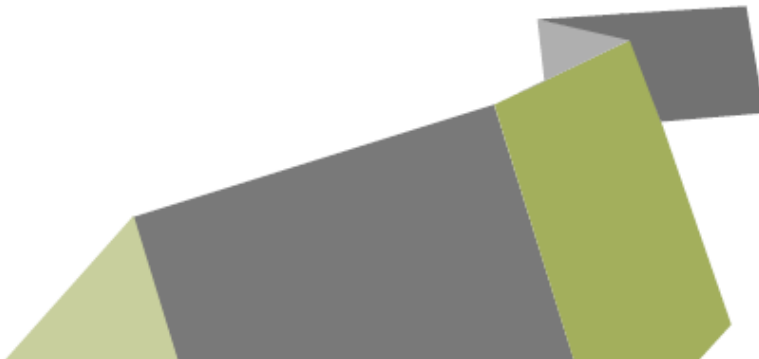
Some of the most important challenges in the fight against gender violence from a local perspective are as follows:

- Implicating the whole municipal corporation overall and the exert teams in a common action programme in which social organisations in the area can also be involved.
- Improving the transversal quality of gender focus in all local policies in order to progress towards achieving equality goals which will gradually change the cultural perceptions that are favourable gender violence.
- Improve ways of informing the population on how resources and services available to them operate and increase their accessibility.
- Participate in training proposals which are provided beyond the scope of the local area for personnel involved in the various services, in particular those which provide skills in detection in the health and educational environments and specifically detection of violence against older women (in the case of rural areas) and adolescents.
- Collaborate and innovate new responses with the competent Authorities in order to improve protection of victims, in particular in small or rural local authorities.

- Collaborate with autonomous authorities in order to bring information and services to the more widely dispersed or smaller municipalities. This includes in particular psychological care and employment and job seeking support.
- In any case from the perspective of women victims, the main challenge faced is convincing them to take legal action and to do this they need to trust in the justice system and feel confident that their safety and that of their children will be ensured.

Therefore it is necessary to have psychological support and advice as a permanent fixture so that a woman has somewhere to go and express her interest in making a complaint. This may be one proposal for municipal services which would increase the possibility of women taking action against their situation and ensuring their safety.

In short, Organic Law 1/2004 of 28 December on Integral Protective Measures to combat Gender Violence, also changed the way action is taken in combating this type of violence which also affects the work carried out by local authorities. The creation of new resources of various kinds (social, judicial, institutional,) the impetus for new measures to create awareness, and for detection, prevention and attention as well as recognition of a whole series of rights for women victims and their children have led to this problem being addressed in a new way, which also requires the proposal of new strategies for intervention and action in the local sphere.



APPENDIX: Laws to prevent gender violence and equality laws in the regional Autonomous Communities

Table ¡Error! Secuencia no especificada.7: Laws to prevent gender violence and equality laws in the regional Autonomous Communities

AC	Autonomous Regional Law on Gender Violence	Equality Law
ANDALUSIA	Law 13/2007 of 26 November on Prevention Measures and Integral Protection against Gender Violence in Andalusia.	Law 12/2007 of 26 November on Promotion of Gender Equality in Andalusia.
ARAGON	Law 4/2007 of 22 March on Prevention and Integral Protection for Women Victims of Violence in Aragón.	
ASTURIAS	Law 2/2011 of 11 March on gender equality and eradication of gender violence	
BALEARIC ISLANDS		Law 12/2006 of 20 September for Women
CANARY ISLANDS	Law 16/2003 of 8 April on Prevention and Integral Protection for Women against Gender violence	Canary Islands Law 1/2010 of 26 February on Gender Equality
CANTABRIA	Cantabrian Integral Law 1/2004 of 1st April, for the Prevention of Violence against women and Protection of their Victims.	
CASTILLA LA MANCHA	Law 5/2001 of 17 th May on prevention of abuse and protection of abused women	Castilla La Mancha Law 12/2010 of 18 November on Gender Equality
CASTILLA Y LEÓN	Law 13/2010 of 9 December combating Gender Violence in Castilla y León	Law 1/2003 of 3 March on Equal Opportunities for Men and Women in Castilla y León /Law 7/2007 amending the Law 1/2003
CATALONIA	Law 5/2008 of 24 April on the right of women to eradicate machismo and violence	
VALENCIA		Law 9/2003 of 2 April on Gender Equality

AC	Autonomous Regional Law on Gender Violence	Equality Law
EXTREMADURA	Law 8/2011 of 23 March on Gender Equality and against Gender Violence in Extremadura.	Law 8/2011 of 23 March on Gender Equality and against Gender Violence in Extremadura.
GALICIA	Galician Law 11/2007 of 27 July for prevention and integral treatment of gender violence.	Law 2/2007 of 28 March on equal employment for women in Galicia.
MADRID:	Integral Law 5/2005 of 20 December on combating Gender Violence in the Community of Madrid	
MURCIA	Law 7/2007 of 4 April on Gender Equality and against Gender Violence in the Region of Murcia.	Law 7/2007 of 4 April on Gender Equality and against Gender Violence in the Region of Murcia.
NAVARRA	Regional Law 22/2002 of 2 July on adopting integral measures against sexist violence// Regional Law 12/2003 of 7 March amending the Law 22/2002.	
BASQUE COUNTRY		Law 4/2005 of 18 February on Gender Equality
(LA) RIOJA	Law 3/2011 of 1 March for prevention, protection, and institutional coordination in Gender Violence in La Rioja.	
CEUTA		
MELILLA		

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Gender violence manifests itself as the most brutal symbol of inequality that exists in our society and one of the most flagrant attacks on fundamental rights of freedom, equality, life and safety, and non-discrimination.

With this new publication, it is hoped to facilitate the activity of professional groups who daily strive at a local level with the sole purpose of achieving a society in which not a single woman can be considered to have been deprived of her minimum rights of freedom, respect and the ability to make her own decisions.