



**I ANUAL REPORT OF
THE NATIONAL OBSERVATORY ON VIOLENCE
AGAINST WOMEN**

EXECUTIVE SUMMARY

HIGHLIGHTS AND PROPOSALS FROM THE FIRST ANNUAL REPORT OF THE NATIONAL OBSERVATORY ON VIOLENCE AGAINST WOMEN

Article 30 of Constitutional Act 1/2004 of 28 December (*BOE* (Official State Journal) of 29 December) on Comprehensive Measures against Gender-based Violence (hereafter, **Act on Comprehensive Measures**), stipulates that the National Observatory on Violence against Women is to send an annual report on gender-based violence and the effectiveness of the measures agreed for the protection of victims, to the government and autonomous communities. Such report is to include proposals for action which, where appropriate, may lead to legal reforms geared to guaranteeing the maximum level of protection for women.

Pursuant to the aforementioned legal provision, on 28 June 2007, the first anniversary of its creation, the National Observatory on Violence against Women approved its first Annual Report, based on the proposal put forward by a group of experts in the field.

This report consists in **four sections and an annex which includes the system of indicators and variables concerning gender-based violence upon which the National Observatory on Violence against Women's database is going to be built**. The first section constitutes an introduction which describes the national and international context in which the Act on Comprehensive Measures was introduced and provides a brief analysis of its most prominent features. The second section explores the incidence of such violence in greater depth, while the third describes the measures developed to prevent, correct and eradicate gender-based violence, its growth and impact. Lastly, the fourth section sets out the actions proposed by the National Observatory on Violence against Women.

The first section highlights the **fundamental merits of the Act on Comprehensive Measures**. Firstly, it defines gender-based violence as the violence wielded against women at the hands of their partners or ex-partners. This is not only the most common and visible form of violence wielded against women, but exhibits unique characteristics which are derived from the existence of ties based upon psychological, economic, social and cultural dependence between the victim and the perpetrator. Secondly, it introduces the gender perspective in such violence and the comprehensive nature with which its prevention, punishment and eradication are approached,

while providing maximum assistance to the victims. This has made the Act a better regulatory instrument than any hitherto drawn up to combat this serious social bane.

The report likewise stresses that the Act on Comprehensive Measures was the result of intense work in which civil society and women's organizations in particular have played a decisive role, and of a significant effort to reach consensus, reflected by Parliament's unanimous ratification of this Act.

Thereafter, the initial pages of the report address the discrimination that violence against women represents, as the ultimate expression of the inequality between men and women, and the most aberrant indication of the secular domination of one sex over the other. Hence the requirement for specific treatment of violence against women is derived from its nature: sexualized violence, violence that is wielded against the victim solely and exclusively because she is a woman.

In this respect, the progress represented by the ratification of the Act on Comprehensive Measures is evaluated against the efforts which have been made in the international and European arenas in the struggle against gender-based violence, as well as against the legislative precedents in the Spanish legal system.

Section two of the report focuses upon **knowledge of the incidence of gender-based violence**. It begins by recognizing that there is currently little, incomplete, and often inconsistent and insubstantial information. Consequently, it resorts primarily to the following sources of information to perform this analysis:

- ◆ Surveys conducted with women in 1999, 2002 and 2006, which provide an overview of "admitted" violence.
- ◆ Data, which are nevertheless incomplete, provided by law enforcement agencies, whereby a significant part of the violence reported can be monitored.
- ◆ Information concerning deaths caused by gender-based violence, which reveals some of the characteristics of the most extreme violence.

An assessment of the **surveys** led to the following conclusions:

- ◆ In 2006, 6,3 % of women aged 18 or over residing in Spain admitted that they had suffered abuse at the hands of their partner or ex-partner at least once. This percentage is equivalent to approximately 1 200 000 women.
- ◆ A total of 2,1 % admitted that they had suffered abuse in the last year. This situation affects approximately 400 000 women.
- ◆ Two-thirds of the women who suffered gender-based abuse at least once left their partner as a result. This accounts for 800 000 women.

Abuse at hands of partner or ex-partner	1999	2002	2006
TOTAL WOMEN	100,0	100,0	100,0
Never	94,9	93,8	93,7
At least once	5,1	6,2	6,3
- In the last year	2,2	2,3	2,1
- At least once but NOT in the last year	2,9	3,9	4,2

Source: Survey on gender-based violence



- ◆ Abuse is seen to affect women of all ages, social classes and employment situations, irrespective of the size of the town where they live, their level of education, ideological leanings or religious beliefs, and despite the varying extent of the violence. These “self-admissions of abuse at least once in life” revealed that:

- ◆ By age group, the largest proportion of admitted abuse affects women between 30 and 59 years of age (more than 7,4 % of all women in this age group). At the same time a sharp increase was observed in admitted abuse affecting women in the 18-to-29 age group, which rose from 3,1 % in 1999 to 6,0 % in 2006.
- ◆ By size of town/city, more violence was admitted in large towns, affecting 6,9 % of the women surveyed in towns with over 50 000 inhabitants.
- ◆ By employment situation, working women (employed or unemployed) had the highest percentages of admitted abuse, with values in 2006 of 8,6 % and 9,5 % respectively, which were twice as high as for women in other situations.
- ◆ By level of education: it would appear that education, even at the highest levels, does not prevent violence, although the highest percentages of women who stated that they had suffered gender-based violence were found among persons

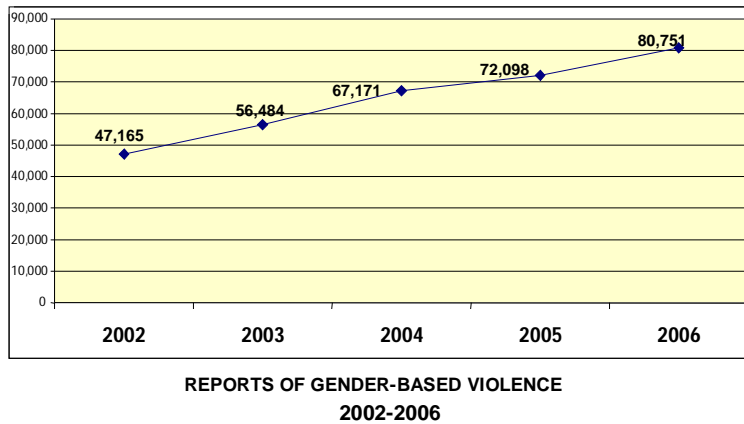
with intermediate levels of education. In 2006, these values applied to women with middle school (7,2 %) and secondary level qualifications (7,7 %). The latter group exhibited a steep rise during the period covered by the survey, from 4,3 % in 1999 to 7,7 % in 2006.

- ◆ Women claiming not to be non-Catholics and practise no religion and those who are agnostic or atheist, admitted that they were victims of physical abuse more than practising or non-practising Catholics.
- ◆ A review of the variations in this parameter shows that the percentage of women who described themselves as “non-practising Catholics” and those who said they were “agnostic or atheist” increased along much the same lines as observed in the overall figures. The percentage for women describing themselves as “practising Catholics” fluctuated very little in the years of the surveys, whilst the percentage among non-Catholics who “do not practise any religion” rose significantly in 2002, to 11,3 %, to return in 2006 to the same percentage as in 1999 (7,9 %).
- ◆ By ideological leanings, more women regarding themselves to be on the centre-left admitted that they were victims of abuse than women on the right. At the same time, the percentage for women who considered themselves to have leftist ideologies (7,4 % in 2006) was similar to the percentage for women regarding themselves to be on the centre-right (7,3 % in 2006).
- ◆ By household income level, a higher incidence of gender-based violence was admitted by women with lower incomes, with the largest difference observed in incomes that are “significantly lower than the average”, for 9,1 % of such women admitted to having suffered abuse at least once.

- ◆ Women who are separated or divorced admitted considerably higher levels of abuse than the rest of the sample.

Meanwhile, the data concerning **reported** violence result in the following conclusions:

- ◆ The number of reports of gender-based violence increased by over 70 % between 2002 and 2006

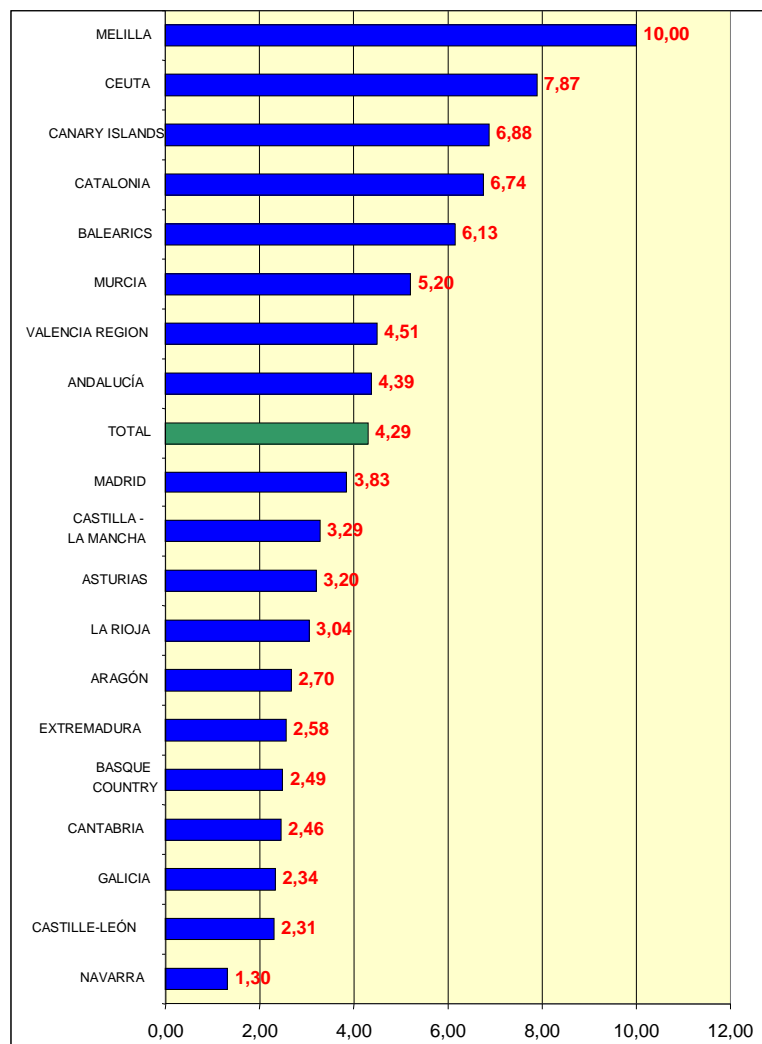


- ◆ The rate of reports per thousand women aged 18 or over rose from 2,66 in 2002 to 4,29 in 2006.

Year	TOTAL REPORTED CASES	Women aged 18 and over	Rate of reports per 1000 women aged 18 and over
2002	47,165	17,702,200	2,66
2003	56,484	18,059,731	3,13
2004	67,171	18,265,026	3,68
2005	72,098	18,613,011	3,87
2006	80,751	18,844,946	4,29

- ◆ Both in terms of the absolute numbers and the rate, these are sustained increases over time.
- ◆ The variation in the numbers of reports differed depending on the autonomous community,:
 - ◆ Logically, the four communities with the highest number of reports concurred with the regions with the largest populations.
 - ◆ The rate per thousand women aged 18 or over, however, varied from 1,3 to 10 per thousand.

**Rate of gender-based violence reported by women aged 18 or over, by autonomous community (per thousand)
2006**



As stated above, section three of the report contains an analysis of the measures adopted to tackle gender-based violence following the ratification of the Act on Comprehensive Measures. It takes into consideration all of the available information and, particularly, the assessment of the results approved by the government and submitted to Parliament in December 2006, setting out the progress made and identifying areas in need of improvement. The latter are addressed in the National Plan for Gender-based Violence Awareness and Prevention, along with a set of urgent governmental measures approved by the Council of Ministers at its 15 December 2006 meeting.

From the standpoint of **education**, the report notes that the prevention of gender-based violence calls for the furtherance of a change in the model of social relationships between men and women. The traditional model, based on authority and submission, the antithesis of the democratic values identified with our society, must be replaced with mutual respect and a commitment to honour the human rights on which any manner of partnering should be based.

Hence the recognition of the crucial role that education can and should play in the eradication of gender-based violence.

The report further emphasized that according to the data from the surveys conducted in 1999, 2002 and 2006, in all three cases the percentage of young women who admitted that they had suffered abuse was slightly lower than the total number of women admitting to have experienced this problem, a difference also observed in relation to psychological abuse. Furthermore, the decline in the percentage of women abused over time was likewise observed among young women. Based on these results, young Spanish women are generally thought to suffer less gender-based violence than previous generations, although measures are needed to eradicate such violence through education, for a mere change in generation does not appear to suffice to put an end to this problem.

Young women admitting that they have suffered abuse in the last year

Year	Young women: 18-29	Total women
1999	3,8 %	4,2 %
2002	3,3 %	4,0 %
2006	3,2 %	3,6 %

A second indicator of gender-based violence among young people is the percentage of women killed by their partners or ex-partners. The percentage of young women (under 31 years old) killed by their partner or ex-partner from 1999 to 2006 ranged between 37 % and 24 %, which is higher than the percentage of young people in the 15-to-30 age group in the population as a whole.

The age-group analysis of the percentage of reports filed with the national law enforcement agencies on abuse perpetrated by a partner or ex-partner also shows that the proportion of young people reporting such incidents is higher than the proportion of the population as a whole. The differences in this indicator are higher than above, revealing a greater tendency among younger than older women to report gender-based violence.

Cases of abuse perpetrated by a partner or ex-partner reported by young women

	2002	2003	2004	2005	2006
Number of young women	15 773	18 840	22 289	23 869	25 074
Percentage of the total	36 %	38 %	39 %	40 %	40 %
Total	43 313	50 090	57 527	59 758	62 170

This analysis is completed with a reference to the attitudes of young people towards gender-based violence. The report maintains that the surveys conducted reflect that despite the considerable progress in overcoming sexism among young people in recent years, much has yet to be done before it is fully eradicated from their identities, especially young men's identities, so as never to re-appear in critical situations. The report discusses the many conditions that have an impact on this complex problem. These include social pressure for the male stereotype which continues to be harsher than the pressure for the female stereotype, for most women usually perceive overcoming sexism as a benefit whilst the majority of men tend to perceive it as a loss. Depending on how superficially young men overcome sexism, they may tend to respond to certain critical situations with the maximum gender-based violence, allowing internalized conduct to upwell.

While recognizing the progress made on an educational level to adapt to the Act on Comprehensive Measures, the role of the Plans for Improving School Environments (presently being formulated at all levels of education) is highlighted as a most suitable framework for putting widespread permanent education in equality measures into practice. Such measures should specifically include the prevention of gender-based violence as part of a comprehensive approach to education in democratic values and against any kind of violence, which can be extended to the population at large.

The report notes that generally speaking, the majority of **universities** are maintaining the same **educational policies** as before the ratification of the Act on Comprehensive Measures.

Among the most positive actions, the report highlights the launch of postgraduate qualifications relating to gender-based violence, a university offering that is supplemented with sporadic summer courses and conferences organized by departments or faculties, frequently with the financial support of public institutions.

Nonetheless, the lack of compulsory training on gender-based violence in undergraduate curricula in fields (for 3-, 4- or 5-year degrees) most closely linked to the professions involved in situations of gender-based violence gives cause for particular concern.

The most prominent legislation in the regulatory effort in the **area of advertising and the media** includes the Act on Comprehensive Measures and the initiatives on both the national (the Women's Institute Observatory on Sexist Advertising; the Advisory Committee on the Portrayal of Women in Advertising and the Media) and regional levels. Furthermore, the media have not only responded favourably to the regulatory developments and actions undertaken by institutions to eradicate gender-based violence, but have conducted their own campaigns to raise awareness among their readership and audiences. This reaction has been valued very highly.

The portrayal of men and women continue to be incomparable, however, with news items about women in the press and news bulletins dealing essentially with gender-based violence. Hence the importance of raising awareness and training media professionals, and the need to formulate a code on the treatment of news about and the portrayal of women, to overcome some of the discrepancies detected:

- ◆ The treatment of gender-based violence is often limited to cases of death or, occasionally, physical violence with serious consequences.
- ◆ The media should be persuaded to publicize the legal consequences of gender-based violence and the enforcement of sentences more often.
- ◆ Victims continue to be portrayed as outside the employment market: their profession and occupation are still omitted.
- ◆ Solutions relating to the options available to women are rarely presented: information is not usually geared to potential victims, who are seldom urged to seek advice and make enquiries before reporting abuse. Neither is the behaviour typical of an abusive person defined with sufficient clarity, making it hard for many women to realize the risk they are running.

In short, the media must become more unanimous and consistent about showing that death resulting from a beating is not what makes an offence gender-based violence. Rather it is the intention behind the act, based on the ideology of male supremacy and female inferiority, and the assumption of gender roles of domination-submission.

Likewise, despite the fact that society is becoming increasingly aware about sexism and media stereotypes, as proven by the complaints received by the observatories concerned and by the repercussions of complaints about certain advertising campaigns, the principle of equality and non-discrimination is found to be systematically disregarded, and plenty of ads with highly sexist content, both in publicly and privately-owned media, continue to be published.

Analysis in the **area of health** begins with a reference to the consequences of gender-based violence on the physical, sexual and reproductive, mental and social health of women and their children, before going on to analyze the response offered by the sector.

In general terms, certain issues which stand in the way of offering adequate care in cases of gender-based violence are highlighted: the trend towards “medicalization”; the insufficient specific training received on violence against women and the insecurity and fears that this lack of training creates in professionals, who may have a tendency to tackle the subject from the perspective of therapeutic help; the personal obstacles of the aforementioned professionals and the issues stemming from the women themselves when such issues are treated in the surgery; the lack of time available in primary health care; a lack of knowledge about other resources; and the poor coordination between health professionals and professionals from other fields of intervention.

For all of these reasons, the current capacity of healthcare professionals to detect violence against women and to provide adequate care is low.

This reality notwithstanding, the report notes that most autonomous communities have taken some action, particularly in the area of training. Most, however, have a protocol of their own, with different methods and definitions for dealing with violence against women (gender-based, domestic or in the confines of the couple relationship) and the women themselves.

Meanwhile, the National Health System’s Interterritorial Council has put forward the following measures for overcoming the aforementioned difficulties:

- ◆ Inclusion of gender-based violence in the Portfolio of Common National Health System Services.
- ◆ Approval of a Common Protocol for Healthcare Action to deal with Gender-based Violence.

- ◆ Adoption of common criteria for training professionals, which must cover aspects of prevention, early detection and the ways to deal with violence against women.
- ◆ Formulation of minimum common indicators for the epidemiological monitoring of gender-based violence attended to by the health system.

The Act on Comprehensive Measures recognizes certain **rights** for victims of gender-based violence. The report begins by examining these rights in terms of employment, social security and financial support, the ultimate aim of which is to shield their contract of employment against the vicissitudes of the violence they are suffering. In the event that they have to terminate their contract of employment or allow it to expire, such measures are designed to protect them with an income that replaces their former salary.

The importance of these rights is reflected in certain data. Most women who admit that they have been victims of this type of violence in the last year are working, their employment rate being much higher than that of women who state that they have not suffered abuse in the last year.

	TOTAL SURVEY PARTICIPANTS	Abuse in last year	
		YES	NO
Active	44,8	56,7	44,6
Inactive	55,2	43,3	55,4
TOTAL	100,0	100,0	100,0

Moreover, the unemployment rate among women admitting that they have been subject to abuse at the hands of their partner or ex-partner in the last year is higher than the rate for women stating that they have not suffered such abuse.

	TOTAL SURVEY PARTICIPANTS	Abuse in last year	
		YES	NO
Employed	86,8	84,9	86,7
Unemployed	13,2	15,1	13,3
TOTAL EMPLOYED	100,0	100,0	100,0

Working women, whether employed or unemployed, claim to suffer more gender-based violence than women not on the labour market. This information might infer that either active employment

involves an awareness of situations of abuse, or that being subject to violence is an incentive to seek employment to thereby gain independence from the perpetrator.

Students and unemployed women not looking for work have the lowest rates, housewives represent almost thirty per cent of the total number of women admitting that they have suffered abuse, and retired and disabled women account for almost nine per cent of the total.

The data available on the use being made of the employment, social security and financial support measures indicate that few women have resorted to this form of support, probably because there is insufficient information available about their existence and how to apply for it.

Finally, the report discusses the important role of collective bargaining in the exercise of the rights laid down in the Act on Comprehensive Measures for abused women employed in private businesses or by the government. Some collective agreements simply refer either wholly or in part to the provisions of the Act on Comprehensive Measures, by reproducing its content word for word, again wholly or in part, or stating that its provisions form part of the text of such agreements. All of the above options fail to fulfil the objective of greater precision sought by the Act.

The progress that the recognition of the right to comprehensive welfare care represents is highlighted, together with the fact that all autonomous communities in Spain have access to a network of social security resources to cover the various stages of women's and their children's recovery process. The report nonetheless reflects concern about the lack of data with which to evaluate the true effectiveness of this right and the need to make progress in improving the coordination of the existing resources.

Lastly, legal assistance for the victims of gender-based violence is considered. The Act provides that in all legal and administrative proceedings linked directly or indirectly to the violence suffered, such assistance must be expert and immediate as well as cost-free if the victim lacks financial resources to sue.

However, certain obstacles to the full effectiveness of this right are highlighted. The presence of a court-appointed solicitor is still not generally requested at the point of detention, even though the first question on the new protection order application form is whether the applicant wishes to be assisted by a lawyer. Moreover, the staff on the specialist duty solicitor shifts is insufficient,

although the headcount has recently been reinforced. Finally, the report describes a widespread lack of genuinely specialist training in equality and gender-based violence.

Hence the importance of the measures underway in this area, primarily the increase in the number of lawyers on the gender-based violence duty shift, the conclusion of an agreement between the Ministry of Labour and Social Affairs, the Ministry of Justice and the General Council of Spanish Lawyers (CGAE) on expert training in gender-based violence for duty solicitors, and the drafting of the Action Protocol for the National Law Enforcement Agencies and Lawyers for dealing with Gender-based Violence.

The final issues that are dealt with in section three of the report are **penal and judicial protection**.

In its discussion of the penal measures, the report addresses the controversy around the compulsory imposition of a court order to protect victims of domestic violence as per Article 57-2 of the Penal Code. This has been challenged by certain quarters, which propose breaking with the automatic and imperative nature of the precept, allowing the judge to assess the objective existence of risk before imposing such an order.

Reference is likewise made to some of the reactions brought on by the penal measures contained in the Act on Comprehensive Measures. These have led to the formulation of questions of unconstitutionality, whose delayed resolution has interrupted the proceedings underway when these provisions were formulated and retarded the passing of the associated sentences. The report also refutes the idea that penal process might be used for spurious purposes by a considerable number of women. It bases this rebuttal on the short number of civil suits lodged with the Courts for Violence against Women compared to penal proceedings matters and the similarly short number of civil preliminary injunctions requested and/or granted compared to penal preliminary injunctions.

Psychological intervention with perpetrators is another of the issues analyzed in the report, which identifies a need to extend this practice more widely across the country, and to establish common criteria for standard intervention and evaluation.

It also refers to judicial protection, whose most effective tool is the specialization of certain courts to hear proceedings dealing with gender-based violence. The result has been the creation of the

exclusive Courts for Violence against Women and the Courts for Violence which hear cases on both this issue and other penal and/or civil matters.

The report welcomes the gradual extension of the plan for Courts for Violence against Women (43 new courts are scheduled for 2007, of which 14 are now operating), and the formulation of common, standard training criteria and modules for all legal operators who work in the field of the administration of justice in cases of gender-based violence.

The principle of assigning competence to hear gender-based violence cases to a single court in each judicial district (or several, depending on the volume of cases) is viewed positively. Nonetheless, practice has revealed dysfunctions in the Courts for Violence against Women that have shared competence. These have been associated, from the outset, with the need to reconcile the court diary with the urgent attention and dedication required by cases of gender-based violence. These courts' level of performance is also affected by an insufficient number of public prosecutors, forensic surgeons and duty solicitors, both gender-based violence specialists and court-appointed counsels for men charged or detained. Finally, most of the courts with shared competence have neither Victim Support Desks nor Psychosocial Teams.

In light thereof, the report recommends improving on the implementation of the plan for exclusive Courts for Violence against Women by grouping two or more districts together, in anticipation of the provisions of the Act on Comprehensive Measures. This should help surmount the difficulties identified and facilitate the effective specialization of all legal operators, resulting in a more effective administration of justice.

By way of conclusion, the range of opinions related to Article 416 of the Criminal Justice Act are considered. This Act stipulates that relatives of the defendant can abstain from declaring as witnesses in legal proceedings.

After analyzing the measures that have been implemented since the ratification of the Act on Comprehensive Measures to address gender-based violence, the fourth section of the report describes the actions proposed by the National Observatory on Violence against Women to reinforce or extend the measures already in place or included in the National Plan for Gender-based Violence Awareness and Prevention (2007-2008) and the Catalogue of Urgent Measures.

GENERAL PROPOSALS FOR ACTION.

1. The creation of a National Observatory on Violence against Women database, designed around the indicators included as an annex to the report
2. Training and specialization
 - ◆ Include violence against women as compulsory curricular content in the training for professionals intervening in situations of gender-based violence.
 - ◆ Guarantee specialist training, delivered by experts, to implement the measures proposed by the Act.
 - ◆ Conduct a study on the status of professional training.
3. The coordination, monitoring and evaluation of the various measures will lead to improvement and the adoption of common guidelines which will guarantee the continuity of the protection system.
 - ◆ Draw up a model protocol for basic inter-institutional coordination between the authorities and institutions that intervene in situations of gender-based violence, in which active collaboration would be an essential component.
 - ◆ Increase the effort invested in coordinating the measures taken by public bodies to ensure that they act synergically. With this objective, emphasis must be placed on reaching and implementing agreements between the state and the autonomous communities to coordinate all the preventive and reparative measures for gender-based violence, taking into account the existing violence units in local government offices. Likewise, local organizations should be fully involved.
 - ◆ Promote collaboration with social partners, who are particularly important in combating gender-based violence. To this end, women's organizations and organizations involved in tackling sexist violence are particularly qualified partners.
4. Awareness and prevention
 - ◆ Make a greater effort to implement measures aimed at preventing violence against women and detecting it in its early stages.

- ◆ Increase the an understanding of and sensitization to gender-based violence by promoting strategies geared to raising awareness and sensitization among society at large.

PROPOSALS FOR ACTION IN NON-UNIVERSITY EDUCATION

1. Increase research and evaluation of measures implemented to prevent gender-based violence through education.
2. Extend prevention to the entire student population, from an overall perspective based on respect for human rights, teaching students to reject all types of violence and including specific activities that censure gender-based violence. Given the importance of this measure, it would be advisable for each school to include actions to implement it and evaluate its effectiveness as part of their Plan for Improving the School Environment.
3. Guarantee the presence of educational measures aimed at preventing gender-based violence. This most advisable way of achieving this aim is to include the question as a cross-curricular subject (instead of incorporating it into isolated, sporadic activities). Teachers should be furnished with the necessary resources to address it systematically and effectively, with teaching methods that stimulate critical reflection, debate and teamwork. They must be given the tools to encourage an awareness of how to replace the traditional model, based on authority and submission, with a model based on equality and mutual respect.
4. Teach students to build gender equality through practice, through collaboration between girls and boys based on mutual respect, for the mere delivery of information does not suffice.
5. Draft protocols on how the school should act if gender-based violence affecting pupils or their families is identified.
6. Mitigate, through education, the consequences and the risk of intergenerational reproduction that gender-based violence may have caused girls and boys who have suffered this problem. Pursuant to the research conducted in this area, the following should be furthered:

- ◆ High quality emotional bonds as alternatives to violence.

- ◆ The rejection of all kinds of violence, including gender-based violence and child abuse, incorporating in the subjects' own identity an explicit commitment to exclude violence from future relationships.
 - ◆ The conceptualization of violent experiences witnessed in their family, recognizing their inappropriateness and expressing to other people the emotions that they stirred up (explaining such experiences from sexist or patriarchal premises increases the risk of their reproduction).
 - ◆ Alternative skills which enable them to deal with stress and resolve social conflicts effectively.
7. Train everyone who has been nominated by the School Council to promote educational measures that foster real and effective equality between men and women.
 8. Systematically collect data to accurately establish the educational progress and limitations of the aforementioned recommendations, disseminating Good Practice and attaining access to indicators concerning the educational environment.

PROPOSALS FOR ACTION IN UNIVERSITY EDUCATION

1. Involve men and women in the construction of a new social pact between the sexes that calls for a change away from patriarchal structures.
2. Include subjects specializing in gender in all undergraduate curricula designed in universities after 2007.
3. Guarantee that training is delivered by specialist teaching staff.
4. Involve universities in eradicating discrimination in the institution.
5. Use appropriate language. The treatment received by women in inherited language contributes to their invisibility and marginalization. Consequently, terminology that prevents discrimination must be used.

6. Acquire information on the training offered at universities. In addition to the data that can be supplied by autonomous communities, information should be obtained from the universities themselves, because the obligation to monitor the degree of compliance with the Act may enhance its effective implementation.
7. Obtain greater University Coordination Committee Involvement to drive the adoption of all of the measures related to gender-based violence (awareness, training and specialization for professionals, etc.) in the university environment.
8. Promote research into gender-based violence. Throughout the report, attention has been drawn to the lack of data available and the need to conduct studies that shed light on such complex issues as gender-based violence, its causes, effects and the impact of the measures taken to eradicate it.

PROPOSALS FOR ACTION IN THE MEDIA AND ADVERTISING

1. Foster progress in self-regulation in the reporting of gender-based violence.
2. Encourage the existence of journalists specializing in gender issues in press offices and headquarters and able to apply non-androcentric approaches to news and reports.
3. Make perpetrators the focus of news items, encouraging social repulsion of their assaults and place the information in the context of the changing nature of relationships between men and women, avoiding treating such news as an incident.
4. Ensure that advertising material complies with the Act.
5. Collect data concerning information campaigns.
6. Collect data concerning the influence of the media in gender perception. The impact of the action taken by the media on child socialization and the independence and empowerment of children should also be measured. The degree of change in beliefs and social attitudes should also be monitored.

7. Report specifically about the measures adopted for the foreign population and people with disabilities.

PROPOSALS FOR ACTION IN HEALTH

1. Include gender-based violence in all regional health plans and service portfolios, in accordance with the National Health System's service portfolio, as a priority task for both primary and specialist care, including mental health, and obstetrics and gynaecology services.
2. Draw up and implement training plans on gender-based violence in every autonomous community as a matter of priority, incorporating at least the minimum standards adopted by the National Health System's Interterritorial Council, with specific timetables and budgets that encourage the participation of professionals and involve health system managers.
3. Evaluate these training plans systematically.
4. Implement the Common Protocol for Healthcare Action to deal with Gender-based Violence in all autonomous communities, in the context of the development of training plans, as a matter of priority and in the shortest possible time frame.
5. Evaluate the implementation of the protocol.
6. Approve common indicators for monitoring gender-based violence through the health system at the Interterritorial Council. These will include at least indicators on detection capacity, case descriptions and the care provided.
7. Annual reporting and analysis of these indicators by the autonomous communities for the National Health System Annual Violence Report.
8. Systematic inclusion of actions relating to early detection and adequate care of gender-based violence cases in all specific programmes, such as mental health and pregnancy care.

9. Furtherance of the coordination among primary, specialist and mental health care professionals and between them and professionals from other fields, assigning human and material resources.
10. Incorporation of the observations and documentation concerning all cases of femicide in regional mortality files, in coordination with medical, legal and forensic services, and systematic analysis of this mortality.
11. Incorporation of the observations and documentation concerning all cases of foetal death for unknown causes in the mortality files of the autonomous communities.
12. Furtherance of research into gender-based violence in health services that comply with World Health Organization ethical and safety recommendations and can serve as a guide for action planning and good clinical practice.
13. Furtherance of research into the needs, motivation and satisfaction of the health professionals engaging in care in cases of gender-based violence.
14. Furtherance of research into the perception of women, level of satisfaction and support needs in relation to health professionals and professionals from other fields, through periodic Sociological Research Centre surveys.
15. Analysis of the inequalities between men and women in the health system and development of measures to eradicate discrimination in the health institution itself.

PROPOSALS FOR ACTION REGARDING EMPLOYMENT, SOCIAL SECURITY AND FINANCIAL SUPPORT

1. Improve the performance of social partners so that collective bargaining specifies and elaborates on the exercise of those rights, the effectiveness of which is subordinate, in no small measure, to the implementation of collective agreements.
2. Broaden the interpretation of the certificate accrediting the existence of gender-based violence afflicting employees or civil servants, to enhance the effectiveness of this legal protection. For the exercise of the rights to the reduction or reorganization of working hours or

geographical and functional mobility (which should also be interpreted to be recognized by the body of law by means of a broad interpretation of the rule), as well as the termination or extinction of an employment contract, the existence of gender-based violence should be provable in ways additional to those presently envisaged. These would include a social services report, when seeking comprehensive welfare care, or another legal ruling which includes a preliminary injunction, providing the nature of such ruling suggests that it has been awarded to safeguard their life or physical and mental integrity. A third instrument would be a ruling which issues a court order against the defendant, forbidding him from approaching the victim, when the objective of exercising the right is to protect the victim's life or physical or mental integrity. A broad interpretation of the aforementioned certificate is likewise recommended for eligibility for the assistance laid down in Article 27 of the Act on Comprehensive Measures.

3. Interpret the notion of "relocation" used by Constitutional Act 1/2004 to refer more specifically to "secondment", as used in collective bargaining. This interpretation would make it possible to extend the six-month reference period laid down in the Act for keeping a job open to the twelve-month limit generally applied to secondment.
4. Analyze the possibility of extending the rights afforded to employed people to self-employed people, particularly given the growing importance of this group and women's specific weight in this community of workers.
5. Study the special situation of working immigrant women in the exercise of their employment rights. For foreign women with a work and temporary residence permit recognized as gender-based violence victims, the periods of contract suspension required to ensure their protection or right to comprehensive welfare care should count as effective working time for the purposes of renewing their work and residence permits.
6. Analyze the possibility, for working gender-based violence victims who do not meet the minimum social security contribution requirement to be eligible for unemployment benefits, of entitling them to such benefits solely by virtue of their status as gender-based violence victims. This would cover cases where no social security tax was paid, even for a shorter period, as required by Article 215 of the General Act on Social Security, providing the beneficiaries can prove their lack of other income.

7. Study the possibility of waiving the requirements respecting prior conciliation or administrative complaint proceedings laid down in Article 138b, for the purposes of obtaining fast-track legal protection of these rights.
8. Study the possibility of expressly introducing a provision in Article 55.5.b of the Workers' By-laws that would void dismissals based on absences or a lack of punctuality when occasioned by physical or psychological conditions deriving from gender-based violence.
9. Distribute information concerning employment and social security rights among workers and companies, providing the latter with knowledge of the subsidies available in the event of hiring women who are victims of gender-based violence. The cooperation of the social partners is essential to this task.
10. Study the inclusion of the temporary disability benefit among the benefits for which eligibility is recognized when social security tax is paid during the period of contract suspension while maintaining a job.
11. Evaluate the results of collective bargaining in the area of implementing and guaranteeing the employment rights recognized in the Act on Comprehensive Measures in favour of workers who are gender-based violence victims. Such evaluation must measure the dissemination of employment rights in terms of their inclusion in the content of collective agreements, and, where appropriate, their effective implementation through their improvement and application in the context of collective bargaining.
12. Promote the compilation, handling and use of information referring to gender-based violence which affects working women, as well as the exhaustive monitoring of data concerning the use by such women of the measures introduced by the Act on Comprehensive Measures.

PROPOSALS FOR ACTION RESPECTING THE RIGHT TO COMPREHENSIVE WELFARE CARE

1. Conduct a study on comprehensive welfare care resources.
2. Promote interterritorial solidarity in the area of care for victims of violence. Further to the former proposal, the possibility of inter-governmental collaboration agreements should be

studied whereby by one regional or local government's welfare resources could be used by victims living outside their boundaries, especially when they are closer to the victim's place of residence.

3. Conduct research into therapeutic resources and intervention programmes with a view to formulating proposals for common minimum quality standards.
4. Guarantee accessibility. Disabled women's realities should be addressed in areas such as the right to information and the resources and models for intervention, and their eligibility for such resources guaranteed. Wherever possible, sign-language interpreters and audio amplification and alternative oral communication support media must be provided.
5. Improve the information aimed at foreign women. Information material geared to foreign women should be made available in several languages, and its distribution guaranteed using the network of services and organizations that work directly with these communities.
6. Include gender-based violence in the training and accreditation of intercultural mediators and oral and sign-language interpreters who work in social services and other women's care services.

PROPOSALS FOR ACTION IN THE MEDICAL-FORENSIC DOMAIN

1. Create Comprehensive Forensic Assessment Units for Gender-based Violence in every Institute of Legal Medicine (IML), made up of a multidisciplinary team composed of forensics, psychologists and social workers.
2. The professionals at the Comprehensive Forensic Assessment Units for Gender-based Violence must have specialist training in gender-based violence in addition to any specific training in this subject required of professionals practising in the context of such institutes.
3. Comprehensive assessment must be conducted, applying the following criteria:

- ◆ Assessment of the result of isolated aggression and of the consequences of prolonged exposure to gender-based violence inflicted by the perpetrator as a mechanism for controlling the woman in the couple.
 - ◆ Assessment of the physical and mental impact of aggression and violence, and their repercussions in the couple's social environment.
 - ◆ Study of adult and child victims of gender-based violence, and of the perpetrator in each case to include all of the elements and circumstances of violence and obtain an overview of the situation reported.
 - ◆ The study of the perpetrator must systematically include an assessment of the risk or danger they present at the time of the study.
4. The psychosocial teams for families and minors and support offices for victims of gender-based violence should be streamlined into a single functional action model, the results of whose study are suitable for inclusion in a common database, so as to contribute to and share the information obtained by the various teams involved.
 5. Include in the same functional model any measures taken by the Family Meeting Point, established to fulfil visitation rights in situations of violence. The information obtained should be included in the common database and shared by the rest of the teams, for the intents and purposes of a genuine overall assessment of the violence suffered by women and children.
 6. Institute comprehensive forensic assessment units in all judicial districts.

PROPOSALS FOR ACTION IN THE LEGAL DOMAIN

1. General proposals

- ◆ Conduct a study on the legal position of illegal immigrant women in Spain

2. Proposals for action in the legal domain, with particular impact on civil issues

- ◆ Take into consideration the violence suffered by women or children in cases of international child abduction. To prevent the return operation from turning into a ploy that works in the perpetrator's favour, the impact of gender-based violence on the application

and interpretation of the Hague Convention and Regulation 2201/03 must be considered by Spanish authorities.

- ◆ Promote the actions, regulatory where required, for implementation of the options provided for in Article 64.2 of the Act on Comprehensive Measures regarding the exchange of the use of the family residence for the use of another dwelling. The exchange provided for in this Act requires the active intervention of national, regional and local public authorities, to ensure that the victim can choose a place of residence where she feels sufficiently safe.

3. Proposals for penal and judicial action.

◆ In the **penal system**

- ◆ Suspension and substitution of sentence. The possibility of giving the judge the authority to consider all the circumstances in all alternatives should be studied, particularly circumstances relating to the assessment of risk that would justify the imposition of duties in any scenario.
- ◆ Determination of penal law. The preciseness of certain scenarios should be strengthened not only to avoid infringements of the Principle of Legality, but also that of equality and legal certainty.
- ◆ Standardized treatment of measures to which the suspension and substitution of prison sentences are subordinate.
- ◆ Institution of generalized rehabilitation programmes for abusers.
- ◆ Creation of an Assessment Report on Intervention Programmes for Men who Attack Women in Spain, which should be fostered by and drafted under the auspices of the Special Government Agency on Gender-Based Violence.
- ◆ Creation or adoption of a Quality Criteria System for Intervention Programmes for Men who Attack Women, laying down minimum standards, based on the evidence, to be fulfilled by public and publicly funded programmes.

◆ **Judicial protection**

- ◆ 1.- Extension of certificates for the effective protection of victims. This extension could, for example, enlarge on the provisions of Article 46.3 of Royal Decree 2393/2004, of 30 December, approving the Regulations for Constitutional Act 4/2000, of 11 January, concerning the rights and freedoms of foreigners in Spain and their social integration, with regard to the granting of temporary residence to victims of domestic violence.

◆ **In the legal system**

- ◆ Opening of a separate stage of proceedings. In order to process protective measures, which must be filed ex officio in proceedings involving an act of violence against a woman (Article 61.2 Constitutional Act 1/2004), the opening of a separate stage of proceedings must be demanded, in which the need, appropriateness and suitability of adopting protective or safety measures on behalf of the victim will be substantiated. This should be required not only due to the specific nature of the subject at hand and the content of the ruling which resolves it, but also because of the participation in these proceedings of people who may be unrelated to the main proceedings, such as the victim herself, her children and direct relatives, and because of the independent procedural course of the measures, the observance and maintenance of which require specific monitoring.
- ◆ Inclusion of the offence of failing to comply with the terms of a sentence, preliminary injunction or safety measure, in the scenarios where these involve a residence prohibition, restraining orders or non-communication orders for the protection of victims of gender-based violence, in the catalogue of offences mentioned in Article 87c 1 a) of the Constitutional Act on the Judiciary, the examination of which falls under the jurisdiction of the Courts for Violence against Women.
- ◆ Formulation of a guide for good procedural practice on the subject of gender-based violence.

◆ **In the Judicial Office:**

- ◆ Computer system. Insurance of the intercommunication between systems, which must be homogeneous and comparable, is regarded to be fundamental, as is their effective use by civil servants and appropriate training.

- ◆ **Other.**
 - ◆ Foreign people. A campaign aimed at the foreign population must be implemented to inform them about the values inherent in Spain's legislation and the possible imposition of severe penal sanctions for infringement of the Act. Foreign women's groups must also be targeted to inform them of the protective measures in place in Spanish legislation on gender-based violence. In this respect, intercultural mediators should be trained and the possibility of introducing this information in the residence and work permit application process, as well as in the issuance of foreigners' identity cards and visas, should be studied.

 - ◆ Launch of an on-line support system for gender-based violence victims.

 - ◆ Review of the body of law to eradicate any sexist language therefrom.

Madrid, 5 July 2007