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**Committee of the Parties**

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)
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**Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Spain**

IC-CP/Inf(2020)10

Adopted on 15 December 2020

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Spain on 10 April 2014;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Spain adopted by GREVIO at its 22nd meeting (13-15 October 2020), as well as the comments of the Government received on 24 November 2020;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Spanish authorities in implementing the Convention and noting in particular:

* the pioneering role in developing a progressive legal framework in relation to intimate partner violence, involving a range of actors and sectors such as the private sector, the media and the employment sector;
* the intention to broaden the current policies and legislation to comprehensively address all other forms of violence against women covered by the Istanbul Convention as demonstrated by the adoption of the State Pact on Gender-based Violence which identifies a total of 481 individual measures n towards greater implementation of the Istanbul Convention and which is funded by €200 million;
* that over time the mandate of the Government Delegation for Gender-based Violence has been expanded to cover all forms of violence against women as addressed by the Convention and that this co-ordinating body is equipped with sufficient financial and human resources to carry out its mandate;
* the recognition of the need for data collection, prevalence studies and research as a foundation for evidence-based policy making, including with respect to many different forms of violence against women, as well as in relation to women who face intersectional discrimination as victims of such violence or who have been murdered as a result of the violence;
* the efforts taken to align the Criminal Code of Spain with the requirements of the Istanbul Convention;
* the specific recognition in asylum law of persecution on the grounds of gender and sexual orientation and that acts of persecution may include acts of physical and psychological violence, as well as acts of sexual violence;
1. Recommends, in light of the considerations indicated in the preamble above, that the Government of Spain take the following measures identified in GREVIO’s Baseline Evaluation Report[[1]](#footnote-1) for immediate action to:
2. enhance the implementation of the Istanbul Convention in relation to the forms of violence against women that are currently less addressed by legislation, policies and programmes, and ensure that all legislation and administrative regulations, including protocols, at national level and in all autonomous communities, conform fully to the definitions contained in Article 3 of the Istanbul Convention; ensure that measures taken to this end, including in the implementation of the State Pact on Gender-based Violence, are evaluated and their impact assessed (paragraphs 10 and 16);
3. strengthen measures to prevent and combat violence that affects women who are or might be exposed to intersectional discrimination, in particular by integrating their perspective into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women (paragraph 24);
4. ensure the effective enforcement of the due diligence obligation to diligently prevent, investigate, punish and provide reparation for victims of any of the forms of violence covered by the Istanbul Convention and without discrimination (paragraph 29);
5. ensure a state-wide effective, comprehensive and co-ordinated set of policies addressing all forms of violence against women by analysing and comparing existing regional legislation and policies, with the aim of identifying and rolling out nation-wide promising practices (paragraph 35);
6. set incentives that will ensure that procurement procedures for support services for the different forms of violence against women covered by the Istanbul Convention place due emphasis on the professional and technical experience of bidders; and ensure that priorities for action at the regional level are aligned with the measures set out in the State Pact on Gender-based Violence (paragraph 41);
7. reinforce recognition of the expertise of independent women’s organisations, including community-based and grass-roots NGOs and those representing specific groups of women such as migrant women, women with disabilities, women in rural areas and Roma woman, inter alia, by developing funding systems and ensuring funding levels that enable them to play an active role in the provision of support services (paragraph 47);
8. reinforce the co-ordination between national and decentralised governmental structures, while enhancing the ability of the Government Delegation for Gender-based Violence to ensure the design of national and regional legislative and policy frameworks that allow for full compliance with the Istanbul Convention (paragraph 53);
9. ensure that efforts made to collect and publish data extend to all forms of violence against women, in particular sexual violence, forced marriage and FGM (paragraph 57); and improve the collection of data at all stages of the criminal justice system as well as on divorce and child custody decisions in order to assess how courts ensure the safety of women and children affected by domestic violence in that context (paragraph 63);
10. ensure, that within the legally mandated training for the judiciary, all forms of violence against women covered by the Istanbul Convention are addressed, in particular sexual violence, as well as the psychological dynamics of intimate partner violence, post-separation violence, the effects of violence on child victims and witnesses, and the prevention of secondary victimisation (paragraph 98);
11. set up multi-agency co-operation structures among the relevant statutory and other agencies in relation to sexual violence, sexual harassment, stalking, forced marriage, FGM and forced abortion/forced sterilisation based on a gendered understanding of these forms of violence and the need to work towards the empowerment of victims (paragraph 137 and more specifically in relation to sexual violence and rape: paragraph 152) while at the same time ensuring the availability of specialist support services for all forms of violence, in particular the availability of rape crisis or sexual violence referral centres, in sufficient geographic distribution (paragraph 158 and 174);
12. take the necessary measures, whether of a legal nature or otherwise, to ensure the safety of women and children, including by limiting or suspending custody and visitation rights of perpetrators of domestic violence, improving the co-ordination and co-operation between courts and services that assist women victims of violence and their children and stepping up the funding and staffing of family meeting points to ensure that children put at risk by visitation regimes are identified and the relevant courts informed (paragraph 206);
13. ensure that in any procedures authorising the sterilisation of legally incapacitated women, less invasive birth control options are considered with due regard to the best interest and self-determination of the women concerned (paragraph 238);
14. identify and address, including through legal amendments, where applicable, the difficulties in reaching convictions in criminal proceedings for domestic violence and rape that relate to the centrality of the victim’s statement and, as regards in particular proof of rape, the high evidentiary threshold required (paragraphs 256 and 257);
15. ensure swift access to the asylum procedure and to safe and adequate accommodation for any woman seeking asylum irrespective of whether they arrive at sea or by land, while at the same time ensuring the gender-sensitivity of the ordinary and the accelerated asylum procedure as well as the screening for vulnerabilities, such as experiences or risk of gender-based violence (paragraphs 295, 299 and 302).
16. Requests the Government of Spain to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 15 December 2023.
17. Recommends that the Government of Spain take measures to implement the further conclusions of GREVIO’s Baseline Evaluation Report.
1. The number of the paragraph setting out the GREVIO’s proposals and suggestions in the report is indicated in brackets. [↑](#footnote-ref-1)