

Committee of the Parties

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Reply by SPAIN to the reporting form on the implementation of the Recommendations of the Committee of the Parties adopted on 15 December 2020

Document received by the Committee of the Parties
on 30 January 2024

IC-CP/Inf(2024)4

Published on 2 February 2024

Secretariat of the monitoring mechanism of the Council of Europe Convention
on preventing and combating violence against women and domestic violence



MINISTERIO
DE IGUALDAD

SECRETARÍA DE ESTADO DE IGUALDAD Y
PARA LA ERRADICACIÓN DE LA VIOLENCIA
CONTRA LAS MUJERES

*DELEGACIÓN DEL GOBIERNO
CONTRA LA VIOLENCIA DE GÉNERO*

SPAIN RECOMMENDATIONS IMPLEMENTATION REPORT

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In accordance with Article 68, paragraph 12, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Committee of the Parties adopts, on the basis of the report and conclusions of GREVIO, recommendations addressed to state parties concerning the measures to be taken to implement the conclusions of GREVIO.

The applicable procedure for issuing recommendations was settled by the Committee of the Parties at its 4th meeting and is described in document IC-CP(2018)6. In accordance with this procedure, the recommendations call upon state parties to implement all the proposals and suggestions set out in GREVIO's baseline evaluation report. However, the obligation to report on measures taken is limited to those specifically outlined in section A of the recommendation, namely: a) all the proposals and suggestions formulated by GREVIO throughout the report which require immediate action - these are qualified by the use of the verb "urge", and b) the proposals and suggestions related to Chapters I and II of the convention which require taking remedial action in the near future and are qualified by the use of the expression "strongly encourage". According to the agreed procedure, state parties are given a period of three years to implement the recommendations of the Committee of the Parties and report back to the Committee.

To facilitate this reporting, state parties are requested to use this questionnaire to report on the implementation of recommendations issued by the Committee of the Parties. Recommendations not issued in relation to Spain do not need to be reported on. **As a result, the Spanish authorities are not required to answer questions 4, 6-9, 19, 25-27 and 28-31 in the reporting form.**

The reporting deadline given to Spain was set at 15 December 2023, which has exceptionally been extended to **1 February 2024**. Information related to the monitoring of Spain is available on the dedicated [country monitoring webpage](#).



INITIAL REMARK: This report immediately follows the Report on the [First Thematic Evaluation Round](#), published in January 2024. Given the proximity in time between the two reports, part of the information required on the implementation of the recommendations coincides with that developed in the report of the First Thematic Evaluation Round, which details the latest developments in the area of violence against women and domestic violence that have taken place in Spain.

In order to provide accurate information and avoid redundancies, some sections will refer to the corresponding pages of the First Thematic Evaluation Round Report, which can be consulted for further information on the topic indicated.

I. Fundamental rights, equality, and non-discrimination (Article 4)		
1	Have your authorities taken measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any grounds listed in Article 4, paragraph 3, of the convention, including in terms of the availability of services and the protection by law enforcement agencies?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1	If yes, please specify: At the normative level, in Spain the principle of "non-discrimination" is enshrined in the 1978 Constitution, in existing laws and public policies. In addition to the human rights approach with which these norms were already formulated, in recent years further work has been done to recognise and include the intersectional perspective and the concept of "multiple discrimination" in order to comply with the due diligence obligations against discrimination, specifically that one faced by women.	



For example, Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom includes, among its guiding principles, enshrined in Article 2, the prohibition of discrimination on grounds of sex, gender, racial or ethnic origin, nationality, religion or belief, health, age, social class, sexual orientation, sexual identity, disability, marital status, migration or administrative situation, as well as attention to intersectional and multiple discrimination suffered by victims of sexual violence affected by other overlapping factors of discrimination. In addition, this Law amended the Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, to prevent the initiation of administrative sanctioning procedures in the case of women victims of sexual violence who report their situation, as was already foreseen for women victims of gender-based violence (in the context of partner or ex-partner relationships). Organic Law 1/2023 of 28 February, which amends Organic Law 2/2010 of 3 March, on sexual and reproductive health and the voluntary interruption of pregnancy, also includes these principles by providing that public sexual and reproductive health care services will guarantee "an anti-discriminatory and intersectional approach in all their practices, in order to assess and comprehensively address circumstances related to age, sex, gender identity, national origin, language, ethnicity or rationality, administrative status as a foreigner, disability and economic status. It also provides that the public authorities shall guarantee "specific attention to persons with some kind of disability, and shall promote culturally relevant attention to persons of other national, ethnic or racial origins, whatever their administrative situation as foreigners, and paying special attention to possible language barriers". Moreover, the Draft Bill of the Comprehensive Organic Law against Trafficking and Exploitation of Human Beings, currently being drafted, was based on the contributions made by civil society organisations working for the protection of victims, thus further adapting the legal framework of the law to human rights standards, from a gender and children-sensitive perspective.

Likewise, the State Strategy to combat Violence against Women 2022-2025 also takes into consideration these concepts and proposes a series of measures based on these principles to be implemented by the different public administrations (e.g.: Measure 264 - Guarantee of quality, permanent, accessible, adapted and non-discriminatory public services with teams specialised in Violence Against Women that accompany victims and survivors in their comprehensive recovery process"). In addition, through Royal Decree 752/2022 of 13 September, which establishes the functions, operating regime and composition of the State Observatory on Violence against Women, entities representing women's organisations at the state level that work with a gender perspective for equality in areas of special vulnerability become members of the Observatory, such as women with disabilities, immigrant women, rural women, gypsy women, women victims of trafficking or sexual exploitation and older women, thus complying with the commitments established by the State Pact against Gender Violence of 2017. In this way, the configuration of the Observatory is promoted as a forum for participatory debate in which the most significant institutions and entities working in the field of violence against women converge, strengthening its representativeness.



With regard to the assistance services, it should be noted that, in the assessment process carried out by the intervention teams to issue administrative accreditation of the situation of gender violence, special consideration is given to circumstances such as "special situations of vulnerability, such as age, disability, mental health problems, pregnancy, being a migrant woman, not knowing the language or any other personal circumstance that affects the situation of violence that the woman is going through and that may hinder the recovery process". Further work has also been done to guarantee the accessibility of the 016 service for people with hearing and/or speech disabilities, visually impaired people, and foreigners (the service is now available in 53 languages). The Reference Catalogue of policies and services approved within the framework of the Joint Multiannual Plan on violence against women 2023-2027 includes measures such as "promoting accompaniment for victims who request it, at all stages of the judicial procedure, and especially in rural areas and in cases involving women with disabilities, elderly women, women who do not know the official language, migrants, as well as in the case of child and adolescent victims" (action 3.2.10); "comprehensive, free, accessible, safe and confidential care and recovery services [...] for all forms of violence against women", ensuring the "adaptation of specialised services to the specific needs of young women, older women, women with disabilities, women with addiction problems, mental health problems, homeless women or women at risk of social exclusion" and ensuring "universal accessibility of translation and interpretation services" and "the management of safe transport services for women" (action 2.1.02); "making police and judicial facilities welcoming, safe and accessible to all women and children and adolescents" (action 3.2.06).

These question is extensively developed (providing further details on regulations, specific measures, training of professionals, etc.) in the Report corresponding to the 1st Thematic Evaluation Round of GREVIO, recently submitted by Spanish authorities. It can be consulted at the following link: <https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38>

1.2	[Optional question: if not, please specify the reasons]:	
2	Have your authorities taken measures contributing to prevent and combat violence against women who are or might be exposed to intersectional discrimination?	Yes <input type="checkbox"/> No <input type="checkbox"/>



2.1 If yes, please specify:

In addition to the measures listed in the previous question, in the areas of preventing and combating different forms of violence against women who suffer from intersectional discrimination or multiple discrimination, the following actions have been carried out:

- Organic Law 10/2022 adopts "intersectionality" as a basic concept to describe the State's obligations in the face of discrimination and its impact. It also includes the gender perspective and intersectionality as a prism from which to ensure that all judicial actions, protection and support measures and services for victims are tailored to their diverse needs and respect and strengthen their autonomy, with special attention to child victims and victims with disabilities.
- The State Strategy to combat Violence Against Women 2022-2025 is based on a series of key principles such as a human rights approach, a feminist approach, participation, intersectionality, due diligence, reparation, transparency and accountability. Therefore, it recognises the diversity of women that face discrimination based on racialisation, religion, ethnicity, origin, social class, age, abilities, sexual orientation, or habitat. The Strategy promotes a comprehensive approach throughout the entire process of awareness-raising, detection, prevention, attention and reparation of any form of Violence Against Women. It contemplates 266 measures structured into 4 lines of action which, in turn, contain a series of strategic lines.
- The National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023, which aims to ensure the protection, assistance and recovery of victims of trafficking and exploitation of human beings, is inspired by the principle of adapting care to situations of vulnerability by considering factors intrinsic to the victim (age, gender, disability...), factors that depend on their social, economic and political context, their administrative situation (migrant, asylum seeker or international protection...), as well as other factors of vulnerability generated by the traffickers themselves (such as violence, isolation, etc.), with the aim of providing adequate and individualised assistance according to the specific circumstances of the victims, reinforcing and adapting existing mechanisms to avoid the re-victimisation of the persons under protection.
- The Operational Plan for the Protection of the Human Rights of Women and Girls Victims of Trafficking, Sexual Exploitation and Women in Contexts of Prostitution 2022-2026 (Plan Camino) contemplates preventive measures to discourage demand through education and awareness-raising actions in target sectors, such as leisure or sport; as well as multi-agency detection measures or punitive measures for those responsible. The Plan recognises the importance of access to administrative accreditation and documentary regularity for the protection of the human rights of women victims and the consolidation of the process of leaving a situation of exploitation; for this reason,



within the framework of the Camino Plan, the 1st Plan for Social and Labour Integration for women victims of trafficking, sexual exploitation and in contexts of prostitution 2022-2026 is launched, and the consolidation of the system of accreditation of victims without the need for a complaint or having completed the procedure of formal identification as such is established as an objective. Likewise, the prevention measures include the promotion of bilateral memorandums of understanding with the countries of recruitment and nationality of victims and offenders and transit countries to articulate instruments of collaboration to combat trafficking at its source.

- Action Plan against Sexual Exploitation of Children and Adolescents of the child protection system 2022-2024: the detection, protection and comprehensive care of underage victims of sexual violence requires a coordinated and homogeneous inter-institutional response that, from a common approach, connects all levels of the Public Administration competent in the matter. This Plan is articulated from a gender and intersectional perspective, recognising and influencing the special vulnerability of children in the protection system, especially girls and adolescents and, in particular, migrant children. For this reason, among the measures to improve care for children, it establishes the need to guarantee the correct reception, based on the best interests of the minor, of unaccompanied migrant children on the coast, which allows for the detection of those girls and adolescents vulnerable to trafficking and exploitation, as well as their correct and swift referral; this will be supported by the design of specific protocols.
- Joint Multiannual Plan 2023-2027: the Sectoral Conference on Equality, at its plenary meeting held on 22 July 2022 in Tenerife, approved the Agreement on the establishment of a framework for joint action to guarantee the stability and permanence of public policies and services deriving from the State Pact against Gender Violence. This cooperation framework is articulated through the Joint Multiannual Plan, which came into force in 2023. Intersectionality is one of the characteristics considered in the evaluation of this Plan.
- The Secretary of State for Security published Instruction 11/2022, which updates the procedures for action by the State Security Forces, complementing actions aimed at improving the care and protection of victims in accordance with their idiosyncrasies.
- The Spanish Disability Strategy 2022-2030 includes measures against multiple discrimination to promote the identification, prevention and protection of women and girls with disabilities. It is conceived with an intersectional approach and a gender perspective, and responds to other cross-cutting challenges such as the climate emergency or the demographic challenge. Among its lines of action is the "improvement and, where necessary, adaptation of procedures, tools, resources, staff training, etc., in the resources for the first assessment of women and girls with disabilities, in the resources destined for the first assessment and response to migrants and refugees with disabilities, with the aim of identifying needs for referral to specialised resources", or "carrying out studies and diagnoses on the intersections in disability, dedicated to people in a situation of refuge and asylum, LGTBI people, people belonging to different population and ethnic groups and other situations that involve greater oppression and discrimination for people with disabilities".



- The approval of the National Strategy for Equality, Inclusion and Participation of the Roma People 2021-2030 responds to the Spanish Government's commitment to social cohesion and progress, paying special attention to people in situations of poverty or social exclusion, as is the case of a very high percentage of the Roma population. Specifically, equality and the fight against discrimination and anti-Gypsyism and against gender violence are two priority and cross-cutting strategic lines throughout the Strategy, with one of its objectives being to "improve the living conditions of Roma women and reduce the gaps between Roma men and women, particularly in access to resources and to fight against stereotypes".
- The III Strategic Plan for the Effective Equality of Women and Men (PEIEMH) 2022-2025, developed by the Ministry of Equality through the Women's Institute, incorporates the principle of intersectionality as a strategic element when it refers to "guaranteeing the full citizenship of all women". One of its specific objectives is the reduction of the feminisation of poverty and precariousness, addressing the axes of inequality and their intersections (migrant and/or racialised women, age, disabled women, women in single-parent households, etc.).

In addition, campaigns and other awareness-raising and prevention actions have been carried out, including training actions for professionals and the general public, from an intersectional and inclusive approach. For example, grants have been awarded for awareness-raising projects to prevent gender violence in migrant women; in rural environments; in women with mental health problems; for intervention in violence and addictions with a gender perspective; accessible workshops for deaf prisoners, etc.

2.2 [Optional question: if not, please specify the reasons]:

3 In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 4, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:

These issues are extensively developed (providing further details on regulations, specific measures, training of professionals, etc.) in the Report corresponding to the 1st Thematic Evaluation Round of GREVIO, recently submitted by Spanish authorities. In particular, in **questions 1, 2 and 3** (p. 8-22). It can be consulted at the following link: <https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38>



II. Comprehensive and co-ordinated policies implemented under the responsibility of an adequately mandated and resourced co-ordinating body (Articles 7 and 10)

5 Which forms of violence against women covered by the Istanbul Convention are addressed by the plan/strategy? Please offer a brief description specifically indicating the forms of violence not previously addressed in plans or strategies at national level.

Since the recommendations on the first report were received, Spain has adopted several national plans and strategies related to forms of violence against women covered by the Istanbul Convention. Namely,

- Plan España te Protege (Spain Protects You Plan) (2020). As part of the Recovery, Transformation and Resilience Plan (which served to channel the funds allocated by Europe to repair the damage caused by the COVID-19 crisis), the Plan aimed to extend, improve and expand comprehensive care services for all forms of violence against women, including the comprehensive telephone and telematic assistance service, and assistance and protection devices such as ATENPRO, hitherto limited to victims of gender-based violence, and the creation of 24-hours Crisis Centres for victims of sexual violence across the Spanish territory.
- State Strategy to Combat Violence Against Women 2022-2025. Developed as an instrument for planning and organising all public policy actions at the three levels of the Spanish public administration (State, Autonomous Communities and Local Entities), it aims to prevent, comprehensively assist and combat all forms of violence against women. In order to comply with the observations made by GREVIO, this Strategy addresses for the first time in the framework of a public policy of state scope specific measures for the eradication of all forms of violence, not only those that are exercised in the sphere of intimate partner or ex-partner violence, thus advancing in compliance with the Istanbul Convention.
- Joint Multi
- Joint Multiannual Plan on Violence against Women 2023-2027. A multilateral plan, jointly approved by the Ministry of Equality, the Autonomous Communities and the cities of Ceuta and Melilla. This agreement aims to consolidate and guarantee the stability of policies and services derived from the State Pact against Gender-based Violence (State Pact), which were updated in 2021 by the majority of political parties with parliamentary representation. The Joint Multiannual Plan further establishes an appropriate framework for collaboration and cooperation between public administrations to achieve the articulation of a comprehensive, effective and coordinated inter-institutional



response of all institutions with competencies in the prevention and fight against violence against women. It addresses the protection and assistance to these victims, and the existence, throughout the territory of the State, of a set of minimum services in accordance with the competences of each administration, which guarantee the effective exercise of the rights of victims of violence against women enshrined in current State legislation (in particular, Organic Law 1/2004, and Organic Law 10/2022).

Other important plans, which also have effects on the situation of violence against women, are:

- National Strategic Plan against Trafficking and Exploitation of Human Beings 2021-2023. It involves both public institutions and the third sector, aimed to enable a multidisciplinary and comprehensive approach to the exploitation of human beings.
- III Strategic Plan for the Effective Equality of Men and Women 2022-2025. It is the Government's main instrument for guiding the institutional and social changes required to make progress in achieving equality between men and women, in compliance with Organic Law 3/2007, of 22 March, for the effective equality of women and men. The eradication of all forms of violence against women is included in Axis 7 (feminist policies), which incorporates the objective of "Ensuring lives free of violence against women".
- Action Plan against Sexual Exploitation of Children and Adolescents of the Child Protection System (2022-2024) of the Ministry of Social Rights and 2030 Agenda and the Ministry of Equality.
- Operational Plan for the Protection of the Human Rights of Trafficked and Sexually Exploited Women and Girls and Women in Contexts of Prostitution 2022-2026, "Plan Camino". It aims to offer economic, employment and social alternatives to victims of trafficking, sexual exploitation and women in the context of prostitution.
- First Strategic Plan for the Prevention of Sexual Violence 2023-2027. Created by the Secretary of State for Security, it comprises a series of measures aimed at promoting prevention, awareness-raising, training, the development of protocols and procedures, the creation of inter-ministerial working groups and scientific research in the field of sexual violence.

This question extensively developed (providing further details on regulations, specific measures, training of professionals, etc.) in the Report corresponding to the 1st Thematic Evaluation Round of GREVIO, recently submitted by Spanish authorities. In particular, on pages 11-13. It can be consulted at the following link: <https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38>

10

Please specify the human and financial resources allocated to the co-ordinating body/bodies:



In terms of human resources, the Ministry of Equality has a staff of 221 workers, of which 156 belong to the Secretary of State, in which it is included the Women's Institute.

With regard to financial resources, in 2017 the Congress and the Senate approved the State Pact against Gender Violence, which aims to continue promoting policies for the eradication of violence against women. The Pact entails an economic commitment for the development of the actions foreseen therein, among which the following should be highlighted:

- The transfer to the Autonomous Communities of the necessary funds to carry out the actions expressly provided for in Organic Law 1/2004, of 1 November, and Organic Law 10/2022, of 6 September;
- Guarantee the functioning of the DGVG's resources for the assistance of women, especially: the 016 service for information and legal advice, the Telephone Service for the Assistance and Protection of Victims of Violence against Women (ATENPRO) and the service of telematic monitoring devices for restraining orders for victims of gender violence and sexual violence;
- Awareness-raising and prevention actions,
- Specialised training and awareness-raising for professionals;
- Statistical monitoring and improving knowledge about violence against women.
 - a) Secretary of State for Equality and for the Eradication of Violence against Women Ministry of Equality

The proposed increase in the budget of the Secretary of State for 2024 responds fundamentally to the increase in actions to be carried out by the Autonomous Regions by virtue of the obligations derived from the approval of Organic Law 10/2022 of 6 September, the reinforcement of actions aimed at improving the institutional response to gender violence by the competent administrations and the progress in the institutionalisation of the State Pact against Gender Violence, through the implementation and financing of a reference catalogue of policies and services in the area of violence against women.

Performance	Budget 2023	Forecast 2024
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Transfers to Autonomous Communities for the development of new or extended competences reserved to Local Entities in the State Pact against Gender Violence.	140.202.000 €	160.000.000 €
Transfers to Local Entities for the development of new or extended competences reserved to Local Entities in the State Pact against Gender Violence.	40.000.000 €	40.000.000 €
Total	180.202.000 €	200.000.000 €

b) Government Delegation against Gender Violence

Performance	Budget 2023	Forecast 2024
Staff costs	2.556.060 €	2.439.900 €
Current expenditure on goods and services	6.742.270 €	7.010.000 €
Transfers to Autonomous Communities	19.8000 €	26.300.000 €
Transfers to non-profit organisations	33.768.000 €	38.058.000 €
Outside	50.000€	100.000€
Real Investments	16.623.540€	26.657.700€
Total	79.593.870€	100.565.600€



The DGVG, whose budget, in accordance with the commitments made in the State Pact against Gender Violence, must grow by 15% annually, assumes the implementation of various actions in different areas related to Gender Violence. The increase in the funds allocated to the DGVG is justified for several reasons, including the improvement of services aimed at attending to victims, especially the restraining devices, but also the ATENPRO service, the improvement of support programmes for victims of violence against women, the implementation of the State Strategy on Gender Violence and the granting of direct aid to victims of sexual violence.

c) Recovery Mechanism Transformation and Resilience

Performance	Budget 2023	Forecast 2024
Modernisation and expansion of assistance and protection mechanisms for victims of all forms of violence against women. Mechanism for Recovery and Resilience	26.492.000 €	0
Transfers to Autonomous Communities Creation of 24-hour comprehensive care centres for victims of sexual violence. Recovery and Resilience Mechanism.	17.058.700 €	0
Total	43.550.700 €	0

During the year 2024, no more funds will be transferred to the Ministry of Equality from the PRTR, without prejudice to the fact that the actions carried out with funds from previous years will continue to be executed during the current financial year.



(d) Total

Performance	Budget 2023	Forecast 2024
State Pact against Gender Violence (With MRR)	303.292.590 €	300.565.600 €
State Pact against Gender Violence (without MRR)	259.741.890 €	300.681.760 €

11 In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Articles 7 and 10, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:

These issues are extensively developed in the Report corresponding to the 1st Thematic Evaluation Round of GREVIO, recently submitted by Spanish authorities. In particular, in **question 4** (pages 11-13). It can be consulted at the following link: <https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38>

III. Financial resources (Article 8)

12	Have your authorities allocated specific funds at the		
	- national	<u>Yes</u> <input type="checkbox"/>	No <input type="checkbox"/>



- and/or regional	<u>Yes</u> <input type="checkbox"/>	No <input type="checkbox"/>
- and/or local	<u>Yes</u> <input type="checkbox"/>	No <input type="checkbox"/>
levels of government for activities to prevent and combat all forms of violence against women covered by the Istanbul Convention?		



12.1 If yes, what is the annual amount of these funds? If possible, please specify the percentage of the total national state budget that the amount represents.

In Spain, social assistance is competence of the Autonomous Communities in accordance with Article 148.1.20 of the Spanish Constitution of 1978 and their respective Statutes of Autonomy.

In December 2017, the different Parliamentary Groups, the Autonomous Communities, the Cities of Ceuta and Melilla and the local entities, represented in the Spanish Federation of Municipalities and Provinces (FEMP), ratified the State Pact against Gender Violence, which has been renewed by agreement of the majority of the political parties with parliamentary representation on 25 November 2021. The State Pact is structured in 10 working axes. Specifically, Axis 9 addresses the economic commitment to policies for the eradication of violence against women: "The implementation of the measures [...] requires the corresponding budgetary support, to which end the General State Budgets will allocate to each of the administrations, within the scope of their competences, the necessary economic amount for the development or expansion of the measures contemplated in the Pact".

During the financial years 2018 to 2022, the DGVG has transferred, through the General State Budget, the following amounts for the development of the State Pact: €500,000,000 to the Autonomous Regions, and €140,000,000,000 to local entities. In 2023, transfers to the Autonomous Regions were €140,202,000 and transfers to local entities were €40,000,000. For 2024, transfers to the CAAC are expected to reach €160,000,000 and transfers to local authorities are expected to remain €40,000,000.

In addition, the DGVG has increased the amounts of the transfers it makes to the Autonomous Regions for the development of other programmes on violence against women that fall under the competence of the Autonomous Regions. An example of this is the increase in the Integral Social Assistance fund, from €6,500,000 in 2018 to €8,000,000 in 2022. It also increases the fund for victims of sexual aggression from €2,000,000 in 2018 to €8,000,000 in 2022. Furthermore, in 2021, for the first time, transfers are made to the Autonomous Regions for the creation of 24-hour centres for victims of sexual violence. And in 2022, a new fund is created for specialised training programmes for professionals in the prevention and detection of sexual exploitation of minors.

On the other hand, on 16 June 2021, the European Commission approved Spain's Recovery, Transformation and Resilience Plan (PRTR). The Plan includes 4 projects of the Ministry of Equality that are part of Component 22 "Shock plan for the care economy and reinforcement of inclusion policies". These 4 projects are part of the "Spain Protects You" Plan against Gender Violence, which focuses on extending, improving and expanding



comprehensive care services for all forms of violence against women. The 4 projects contemplated in it involve an investment of €183.4 million, which includes:

- Creation of 24-hour comprehensive care services: for its implementation, the Ministry of Equality has received a total allocation of €83,058,700 between 2021 and 2023, which has been distributed to the Autonomous Regions and Autonomous Cities (responsible for the implementation of the project by virtue of their competencies) through the corresponding Sectoral Conference Agreements.
 - By Resolution of 13 July 2021, of the Secretary of State for Equality and against Gender Violence, the Agreement of the Sectorial Conference for Equality was published, in which the distribution criteria were established, as well as the resulting distribution for the Autonomous Communities and the Cities of Ceuta and Melilla, of the funding intended for the creation of 24-hour comprehensive care services for victims of sexual violence for the year 2021.
 - At the end of July 2021, the transfers of the agreed amounts were made. A total of €19.8 million (30% of the total initially committed).
 - By Resolution of 14 June 2022, of the Secretary of State for Equality and against Gender Violence, the Agreement of the Sectorial Conference for Equality was published, approving the territorial distribution criteria and the resulting distribution for the execution of the budgetary credits destined to the creation of 24-hour comprehensive care centres for victims of sexual violence, charged to the "Recovery, Transformation and Resilience Plan".
 - At the end of August 2022, the transfers of the agreed amounts were made. A total of €46,200,000 (70% of the remaining total initially committed).
 - By Resolution of 16 March 2023, of the Secretary of State for Equality and against Gender Violence, the Agreement of the Sectorial Conference for Equality was published, approving the territorial distribution criteria and the resulting distribution for the execution of the budgetary credits destined to the creation of 24-hour comprehensive care centres for victims of sexual violence, charged to the "Recovery, Transformation and Resilience Plan".
 - In mid-May 2023, the transfers were made for the agreed amounts for a total of €17,058,700.
- Comprehensive improvement of the ATENPRO service: for the implementation of this investment, the establishment of a nominative subsidy to the Spanish Federation of Municipalities and Provinces (FEMP) was envisaged, given that this entity has been providing this service since 2010 (through the Red Cross), as contemplated in Royal Decree 1042/2021, of 23 November. The following transfers have been made, for a total amount of 32,676,000 euros:



- December 2021: transfer to the FEMP for an amount of €11,692,000.
 - August 2022: transfer to the FEMP for an amount of €10,492,000.
 - July 2023: transfer to FEMP in the amount of €10,492,000.
-
- Comprehensive improvement of the monitoring device service: the aim is to extend this service to victims of all forms of violence against women, as well as the implementation of a series of technological improvements (such as greater coverage, 4G, improvements in the application). The implementation of this investment is realised through the tendering of specific contracts, on the one hand, in favour of the Unión Temporal de Empresas (UTE) Telefónica Soluciones de Informática y Comunicaciones de España, for a total amount of €32,124,623.14, for the maintenance of the service that has already been provided since 2009; and on the other hand, in favour of the UTE Securitas Seguridad España SA-Vodafone España SA, for the amount of €6,043,542.64 for the year 2023, for the technological improvement of the service, for an amount of €6,043,542.64 for the financial year 2023.
 - Service of socio-labour guidance and accompaniment for victims and outreach to victims of trafficking: this project, managed by the Women's Institute, has a planned funding of €19,626,865.



12.2	[Optional question: if not, please specify the reasons]:		
13	<p>Have these funds increased since the publication of GREVIO's baseline evaluation report?</p> <p>In this legislature, the budget of the Ministry of Equality have increased by 392 million euros, 217%, from 181 million euros in 2019 and in the 2020 budget extension, to 573 million euros in 2023. This represents almost seven times more resources for equality and gender-based violence policies than was planned for the period 2011-2018. The budgets for 2023 of the Ministry of Equality in consolidated terms increase by 47 million euros, 9% more than those approved for 2022. The Ministry of Equality accumulates almost 35% of the budget items dedicated to combating gender-based violence.</p> <p>In particular, the DGVG has also increased its budget allocations. In 2022, its budget has been increased by 128% compared to 2017, the year prior to the entry into force of the State Pact against Gender Violence.</p> <p>With regard to the State Pact against Gender Violence, the economic commitments established have been fulfilled. An annual amount of 340 million euros was set aside to combat gender violence, with the commitment to reach 540 million euros per year. In the period 2018-2022, 634 million euros per year have been reached, 17% more than the amount committed in the Pact and 87% more than the amount in 2017.</p>	<p>Yes X</p> <p>If yes, by what amount:</p>	<p>No <input type="checkbox"/></p>
14	<p>Have your authorities taken measures to foster long-term and sustainable financial support for non-governmental organisations working to support victims and prevent violence?</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
14.1	If yes, please specify:		



The Ministry of Equality, through the DGVG, makes annual calls for:

- Awareness Raising Grants: The amount of the call for these grants ranges from €7 million in 2023, compared to €6.5 million in 2022. These are calls for grants aimed at the associative movement and grants for awareness-raising actions and other actions in this field, i.e., aimed at programmes or projects for awareness-raising, prevention and research into the different forms of violence against women, with the aim of preventing violence against women and disseminating the values of equality, diversity and tolerance, in line with the measures included in the State Pact against gender-based violence concerning the implementation of actions aimed at raising awareness throughout society of the harm caused by inequality and violent behaviour, and helping to raise awareness of the magnitude of the problem of violence against women and its consequences, with particular emphasis on young people.
- Trafficking Grants: The amount of the call for these grants is 7 million euros in 2023, compared to 6 million euros in 2022. These grants are aimed at projects for the care of women victims of human trafficking for the purpose of sexual exploitation, and their minor or disabled children for the financing of projects aimed at the care and assistance of women victims of trafficking for the purpose of sexual exploitation and their minor or disabled children, including victims of trafficking who have benefited from the reflection period provided for in article 59 bis of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, reformed by Organic Law 2/2009, of 11 December.

Another institutional body of the Ministry of Equality, the Women's Institute, also contributes to the financing of these entities through the cession of three buildings with offices free of charge to women's associations so that they can have their respective head offices there. In addition, this body also has an assembly hall which, depending on availability and conditions, it lends free of charge to women's associations and other non-profit organisations that carry out activities in favour of equal opportunities.

14.2 [Optional question: if not, please specify the reasons]:



15	<p>In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 8, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:</p> <p>These issues are extensively developed in questions 4 and 5 of the Report corresponding to the 1st Evaluation Round of GREVIO to Spain, recently submitted (p. 23-27). In this link: https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38</p>			
IV. Non-governmental organisations and civil society (Article 9)				
16	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"> Have your authorities taken measures contributing to further recognise, encourage and support the work of relevant non-governmental organisations and of civil society active in combating all forms of violence against women covered by the Istanbul Convention, including in terms of funding and co-operation? </td> <td style="width: 15%; padding: 5px; text-align: center;"> Yes X </td> <td style="width: 15%; padding: 5px; text-align: center;"> No <input type="checkbox"/> </td> </tr> </table>	Have your authorities taken measures contributing to further recognise, encourage and support the work of relevant non-governmental organisations and of civil society active in combating all forms of violence against women covered by the Istanbul Convention, including in terms of funding and co-operation?	Yes X	No <input type="checkbox"/>
Have your authorities taken measures contributing to further recognise, encourage and support the work of relevant non-governmental organisations and of civil society active in combating all forms of violence against women covered by the Istanbul Convention, including in terms of funding and co-operation?	Yes X	No <input type="checkbox"/>		
16.1	<p>If yes, please specify:</p> <p>The Government Delegation Against Gender Violence (DGVG) awards a series of recognitions throughout the year, in different calls and of different types, to organisations and civil society for their role fighting violence against women. This institutional body tries to have a close relationship with the entire movement and non-institutional organisations that seek to combat and eradicate this violence.</p> <ul style="list-style-type: none"> ● 25N Awards: These awards are presented every year by the DGVG to people who have contributed to eradicate violence against women. This award is given in different fields such as culture, education, law or social movements: https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/premios/25n/home.htm ● Prize for doctoral theses on violence against women: Within the scope of the competences attributed to the Ministry of Equality, through the DGVG, the Prize for doctoral theses on violence against women is awarded. Its purpose is to promote research work on the subject, recognising and rewarding the authors of those doctoral theses that have contributed to improving knowledge of the dimension, consequences and characteristics of violence against women, as well as the means to avoid it: https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/premios/tesis/home.htm 			



- Local Best Practices Competition against Violence against Women: The Spanish Federation of Municipalities and Provinces (FEMP), through an agreement signed with the DGVG, announces the Local Best Practices Competition against Violence against Women, with the aim of promoting the exchange of experiences and recognising the most effective and innovative actions carried out by local entities:
<https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/premios/premiosBuenasPracticas/home.htm>

In addition to these awards, the DGVG also announces grants for programmes or projects for awareness-raising, prevention and research into the different forms of violence against women, with the aim of preventing violence against women and disseminating the values of equality, diversity and tolerance, in line with the measures included in the State Pact against gender-based violence concerning the implementation of actions aimed at raising awareness throughout society of the harm caused by inequality and violent behaviour, and helping to raise awareness of the magnitude of the problem of violence against women and its consequences, with special emphasis on young people;

<https://violenciagenero.igualdad.gob.es/sensibilizacionConcienciacion/subvencionessensibilizacion/SubvencionesSensibilizacion.htm>

Also, in the field of subsidies, in the competencies attributed to the Ministry of Equality, through the DGVG, an annual call is made for the awarding of subsidies for projects for the care of women who are victims of human trafficking for the purpose of sexual exploitation, and their minor or disabled sons and daughters. This call is aimed at non-profit entities of a private legal nature whose statutes indicate, among their aims and objectives, the protection, care or labour, training, informative, medical, legal or psychological assistance to victims of trafficking for the purpose of sexual exploitation, or who have proven experience in the development and implementation of projects for the care of this group.

The Government Delegation Against Gender Violence awards a series of recognitions throughout the year, in various calls and of different kinds, to organisations and civil society for their role in the fight against violence against women. This institutional body aims to maintain a close relationship with the entire movement and non-institutional organisations that seek to combat and eradicate such violence.

- 25N Recognitions: Recognitions presented annually by the Government Delegation Against Gender Violence to individuals who have contributed to the fight against violence against women. The awards cover various fields such as culture, education, law, and social movements. More information can be found here.



- **Doctoral Thesis Award on Violence against Women:** Within the competencies attributed to the Ministry of Equality, through the Government Delegation against Gender Violence, calls for the Doctoral Thesis Award on Violence against Women. Its purpose is to promote research in the field, recognizing and rewarding the authors of doctoral theses that have contributed to improving knowledge of the dimensions, consequences, and characteristics of violence against women, as well as means to prevent it. More information can be found [here](#).
- **Local Best Practices Contest against Violence against Women:** The Spanish Federation of Municipalities and Provinces (FEMP), through an agreement with the Government Delegation against Gender Violence, organises the Local Best Practices Contest against Violence against Women. The goal is to encourage the exchange of experiences and recognize the most effective and innovative actions carried out by local entities. More information can be found [here](#).

In addition to these recognitions, the Government Delegation Against Gender Violence also announces funds for awareness, prevention, and research programs on various forms of violence against women. The aim is to prevent violence against women and promote values of equality, diversity, and tolerance, in line with measures included in the State Pact against gender violence related to raising awareness throughout society about the harm caused by inequality and violent behaviors. It also aims to raise awareness about the magnitude of the problem of violence against women and its consequences, with a special emphasis on youth.

In the field of funding, within the competencies of the Ministry of Equality, the Government Delegation against Gender Violence annually announces the granting of subsidies for projects addressing women victims of human trafficking for sexual exploitation, as well as their minor or disabled children. This call is directed at non-profit legal private entities whose statutes indicate protection, assistance, or support in the areas of work, training, information, medical care, legal aid, or psychological support for victims of trafficking for sexual exploitation.



16.2	[Optional question: if not, please specify the reasons]:		
V. Data collection and research (Article 11)			
17	In implementation of the recommendation addressed to your authorities, have new sectors of the administration started the collection of data in accordance with the requirements of Article 11, paragraph 1?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
17.1	<p>If yes, please specify which sectors:</p> <p>In addition to the bodies mentioned in the 2019 evaluation report (The Government Delegation for Gender-based violence, the National Statistic Institute, the General Council of the Judiciary, and the Ministry of the Interior), the Ministry of the Presidency, Justice and Relations with the Courts, the Public Prosecutor Office, and the Ministry of Social Rights and Agenda 2030 have also contributed to the collection of data related to violence against women.</p> <ul style="list-style-type: none"> - The <u>Ministry of the Presidency, Justice and Relations with the Courts</u> <ul style="list-style-type: none"> - Sends annual reports on the activity of various Institutes of <u>Legal Medicine and Forensic Sciences</u> of gender-based violence. It includes, for example, information on sexual assaults with suspected chemical submission. - Owns the <u>System of Administrative Support Records (SIRAJ)</u>, a nationwide database fed by lawyers of the Administration of Justice of the criminal justice systems. It includes the Central Registry for the Protection of Victims of Domestic and Gender-based Violence, the Central Register of Precautionary Measures, Requisitory Measures and Non-Final Judgements, the Central Register of Sex Offenders and Trafficking in Human Beings, the Central Register of Convicted Persons, and the Central Register of Sentences of Criminal Responsibility of Minors. Thus, the Spanish Government follows the recommendation received from GREVIO to improve the collection of data at all stages of the criminal justice system. 		



	<ul style="list-style-type: none"> - Created in 2022 the web portal "<u>La Justicia en Datos</u>" (<u>Justice in Data</u>), which presents in an orderly, open and accessible manner, official data related to gender-based violence (crimes, homicides and murders, protection orders, and convicted persons). It also provides toxicological data on sexual assault and chemical submission, disaggregated by sex, age, among others. - The <u>Public Prosecutor's Office</u> also collects data in relation to completed and attempted femicides and other serious acts of physical, psychological or sexual violence. - The <u>Spanish Youth Institute (INJUVE)</u> publishes the Spanish Youth Report (IJE) every four years. The latest, published in March 2021, includes quantitative and qualitative information on aspects related to the forms of gender-based violence covered by the Istanbul Convention for women and men aged 16-29. Including data on attitudes towards gender equality and gender-based violence in its different manifestations (physical, psychological, control, through social media, etc.) and sexual life and habits (consumption of pornography, consent to sexual relations). - In the area of children, the <u>Unified Registry of Social Services on Violence against Children (RUSSVI)</u> and the <u>Central Registry of Information on Violence against Children and Adolescents</u>, receive information from the Public Administrations, the General Council of the Judiciary and the Security Forces and Health Bodies. In addition, Organic Law 8/2021 assigns primary care social services the task of collecting information on possible cases of violence, conducting an interdisciplinary analysis with the participation of relevant professionals. 		
17.2	[Optional question: if not, please specify the reasons]:		
18	In implementation of the recommendation addressed to your authorities, have sectors of the administration improved their data collection?	Yes <input type="checkbox"/>	No <input type="checkbox"/>



18.1 If yes, please specify which sectors and how, in particular whether new data categories were added:

Following the recommendations received, the Spanish Government has made efforts to extend the collection of data to all forms of violence against women, paying special attention to the category of sexual violence.

- The [Government Delegation against Gender-based Violence](#) has extended, as of 1 January 2022, the [statistical data on femicides](#) to all forms of violence against women, including intimate partner or ex-partner femicide, family femicide, sexual femicide, and vicarious femicide (previously limited to murders of women in the context of intimate partner or ex-partner violence). Spain thus becomes the first European country to publish this type of statistical data.
- The efforts to extend the collection of data to all forms of violence against women have also been reflected in the studies and research conducted. For example, the 2019 [Macro-survey on violence against women](#), conducted by the Ministry of Equality, introduced new questions to measure different forms of violence against women, including all possible forms of sexual violence, sexual harassment, as well as sexual, psychological and economic intimate partner violence. The [European Survey on Gender-Based Violence](#) provided data on the different types of violence against women, including intimate partner violence, no-partner violence, domestic violence, sexual harassment at work, repeated harassment and violence in childhood.
- The [General Council of the Judiciary \(CGPJ\)](#), the governing body of the Spanish judiciary, has also expanded the data collection beyond the scope of gender-based violence. In 2022, the CGPJ conducted a study on [Sentences for crimes against Sexual freedom](#). Moreover, following the recommendations of the first evaluation report, a new set of data from the judicial process has been incorporated in the annual study, including an analysis of: the legal qualification of the offence, circumstances modifying criminal liability, and related offences. The incorporation of indicators relating to the socio-economic circumstances of the victim and aggressor is in the pipeline.
- The National Institute of Statistics (INE) is responsible of presenting the Conviction Statistics, which include the Statistics on Person Convicted of Sexual Offences, which registers information regarding those who have been convicted for crimes against sexual freedom and indemnity, as well as for trafficking in human beings for the purpose of sexual exploitation, including pornography.
- The web portal "[La Justicia en Datos](#)" ([Justice in Data](#)), put in place in 2022, presents in an orderly, open and accessible manner, official data related to gender-based violence, domestic violence and sexual violence, disaggregated, among others, by sex and age of the convicted person.



- The Public Prosecutor's Office collects data in relation to completed and attempted femicides and other serious acts of physical, psychological or sexual violence. The data considers the sex and age of the victim and the aggressor, the relationship between the two, the means of commission and the place where it took place, and whether or not the victim has previously reported the crime. Similarly, the factor of disability and foreigners has been introduced to analyse the impact of violence against women in situations of disability and migrant women.

Following the recommendations, further developments have been made to enable data collection 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:

- The General Council of the Judiciary (CGPJ) publishes [data](#) on the number of emergency barring and protection orders (and the number of breaches and the resulting sanctions), as well as on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against the other.

18.2	[Optional question: if not, please specify the reasons]:
20	<p>As regards population-based surveys, please indicate any survey conducted since the publication of GREVIO's baseline evaluation report, while specifying the forms of violence covered:</p> <p>Since the publication of GREVIO's baseline evaluation report, various studies and research have been carried out at all levels of the various public administrations. The following stand out:</p> <ul style="list-style-type: none">- <u>Macro-survey on violence against women, 2019</u>. The main objective of the survey conducted by the Ministry of Equality is to ascertain the percentage of women aged 16 and over living in Spain who have suffered or are currently suffering some type of violence because they are women. The questionnaire used in the 2015's survey was expanded to grasp more dimensions of violence, thus complying with all statistical requirements of the Istanbul Convention.



- European Survey on Gender-Based Violence (EEVG). Published in 2022, it is the first survey on violence against women to be carried out within the framework of the European Statistical System (ESS) coordinated by Eurostat. It provides data on the prevalence of violence against women and its different types (intimate partner violence, non-partner violence, domestic violence, sexual harassment at work, repeated harassment and violence in childhood), as well as information on its frequency and severity.
- Macro-study of women and girls trafficked for the purpose of sexual exploitation, sexual exploitation and prostitution in Spain. Due to the scarcity of data on trafficking in persons, which has a negative impact on the development of effective public policies in this regard, the Government Delegation against Gender-based Violence has been working on a Macro-study of women and girls trafficked for the purpose of sexual exploitation, sexual exploitation and prostitution in Spain since the first quarter of 2020. In the second half of 2023, work has begun. It will consist of two phases: the preparation of the quantitative study "Estimation of the number of women and girls victims of trafficking for the purpose of sexual exploitation and in a situation of prostitution in Spain", with the aim of knowing the size of this population and its geographical distribution in Spain; and the subsequent collection of qualitative data through a representative survey.

Other studies have been conducted in order to gain an in-depth knowledge of specific kinds of violence against women, or how violence against women affects specific groups in a situation of vulnerability. Some examples are:

- Economic violence against women in intimate relationships or former intimate relationships (2023). This study, financed by the Ministry of Equality, and authored by RED 2 RED CONSULTORES SL, aims to explore the causes, characteristics and consequences of economic violence. This study aims to draw attention to this kind of violence against women and facilitate important tools for its detection and prevention, thus contributing to its eradication.
- Gender violence in the Roma population (2023). This study, financed by the Ministry of Equality, and authored by the National Federation of Roma Women Associations (KAMIRA), aims to improve the existing knowledge about the specific characteristics that gender-based violence presents in the Roma community. Thus, it aims to facilitate the early detection of cases, to improve the access to specialised resources, and to end and overcome violent relationships.
- Institutional violence against mothers and childhood. Application of the fake Parental Alienation Syndrome in Spain (2022). This study, financed by the Ministry of Equality, and authored by the Complutense University of Madrid, aims to understand the characteristics and scope of the application of the fake parental alienation syndrome, and the violence suffered by women and children in judicial proceedings



regarding cases of gender-based violence and sexual violence. The research includes recommendations to prevent this kind of violence, and offer reparations when occurred, following the recommendations received by International Bodies.

- Impact of the Covid-19 pandemic on gender-based violence in Spain (2022). This study, financed by the Ministry of Equality, and authored by the University of Granada, aims to measure the impact of the Covid-19 pandemic in gender violence.
- Political gender-based violence in Spain (2022). This study, financed by the Ministry of Equality, and authored by Hybridas Association, aims to explore the characteristics of political violence through a gender-based approach. Thus, the study aims to improve the conceptual and normative framework to facilitate the detection and eradication of this kind of violence.
- Other studies can be consulted on the webpage of the Government Delegation against Gender-based Violence: <https://violenciagenero.igualdad.gob.es/violenciaEnCifras/estudios/investigaciones/home.htm>

Moreover, in application of the measures foreseen in the state plans and strategies and within the framework of their own autonomous regulations, the Autonomous Communities and Cities with statute of autonomy carry out studies and research related to gender-based violence and the different forms of violence against women from an intersectional approach. Some examples are:

- Andalusia: Consultancy on Masculinities (2022). This collects quantitative information provided by women and men aged 18-74 with the aim of providing data and insights to understand how gender and masculinities impact on a range of well-being and development indicators. It generates evidence on gender attitudes and norms, violence, care, parenting and division of labour.
- Balearic Islands: Study on pornography in the Balearic Islands: access and impact on adolescents. Applicable international and national law and technological solutions for control and blocking (2022).
- Castilla La Mancha: Protective factors of rural women against gender-based violence (2022). Its aim was to investigate the situation of women living in environments where, due to the size of their municipalities, there are no specialised services to turn to when they suffer gender-based violence.
- Community of Valencia: Study of the situation of violence against women with disabilities in the Valencia Region (2022).
- Extremadura: White Paper on the situation of trafficking in Extremadura (2022).



21	<p>In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 11, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:</p> <p>These issues are extensively developed in questions 6, 7 and 8 of the Report corresponding to the 1st Evaluation Round of GREVIO to Spain, recently submitted (p. 27-34). In this link: https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38</p>			
<p>VI. Custody, visitation rights and safety (Article 31)</p>				
22	<table border="1"> <tr> <td data-bbox="271 699 1624 874"> <p>Have your authorities taken measures contributing to ensure that incidents of violence covered by the scope of the Istanbul Convention are taken into account in the determination of custody and visitation rights of children, notably by judicial authorities?</p> </td> <td data-bbox="1624 699 1830 874"> <p><u>Yes</u> <input type="checkbox"/></p> </td> <td data-bbox="1830 699 2045 874"> <p>No <input type="checkbox"/></p> </td> </tr> </table>	<p>Have your authorities taken measures contributing to ensure that incidents of violence covered by the scope of the Istanbul Convention are taken into account in the determination of custody and visitation rights of children, notably by judicial authorities?</p>	<p><u>Yes</u> <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Have your authorities taken measures contributing to ensure that incidents of violence covered by the scope of the Istanbul Convention are taken into account in the determination of custody and visitation rights of children, notably by judicial authorities?</p>	<p><u>Yes</u> <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>		
22.1	<p>If yes, please specify how this has been done (by legislative amendments or other means)</p> <p>As early as 2005, Article 92.7 of the Civil Code of 1889 prohibited the attribution of joint custody when either parent was involved in criminal proceedings for attempting to harm the life, physical integrity, freedom, moral integrity or sexual freedom and indemnity of the other spouse or of the children who live with both of them. Nor is such joint guardianship applicable when the judge notes, from the allegations of the parties and from the evidence, the existence of well-founded indications of domestic or gender-based violence.</p> <p>Moreover, in order to guarantee that incidents of gender-based violence are taken into account in the determination of custody and visitation rights of children, Organic Law 1/2004 incorporated Article 49 bis of the Criminal Procedure Act, which provides that "when a judge, who is hearing civil proceedings in the first instance, becomes aware of the commission of an act of violence as defined in Article 1 of the Organic Law on Comprehensive Protection Measures against Gender Violence, which has given rise to the initiation of criminal proceedings or a protection order, after verifying the concurrence of the requirements provided for in section 3 of Article 87 ter of the Organic Law of the Judiciary, must disqualify himself, referring the case files in the state in which they are found to the Judge for Violence against Women who is competent, unless the oral trial phase has been initiated".</p>			



Following the recommendations received in the first evaluation, in 2021 two laws were adopted regarding custody and visitation of children in situations of violence (Law 8/2021, of 2 June, reforming civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity, and Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence, introduce the following novelties). These laws have made the suspension of visitation regimes, previously an exception, now a general rule under the principle that an abuser cannot be a good parent, and that the "best interests of the child" are not identified with formal equality in visitation but with the right to a life free of violence.

The following novelties were introduced:

- The establishment of a visiting or residence regime shall not be applicable, and if it exists it shall be suspended, with respect to the parent who is involved in criminal proceedings initiated for threatening the life, physical integrity, liberty, moral integrity or sexual liberty and indemnity of the other spouse or of the children who live with both of them. Nor shall it be applicable when the judge notices, from the allegations of the parties and the evidence, the existence of well-founded indications of domestic or gender-based violence. However, the judge may establish a visiting, communication or residence regime in a decision based on the best interests of the child and after an assessment of the situation of the parent-child relationship (Article 94 of the Civil Code).
- Authorities will take the necessary measures to guarantee that minors are heard, and prevent theoretical approaches or criteria without scientific backing that presume adult interference or manipulation, such as the so-called parental alienation syndrome, from being taken into consideration (Articles 11 and 26 of Organic Law 8/2021).
- Public administrations will have the obligation to pay special attention to the protection of the best interests of children and adolescents living in family environments marked by gender-based violence, detecting these cases and offering a specific response (Article 29 of Organic Law 8/2021).
- Intervention plans will be established for cases of violence in childhood and adolescence, and the necessary coordination with services for women who are victims of gender violence is foreseen (Article 43 of Organic Law 8/2021).
- The precautionary suspension of visits, ex officio or at the request of a party, when there are well-founded indications that the minor children have witnessed, suffered or lived with gender violence (Article 544 ter 7 of the Criminal Procedure Act of 1882).
- Vicarious violence is recognised, establishing that gender-based violence also includes violence that, with the aim of causing harm or damage to women, is exercised against their family members or close relatives who are minors (Article 1 of Organic Law 1/2004, of 28 December, on Comprehensive Protection Measures against Gender Violence).



In addition, Organic Law 10/2022, of 6 September, on the comprehensive guarantee of sexual freedom, modifies Article 192.3 of the Penal Code, establishing that the judicial authority shall impose on those responsible for crimes of Chapters I (of sexual assaults) or V (of crimes related to prostitution and sexual exploitation and corruption of minors), when the victim is a minor, or in any offence under Chapter II (of sexual assaults on minors under 16 years of age), the penalty of deprivation of parental authority or special disqualification from exercising parental rights, guardianship, curatorship, custody or foster care, for a period of four to ten years. For other offences, the penalty of deprivation of parental authority or special disqualification on the same terms may be imposed, together with the penalty of disqualification from employment, public office or the exercise of a profession or trade, whether remunerated or not, for a period of six months to six years.

22.2 If yes, please specify how the above obligation is implemented in practice, including by providing data indicating to what extent judicial authorities consider all issues related to violence against women in their decisions on custody and visitation rights:

Although Organic Law 1/2004 introduced the referral of civil cases related to custody and visitation rights in cases of gender-based violence to the competent Judge for Violence against Women (Article 49 bis of the Criminal Procedure Act), the reality is that many of these situations of violence are resolved in civil proceedings that are processed in the civil family jurisdiction. In order to make the above provisions effective, but also so that the prosecutor and the judge are aware of the history of violence affecting the parties and the minors, it is absolutely convenient for them to have access to the registers related to gender violence and domestic violence. For this reason, the Prosecutor for Violence against Women issued an opinion on 11 April 2022 in which specific reference was made to the fact that "in relation to family proceedings that are being processed in the Courts of First Instance, when the Prosecutor is transferred and before issuing the appropriate report, the SIRAJ or any other information system within its reach should be consulted so that, within its possibilities, if there is a criminal procedure of gender violence between the same parties in process and, if this is found to be the case, the inhibition of the Court of Violence against Women is requested in accordance with art. 49 bis of the LEC and 87 ter of the L.O.P.J."

A series of specialist conferences held in 2020 resulted in the establishment of criteria to weighing up the existence of indicators of gender and domestic violence in civil family proceedings, even when the criminal proceedings had ended with an acquittal or provisional dismissal, in accordance with the doctrine established by the Supreme Court, which states that a simple acquittal does not become a circumstance that allows a favourable report on shared custody.



In order to find out how the new regulation (particularly, Organic Law 8/2021, which restricts to the maximum the possibility for the parent investigated for gender-based violence to maintain custody or visiting rights over the common children) is being applied, the Coordinating Unit for Violence against Women carried out a study of 1060 protection orders throughout the country in the second half of the year 2021. The analysis showed that:

- In the judgments in which there is a previously agreed visiting arrangements, 33% agree to maintain them and 67% to suspend them.
- In those judgments in which it was agreed to maintain access, most of them, the visiting arrangements underwent some modification and restriction, with visits being articulated through the meeting point, based on the "best interests of the children".
- Of the judgments examined in which there was no visiting arrangements, 30% agreed on visiting arrangements and 70% did not establish any visiting arrangements.

Moreover, the General Council of the Judiciary (CGPJ) publishes the data on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against the other. If we analyse the data provided by the CGPJ in relation to the year 2022, compared to the previous years (prior to Organic Law 8/2021), we can see an exponential increase in the suspension of visiting arrangements, as well as in the suspension of parental authority to the parent investigated for gender violence.

22.3	[Optional question: if not, please specify the reasons]:		
23	Have your authorities taken measures contributing to ensure that visitation rights do not jeopardise the rights and safety of the victim or children?	Yes X	No <input type="checkbox"/>
23.1	<p>If yes, please specify:</p> <p>In relation to policies to determine and enforce the best interests of the child in administrative and judicial programmes, procedures and decisions, <u>Organic Law 8/2021 of 4 June on the comprehensive protection of children and adolescents against violence</u> provides, in Article 29.1, that "public administrations shall pay special attention to the protection of the best interests of children and adolescents living in family environments marked by gender-based violence, ensuring the detection of these cases and their specific response, which guarantees the full protection of their rights". More specifically, Organic Law 8/2021 modified the Criminal Procedure Law to include in art. 544 ter, a reform that changes the visiting regime system in</p>		



cases of violent behaviour in the home. This reform establishes that in cases that give rise to criminal proceedings, the suspension of the visiting regime is the general rule, the exception being those situations in which its continuation is granted.

Organic Law 10/2022 of 6 September on the comprehensive guarantee of sexual freedom establishes in its Chapter V risk assessment and protection measures aimed at guaranteeing non-repetition of violence and providing effective protection against reprisals or threats, enabling women and children to live in conditions of freedom and security. Specifically, Article 43 provides for the adaptation of all police tools and protocols for information gathering, coordination, risk assessment, prevention, care, monitoring and protection of victims. In particular, for the protection of underage victims, the provisions of article 50 of Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence, shall apply. To this end, the judicial bodies and the social and health services and educational centres shall provide the State Security Forces and Corps with all information from which elements are derived that make it possible to determine the existence of a risk to the integrity of the victim or their environment. The issuing of risk assessment reports, both by the police and by forensic medicine, is crucial. Comprehensive forensic assessment units should be involved from the early stages of the process, designing protocols that consider the needs and rights of victims, especially those with multiple discrimination, minors and those with disabilities.

In addition, Organic Law 10/2022 amends Law 4/2015, of 27 April, on the Statute of the Victims of Crime, to ensure that minor children of victims of gender-based violence, sexual violence or domestic violence are entitled to assistance and protection measures (Article 10). The suspension of visitation can be a protective measure for minors in cases of domestic violence under criminal investigation. These reforms focus on considering children's rights as a priority and acting in their best interests.

23.2	[Optional question: if not, please specify the reasons]:
24	<p>In case your authorities have taken further measures contributing to the implementation of recommendations in relation to Article 31, which were not covered by the questions above, please report on these measures [word limit: 1000 words]:</p> <p>These issues are extensively developed in questions 31, 32, 33, 34 and 35 of the Report corresponding to the 1st Evaluation Round of GREVIO to Spain, recently submitted (p. 81-89). In this link: https://rm.coe.int/grevio-inf-2024-1-spain-1st-thematic-evaluation-round-eng/1680ae0c38</p>



VII. Immediate response, prevention, and protection (Article 50)

VIII. Emergency barring, restraining or protection orders (Articles 52 and 53)

Specific recommendations

32 Please report on measures taken by your authorities contributing to the implementation of the recommendation to 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 full compliance with the Istanbul Convention (Recommendation A.7, IC-CP/Inf(2020)10).

- Joint Multiannual Plan

The Joint Multiannual Plan on Violence against Women 2023-2027 is a multilateral plan, jointly approved by the Ministry of Equality, the Autonomous Communities and the cities of Ceuta and Melilla after the meeting of the Sectoral Conference on Equality held on 22 July 2022 in Tenerife.

The aim of the plan is to establish an appropriate framework for collaboration and cooperation between public administrations to achieve the articulation of a comprehensive, effective and coordinated inter-institutional response of all institutions with competences in the prevention and fight against violence against women, and the protection and assistance to its victims, and to ensure the existence, throughout the territory of the State, of a set of minimum



services in accordance with the competences of each administration, which guarantee the effective exercise of the rights of victims of violence against women.

The Joint Multiannual Plan includes a reference catalogue of policies and services on violence against women, and a common information and evaluation system.

- State Pact Against Gender Violence

The State Pact Against Gender Violence (mentioned in previous issues) represents a turning point in the actions of public authorities to eradicate gender violence in all its forms in our country. This Pact has 10 axes and, specifically, Axis 7 revolves around the recommendations to Autonomous Communities, Local Entities and other institutions, as necessary collaborating agents to achieve the eradication of gender-based violence against women. Taking into account their competences, measures directly related to them are included.

- Collegiate bodies with state and CCAA representation attached to the Ministry:

- Social Forum Against Trafficking: It was set up on 14 July 2009 in compliance with the Comprehensive Plan to Combat Trafficking for Sexual Exploitation 2009-2012. The purpose of the Forum is to encourage the exchange of information and points of view between organisations specialised in the care of victims of trafficking for sexual exploitation and administrations with competences in the field (Ministries, Autonomous Communities and local level), with the aim of improving collaboration between all the actors involved with a focus on the promotion and protection of human rights. The DGVG is currently giving new impetus to the Forum through the updating of its regulations, the creation of a Permanent Commission and two new Working Groups.



- State Observatory against Gender Violence: The State Observatory on Violence against Women is a collegiate inter-ministerial body, which is responsible for advising, evaluating, institutional collaboration, drafting reports and studies and proposals for action in the area of gender violence. It is attached to the Secretary of State for Equality and the Eradication of Violence against Women, through the Government Delegation against Gender Violence. Public Administrations, the Spanish Federation of Municipalities and Provinces, social agents, official associations of various disciplines and experts in the different forms of violence against women are represented in this body.

- Sectoral Conference: The Sectoral Conferences are multilateral cooperation bodies relating to a specific sector of public activity. They are made up of the head of the competent ministerial department and all the regional government councillors responsible for the same subject. In this case, by the Ministry of Equality (Minister and staff of the Ministry) and by the regional equality councillors.

- State Strategy to Combat Violence Against Women 2022-2025

The State Strategy to Combat Violence Against Women 2022-2025 is an instrument for planning and organising all public policy actions at the three levels of the Spanish public administration (State, Autonomous Communities and Local Entities), aimed at preventing, comprehensively assisting and combating all forms of violence against women. Following the observations made by GREVIO in the previous report, this Strategy addresses for the first time in the framework of a public policy of national scope specific measures for the eradication of all forms of violence, not only those that are exercised in the sphere of intimate partner or ex-partner violence. Axis number 4, and in particular section 4.1, address the strengthening and improvement of inter-institutional and multiagency coordination in order to protect and guarantee the rights of the victims.

- Crisis Committees



The crisis committee is a measure put in place in July 2022 that is convened in periods with a 'high concentration' of male murders, i.e. five or more, or in those feminicides in which circumstances of 'special relevance' concur. Along with the Ministry of Equality, representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Health, the Delegate Prosecutor's Office for Violence against Women, the Coordination Units against violence against women and the Violence against Women Units of the autonomous communities in which the murders have occurred, as well as representatives of the rest of the autonomous communities, participate in it.

33 Please report on measures taken by your authorities contributing to the implementation of the recommendation to 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 (Recommendation A.14)

In relation to the irregular situation of foreigners in our territory, in the Spanish legal system, humanitarian law prevails over the administrative issue, so that women and minors who are victims of trafficking, sexual violence and gender violence are subject to special protection.

Within the framework of Law 12/2009, of 30 October, regulating the right to asylum and subsidiary protection, the specific situation of vulnerable applicants or beneficiaries of international protection is taken into account, including as minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single-parent families with minors, persons who have suffered torture, rape or other serious forms of psychological or physical or sexual violence and victims of trafficking in human beings (Article 46).

It is worth mentioning the Royal Decree 220/2022, of 29 March, which regulates the reception system in matters of international protection. Under Article 6, it recognizes as a general principle of action the incorporation of a human rights, gender and intersectional approach in all the programs and measures carried out, further acknowledging the discrimination and violence that affects women specifically. Moreover, Article 10 regulates the



assessment of the needs of people in situations of vulnerability during their stay in the international protection reception system, including gender-sensitive indicators. Article 26 includes the prevention of harassment and acts of gender-based violence, including sexual violence, as guiding principles in the management of resources. Moreover, Article 29 establishes protocols for the prevention of gender-based violence, including sexual violence and harassment. Such protocols include the establishment of a focal point for the prevention, detection and coordination of operations in cases of violence against women. Under the initiative of the National Police's Family and Women's Services Units (UFAM), a line of work has been initiated with the Gender Violence Coordination Unit of the State Secretariat for Migration of the Ministry of Inclusion, Social Security and Migration, in a Network Working Group of the Protocol of Action against violence against women in the International and Temporary Protection Shelter System. The aim of this is to share the actions carried out by the UFAM in the prevention and prosecution of the crime of gender violence, focusing the intervention on the filing of the complaint and the actions derived from it.

Furthermore, the Organic Law 10/2022, of 6 September, on the Comprehensive Guarantee of Sexual Freedom, has led to the modification of Article 31 bis of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, to avoid the initiation of administrative disciplinary proceedings in the case of women victims of sexual violence who report their situation, as was already the case for victims of gender-based violence. Moreover, foreign women found in the aforementioned situation can apply for a residence and work permit granted under exceptional circumstances from the moment in which a protection order has been issued in her favour or, otherwise, from the issue of a report from the Ministry Prosecutor that indicates the existence of signs of gender or sexual violence. Additionally, the victim's children are also subject to apply to the residence permit granted under exceptional circumstances.

Regarding the facilitation of access to safe and adequate accommodation, the Royal Decrees 938/2021, which regulates the granting of funds in the field of social inclusion, include under the targeted scope of action operations related to access to accommodation (Article 5). The Royal Decree 378/2022, which also regulates the granting of funds in the field of social inclusion, also considers the access to accommodation as an element of the inclusion operations regulated by the Royal Decree. Article 5 acknowledges as a priority group in situation or risk of social exclusion women victims of



gender-based violence and victims of human trafficking and sexual exploitation, as well as children, the elderly, people with disabilities, migrants, and other victims of discrimination.

Moreover, the Operational Plan for the Protection of the Human Rights of Trafficked and Sexually Exploited Women and Girls and Women in Contexts of Prostitution 2022-2026, "Plan Camino" includes funding for facilitating the access to safe accommodation for victims of human trafficking or sexual exploitation who lack the economic resources to make the transition to a stable job insertion after stop practising prostitution. Line 4, intended for specialised comprehensive care for victims, includes, among other actions, rental aid, and access to housing and a safe accommodation network. It accumulates 69% of the Plan's resources.

It is also worth mentioning that, within the Ministry of Interior, the Security Forces and Corps have lists of the entities and social resources and victim care offices that are available in their respective areas of competence, in order to be able to be able to facilitate access to the support resources that may be needed in each case, in many cases with immediate referral.