



PLATAFORMA CEB SOMBRA CEDAW - ESTAMBUL - BEIJING

GREVIO Report. DECEMBER 2023

This report has been prepared by the following organizations, members of the Platform CEDAW-Estambul-Beijing Sombra (PCEB) : Asociación Alanna, Asociación La Sur Femicidio.net, Asociación Mujeres Feministas Tomando Partido, Asociación Mujeres Juristas Themis, Asociación Nielda, Centro de Estudios e Investigación sobre Mujeres, Federación Feminista Gloria Arenas, Federación de Mujeres Jóvenes, Federación de Mujeres Progresistas, Forum de Política Feminista, Forum Feminista de Madrid, Fundación Haurralde, Plataforma Cedaw Sombra Málaga, Plataforma contra las Violencias machistas Violencia Cero.

This report responds to the questionnaire sent by the Grevio Committee to the Spanish State, which will be reviewed on December 4, 2023.

However, we have included a first block through which we intend to highlight data that make visible the worrying and negative trend around violence against women and girls in the Spanish state, in spite of the obvious progress. Despite the approval of laws and the establishment of a progressive and advanced architecture regarding violence against women and girls in the country - an architecture that is easily dismantled as can be seen in some Autonomous Communities (CCAA) -, the data show, as we insist, a worrying upward trend in sexual violence and gang rapes.



Presentation of the state of the situation of violence against women and girls in Spain.

As of October 2023, the number of cases of violence against women with police follow-up has exceeded 82,600 cases, representing an increase of 10.6% compared to 2022, that is, 8,000 more active cases than a year ago ([in VioGen, the Comprehensive Monitoring system in cases of Gender Violence](#)). According to the latest data published by the Ministry of the Interior, of the active cases, 1,876 relate to victims over 65 years old and 1,038 to adolescents and girls under 18 years old. More than half of these active cases correspond to mothers with children.

The courts received 48,227 complaints in the second quarter of 2023, 5.66% more than in the same period last year ([General Council of the Judiciary](#)). This means that 19 out of every 10,000 women suffered gender violence in Spain. The number of complaints, far from decreasing, continues to increase.

According to data from the [Government Delegation against Gender Violence \(DGVG\)](#), up to November 27, 2023, 53 women had been murdered by their partners or ex-partners. However, [Femicidio.net](#) reports that the number of murdered women amounts to 93. Andalusia has the highest number this year, with 18 murdered women, followed by Catalonia with 9 and the Valencian Community with 5. In most cases, the administration was aware of their situation since they had either requested information or had filed a complaint. These data show the institutions' failures in the due diligence and protection of women victims of gender-based violence, hereinafter GBV.

Protection orders requested for women were 6.99 % more than in 2021, 68.2% were adopted, being denied 31.3%, and 0.4% considered inadmissible. Despite the improvement, they are still insufficient.

In 2022, convictions handed down by Spanish judicial bodies in proceedings relating to gender violence, the percentage stood at 77.3 %, 2.8 % more than in 2021, according to the observatory against gender violence of the General Council of the Judiciary (CGPJ).

[The European Gender Violence Survey \(EEVG\) 2022:](#)

- Of the total number of women residing in Spain between 16 and 74 years old and who have had a partner at some time in their lives, it is estimated that 28.7% (4,806,054 women) have been victims of some type of psychological, physical (including threats) and/or sexual violence. The former being the most prevalent (27.8%).
- 14.4% have suffered some type of physical violence (including threats) and/or sexual violence in their relationships with a partner or ex-partner.
- Women between 18 and 29 years old have the highest estimated prevalence of physical (including threats) and/or sexual violence in intimate partner or ex-partner relationships (18.3% of women).
- 20.2% (3,614,235) of women over 15 have been victims of some type of violence outside the couple.



- Of all women between 16 and 74 years old and who have ever worked, 28.4% (4,489,219) have suffered sexual harassment at work.
- 13.7% (2,452,771 women) have suffered sexual violence outside the couple. 2.8% (494,948 women) have been victims of rape. In 77.5% of these cases, the aggressor was an acquaintance.
- Of the perpetrators of Sexual violence, 94.2 % are men, and 77.5 % of the rapes are committed by acquaintances.
- 6.8% of women (1,222,407) have been victims of sexual violence in childhood (suffered before the age of 15). 1.3% (233,901) of women were raped when they were under 15 years old.
- Regarding the search for support and institutional response, only 16.3% of victims have sought specialized support services.
- As for violence suffered outside the couple, only 3.8% have gone to specialized services, while 8.9% have contacted the police.

Migrant women

According to the [2019 Macrosurvey](#) one in two women +16 has suffered violence, with higher prevalence among foreigners. 80% of women with disabilities suffer violence and are four times more at risk of suffering sexual violence than other women.

According to data from the [Observatory against Domestic and Gender Violence of the General Council of the Judiciary \(CGPJ\)](#), between January and June 2023, the number of women victims of gender violence in Spain was 92,217, of which 34.5% (31,787) were foreigners and 65.5% (60,430) were Spanish. Migrant women are overrepresented, as can be seen [fatal victims of GBV in Spain](#). So far this year, 53 women have been murdered at the hands of their partners or ex-partners, of whom 32 were Spanish (60.03%) and 21 were foreigners (39.97%). Since 2003, 1,237 women have been murdered¹.

The report 'Para no dejar a nadie atrás'² presented in October 2020 by a group of associations and collectives of migrant women highlights the exacerbation of racism and xenophobia that affects especially women in an irregular situation, and especially migrant women in domestic work, exposed to harassment, rape and all kind of abuse.

Rural women

Of the 53 women murdered this year, 17 resided in rural municipalities, accounting for 32% of the women murdered ([DGVG, 2023](#)). Through the results yielded by the [2019 Macrosurvey of Violence against Women of the Ministry of Equality](#), in municipalities of less than 2,000 inhabitants, 10.5% of women suffered physical and/or sexual violence by the partner and 26.3%

¹ "Migrantes víctimas de violencia de género en España: desprotegidas e invisibles", 20/11/2012. Macarena Baena y Laura de Grado. Madrid. [EfeFeminista](#).

² Documento político de Asociaciones y colectivas de mujeres migradas (2020): "¡Para no dejar a nadie atrás!. Cuidados y violencias: lo que la crisis de la Covid-19 ha puesto de manifiesto en el Estado español Disponible en: <https://redlatinas.blogspot.com/2020/10/para-no-dejar-nadie-atras-documento.html>.



in the case of women who have suffered some type of psychological violence. In municipalities with between 2,000 and 10,000 inhabitants, these manifestations of intimate partner violence are 12.5% and 27.6% respectively, and 14.8% and 33.1% respectively for women living in municipalities with more than 10,000 inhabitants. According to the Macro-survey, reporting depends on the size of the municipality: while 83.3% of women living in municipalities with more than 10,000 inhabitants and 78.5% of those living in municipalities with between 2,001 and 10,000 inhabitants had reported, only 66.9% had done so in municipalities with less than 2,000 inhabitants.

The [Report of the State Attorney General's Office \(Fiscal Year 2022\)](#) , has warned about the incidence of femicides and violence against women in rural areas. Their data also indicate a lower frequency of denunciation as the population size decreases. The challenges of recognition of violence in rural areas is acknowledged, as well as the difficulty of reporting. This evidence calls for specific measures to mitigate violence against women in rural contexts.

Crimes against sexual freedom and indemnity

Sexual crimes account for 1% of the total number of annual complaints. Thus, for 2022 ([Statistical Yearbook of the Ministry of the Interior for 2022](#)), the Ministry of the Interior records a total of 2,323,075 criminal offenses, of which 19,013 were sexual offenses, accounting for 0.82% of the records. Of these, 4,270 are rapes -sexual assault with penetration, following the unification of sexual abuse and sexual aggression in the criminal type-. The rest of the sexual aggressions amount to 11,426 (including "pornography of minors" (707 of the crimes) and "corruption of minors or incapacitated persons" (384 cases). 2,226 are counted as other sexual offenses.

To contextualize and better understand the data, it is necessary to observe the evolution in the historical series. According to which we have gone from 13,782 sexual crimes in 2018 to 19,013 in 2022, which represents an increase of 27.5% in five years (Crime Statistics Portal). Registered rapes increased by 35.7% in the same period. There has thus been a marked upward trend for more than a decade, with the exception of the year 2020 marked by the Covid-19 pandemic. The increase in sexual offenses between the 8,923 known offenses in 2013 and the 19,013 in 2022 is 113%. In the same period, known rapes - assaults and penetrative sexual abuse, now unified - rose from 1,684 to 4,270, an increase of 153%.

Regarding the profile of the perpetrator, Interior provides data on detainees and investigated in 2022: were a total of 11,566 crimes against sexual freedom, 1,031 of them minors between 14 and 17 years (8.9%). For rape - sexual assault with penetration - 2,729 perpetrators were arrested and investigated, 292 of them minors (10.7%). In the breakdown by sex, the majority of perpetrators are male: in 2022, 10,933 men were arrested and investigated for sexual violence compared to 633 women, i.e. 94.5% of perpetrators were male.

In 2021, 86.2% of victimizations for crimes against sexual freedom and indemnity were committed against women. Among the 14,608 victimizations of women for these crimes, 287 crimes of corruption of minors or persons with disabilities and 432 related to technological contacts with minors under 16 years old were recorded. The most frequent crime (48% of cases) was sexual abuse followed by sexual assaults (14.2%) and sexual assaults with penetration (12.1%), ([Report of the Secretariat of State for Security 2021](#)).

As for the gender breakdown of the victimizations, there is an overwhelming majority over the female sex: they suffer 85.5% of the total registered sexual crimes, 89.8% of the rapes. The incidence in children is very significant, as they represent 44.5% of the total victimizations (Statistical Crime Portal, 2021). The next age group with the highest number of sex offenses is youth (from 18 to 30 years old), who account for 31%. Regarding rape, the percentages vary: minors account for 34% of victimizations and the youth are 39%. These figures are of great concern.

Between 10 and 20% of the children, 78.9% of them girls, have suffered sexual abuse, according to [Report of the Secretariat of State for Security 2021](#), with sexual abuse in and around shelters for minors ([Balearic Islands](#) and Madrid, although there are well-founded suspicions that it is [a reality that affects all territories](#)).

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Reports of sexual assault with penetration increased by 11% and crimes against sexual freedom and indemnity by 13.9%. [The Crime Balance of the Ministry of the Interior of Spain](#), with data for the first half of 2023, splits crimes into two: conventional crime and cybercrime. Thus, from January to June 2023, conventional crime shows an overall increase of 3.1% over the same period in 2022, while cybercrime shows an increase of 19.7% over the same period, increasing sharply in recent years. Considering both blocks, total police-recorded crime in Spain grew by 5.8%.

The total number of complaints for crimes against sexual freedom and indemnity increased by 13.2% during the same period (jan-jun 2023). They represent 0.98% of the conventional criminality registered. Of these, 2,307 are rapes -sexual assaults with penetration-, which represents an increase of 11% compared to the first half of the previous year. This means a ratio of 12.8 rapes reported per day, or in other words: in Spain in 2023 a rape is registered every two hours (https://linktr.ee/femicidio_net). This figure does not include those perpetrated online.





Delitos sexuales en 2022: victimizaciones por edad

	Menores	18 y más años	Se desconoce	Total
Total delitos contra la libertad sexual	8.337	10.305	89	18.731
Agresión sexual	4.992	6.702	41	11.735
Agresión sexual con penetración	1.361	2.629	5	3.995
Corrupción de menores o incapacitados	372	29	5	406
Pornografía de menores	114	60	2	176
Otros contra la libertad sexual	1.498	885	36	2.419

Delitos sexuales en 2022: victimizaciones por sexo

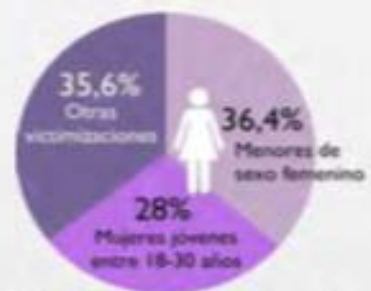
	Sexo femenino	Sexo masculino	Se desconoce	Total
Total delitos contra la libertad sexual	16.026	2.684	21	18.731
Agresión sexual	10.162	1.561	12	11.735
Agresión sexual con penetración	3.588	404	3	3.995
Corrupción de menores o incapacitados	284	119	3	406
Pornografía de menores	104	72	0	176
Otros contra la libertad sexual	1.888	528	3	2.419



Total delitos contra la libertad sexual: victimizaciones por edad



Total delitos contra la libertad sexual: victimizaciones por sexo



Total delitos contra la libertad sexual: victimizaciones por edad y sexo

Fuente: Ministerio del Interior. El concepto de victimización hace referencia al número de hechos denunciados por personas en los cuales manifestaron ser víctimas o perjudicadas con ocasión de alguna infracción penal. Se diferencia del concepto de víctima, ya que éste determina a personas individuales.

Cibercriminalidad sexual en 2022

	Total	Menores	% Menores	% Mujeres	% Varones
Victimizaciones ciberdelitos sexuales	1.135	954	84,0 %	68,0 %	32,0 %
Responsables ciberdelitos sexuales	735	81	11,0 %	3,0 %	97,0 %

Excluidos agresiones y abusos sexuales.

Total ciberdelitos sexuales, hechos conocidos (excluidos agresiones y abusos sexuales): 1.646



La ciberdelincuencia sexual tiene la más amplia incidencia en los menores de edad, siendo los valores más altos en los del sexo femenino

Fuente: Ministerio del Interior. El concepto de victimización hace referencia al número de hechos denunciados por personas en los cuales manifiestan ser víctimas o perjudicadas con ocasión de alguna infracción penal. Se diferencia del concepto de víctima, ya que éste determina a personas individuales.

The Report on Cybercrime 2022 of the Ministry of the Interior [2022 Cybercrime Report of the Ministry of the Interior](#) reflects the gradual increase of cybercrimes: from representing 7.5% of crimes in 2018 to 16.1% in 2022. However, the official data only breaks down computer scams, so there is no record of which ones are of a sexual nature.

Underage victims are more vulnerable to threats, coercion and sexual crimes. Sexual cybercrime has the highest incidence among minors, with the highest values among females. This report lists 1,646 sexual cybercrimes in 2022 (excluding sexual assaults with or without penetration and sexual abuse with penetration). As for the profile of the victim of sexual cybercrime, 68% were female and 32% male. The vast majority of victimizations, 84%, were against minors; and of these, 65% were against girls. As for the profile of the perpetrator, 97% of those arrested or investigated were male (711 males, 76 of them minors) and only the remaining 3% (24 females, 5 of them minors) were female.

Gang rape

Group sexual violence, referring to sexual crimes committed by two or more male perpetrators, **has increased by more than 50% in five years**. According to available official data, 22 cases are registered until 2021. An upward trend is observed since 2016, only altered by the "atypical" year 2020. Interior records 573 reported sexual offenses committed by two or more males in



2021. Most of these crimes correspond to sexual assaults and sexual abuse without penetration (385 cases, 67.2%), while sexual abuse and sexual assault with penetration are 188 cases, 32.8%. It should be borne in mind that the publication of these data is prior to the unification of both types of crime, following the reform of the Penal Code by Organic Law 10/2022 on the comprehensive guarantee of sexual freedom.

Cases with multiple perpetrators represent 4.3% of the total number of sexual assaults and abuses registered in 2021. Between the 371 cases in 2016 and the 573 in 2021, the increase in the number of annual cases has been 54.4%. The cumulative from 2016 to 2021 gives a total of 2,691 multiple sexual offenses in the data reported to Interior. Most of them committed by two men (1,829 offenses), and the rest (862 cases) by three or more perpetrators.

In its work as an observatory of sexual violence, [Geoviolenciasexual](#), has been able to document more than 200 multiple sexual assaults in Spain between 2016 and October 2020. For this source, these gang rapes are associated in the current patriarchal imaginary with pornography, which has become a serious problem of anti-sexual education for minors. This pornography includes the *gangbang* as a frequent modality in viewing, in which groups of three or more men sexually use a woman. "The male group does not have sex 'with' a woman but sex 'against' her and its corollary in the passage to the act in the cases of this research is expressed a model of *gangbang* rape," he explains in his reports. This work places these crimes in the context of the dehumanization of women and the staging of the hierarchical power of the male fraternity over them, representing a social problem beyond the mere relationship between aggressors and victims. According to the sample of cases analyzed by Geoviolenciasexual, one out of ten aggressions was pornified: there is evidence of the recording of the aggression. One out of ten victims had some kind of disability and also one out of ten reported having been drugged before the aggression. 16.2% of the perpetrators had a criminal record.

Sexual exploitation and prostitution

Spain is one of the three largest consumers of prostitution in the world. According to data from the Centro de Investigaciones Sociológicas (CIS), 3 out of 10 men claim to have paid for sex, of which one of them claims to have done so only once, the other two are occasional consumers of prostitution.

According to the [National Institute of Statistics \(INE\)](#), this illicit activity accounts for 0.35% of the country's GDP, or in other words: 4.21 billion euros. According to a study carried out by [INJUVE for the Youth in Spain Report 2020](#), 10.6% of young people between 15 and 29 years old acknowledge having consumed prostitution, 4.8% of them more than once in their lives. 3.9% of 25 and 29 year olds responded that they had done it more than once. These figures reflect the fact that the population consuming prostitution in Spain is increasingly younger, as is the population accessing pornography.

According to various studies, children usually start consuming pornography between the ages of 7 and 10. In the absence of affective-sexual education within the educational system, pornography (increasingly violent) has become the sexual educator in our country.



The rate of victims of sexual exploitation detected in Spain in 2020 was 0.34 per 100,000 inhabitants (91% of them women), half compared to 2019 (0.63) when 96% of them, women and girls, were identified (INE).

In 2020, a year in which the detection of trafficking decreased, we assume that this was largely due to the pandemic, 75.21% of the preliminary proceedings initiated referred to crimes of trafficking for the purpose of sexual exploitation compared to 19.75% for labor trafficking, 5.12% for trafficking for the purpose of committing crimes and the remaining 1.70% for begging ([Prosecution Report 2021](#)).

Regarding police records on trafficking and prostitution, 129 "victims of sexual trafficking" are counted in 2022, of which 120 are adult women, 4 girls and 5 adult men; and 435 "victims of sexual exploitation" -400 adult women, 10 girls and 25 adult men, ([bulletin Trafficking and sexual exploitation of human beings in Spain. Statistical balance 2018-2022](#)). However, the Intelligence Center against Terrorism and Organized Crime (CITCO) points out that the same person can be a victim of more than one criminal typology.

The judicial outcome of proceedings initiated for smuggling and trafficking involving migrant women, most of whom are in a situation of legal irregularity, indicates enormous obstacles to their protection and recognition of their rights. This can have a significant influence on their unwillingness to denounce or collaborate with the justice system.

[The Intelligence Center against Terrorism and Organized Crime \(CITCO\)](#) also reports 1,820 "inspections in places where prostitution is practiced" in Spain in 2022, and the detection of 6,655 "people at risk". However, there are many women who are not identified as victims or women at risk by the State Security Forces and Corps and the gap between the records of social organizations and the official ones are relevant, as evidenced by the study conducted by Agirregomezkorta in 2016.

The most numerous nationalities of these people are, in this order: Colombian (1395), Spanish (1249), Romanian (949), Brazilian (600), Dominican (524) and Paraguayan (523).

As the Valencian report directed by Ariño points out, in a decade the Internet has become the central place of the prostitution industry, affecting the appearance of specialized platforms, the displacement to apartments, villas or hotels, the creation of new forms of prostitution - webcams- and the growing interaction between prostitution and pornography. The academic team studied half a dozen prostitution websites in the Autonomous Community -with 52,071 ads in the region and 443,151 in total- and through density maps they illustrate what they qualify as "the Mediterranean corridor of prostitution".

Studies on sexual violence against minors

The Ombudsman presented in October 2023 to the Congress of Deputies its [Report on sexual abuse in the area of the Catholic Church and the role of public powers. A necessary response](#). This work, in addition to collecting testimonies of victims, information gathered from ecclesiastical institutions - which admit 1,430 victims - and other sources, includes a



demoscopic survey carried out in 2023 for the institution with a broad sample of 8,013 people, which contextualizes the problem.

The Ombudsman's survey reveals, among other things, that 17% of the women interviewed and 6% of the men claim to have been sexually abused in their minority. Between the two sexes, this is 11.7% of the sample. The projection of that 17% of women in the adult female population residing in Spain would be 3,300,000 women, the projection of 6% of the male sex would be 1,167,000 male victims.

1.13% of the sample surveyed indicated that the aggression took place in the religious sphere: the projection would yield 440,000 victims of pederasty in this environment. 0.6% say they have been sexually assaulted by a Catholic priest or religious. In the religious sphere, males represent a higher percentage than females (64.6% of the 0.6% who claim to have been sexually assaulted by a Catholic priest or religious). assaulted by a priest or religious). With these data, **Spain is today the country with the highest projection of victims of sexual abuse in the Catholic Church.**

Apart from the survey, the Ombudsman's Victim Assistance Unit has collected relevant information on 487 victims: 410 men (84.2%) and 76 women (15.6%). From the data provided by the testimonies, it was found that the most common type of abuse was touching, present in three out of four accounts. Less frequent were passive (22%) and active (16.2%) masturbation behaviors. There were 115 cases of rape.

However, the main area detected by the survey in this report for sexual abuse in childhood and adolescence is the family, an extreme in which the studies on victims of pederasty repeatedly coincide. Thus, 3.36% of the total sample stated that the sexual abuse occurred in the family. The projection for the adult population would be 1,307,000 people. Of those surveyed who did report abuse, the areas found were: family (34.1%), non-religious education (9.6%), work (7.5%), internet (7.3%), religious education (5.9%), religious (4.6%), leisure (4%), sports (3%), health (2.6%), other (36.8%).

Despite these figures the state has not launched any study or program to address this issue.

The General Council of the Judiciary (CGPJ) published in November 2021 a study on the one hundred sentences handed down in 2020 by the Supreme Court, related to crimes against freedom and sexual indemnity, prepared by Miguel Lorente, forensic doctor and member of the group of experts of the Observatory of the CGPJ. In the light of this work, a specific feature of sexual violence against minors is its prolongation over time: thus, for the predominant crime of sexual abuse, about half of the cases, 57.7% were continuous sexual abuse. Of the second most common sexual crime committed against minors, sexual aggression (28.1%), 53.6% were continuous.

Furthermore, and following this study, if for both adult women and minors the sexual aggressors are mostly males known to them, the relationship tends to be different: the aggressors of adult women are mostly friends or acquaintances (42.8% of cases), while for minor victims they are mostly part of the family (37.7%) or known through family and neighborhood relationships, in education or leisure and sports. At 7.8% of the cases, the contact

between the minor and the aggressor occurred through social networks. When the aggressor is part of the family, in 45.5% of these cases the aggressor is the father or current partner of the child's mother.

A third feature revealed by this report has to do with the use of force used by the aggressor against the victims of sexual crimes, which is used more against adult women (49.1% of cases), followed by intimidation or the use of toxic substances (especially alcohol); while, in sexual assaults on minors, prevalence (44.3%) and intimidation (21.5%) predominate.

Finally, the CGPJ study shows that for 8 out of 10 minor victims there are psychological consequences, most of them (59.1%) serious. The long duration of sexual violence against children, its repetition, threats and the consequent isolation of the victim explain this seriousness.

The study of the NGO [Save the Children *Por una justicia a la altura de la infancia. Análisis de sentencias sobre abusos sexuales a niños y niñas en España*](#) Análisis de sentencias sobre abusos sexuales a niños y niñas en España, published in October 2023, analyzes nearly 400 judicial sentences and advocates for the creation of a specialized justice system for this type of violence in Spain and the implementation of the Barnahus model. According to this work:

- In 80.3% of the cases analyzed, the victims are adolescent girls and girls. The average age at which abuse begins is around 11 years old.
- In 8 out of 10 cases of sexual abuse against children, the perpetrator is a family member or acquaintance of the child, and 96% of the abusers do not have a criminal record for sexual violence. Among the most common spaces in the group of known persons, the family environment continues to stand out, and within the family, the figures that stand out are the mother's partner and the father.
- The data from the sentences analyzed indicate that there are victims who continue to have to testify more than once, having to testify before trial up to 3 times in police, prosecutor's office and court. This is not Save The Children's first analysis of the judicial process, of which the NGO has been warning of the risk of re-victimization of minors.

The [NGO ANAR Foundation](#) also presented in October 2023 a longitudinal Study on the Evolution of Violence against Women in Childhood and Adolescence in Spain (2018-2022), based on the attention to 20,515 minors in its hotline. According to this work, there is a 39.7% increase in the number of minors attended to for GBV in four variants: environmental and adolescent gender-based violence, domestic, sexual and other types of physical or psychological violence. GBV was the first reason for calls, accounting for 53.8% of the total, with a very significant increase of over 87%. Sexual violence accounted for 11.7% of the cases attended (2,409 girls and adolescents), with an increase of 39.4%. The vast majority of cases were for sexual assault (95.1%).

Minors, sexual cyber-violence and online pornography

With respect to minors, in Spain, according to a [UNICEF study](#) (2021) based on 41,509 online interviews with high school students (11 to 18 years old), 13% of adolescent girls and 6.5% of minors are subject to online sexual propositions by adults. The average age of the first cell phone is 10.96 years old, and 98.5% of adolescents have registered in some social network. 42% say they have received messages of an erotic/sexual nature. 26.8% say that one of their contacts has sent them photos or videos with sexual content (passive sexting). Pressure or blackmail to send sexual material is more frequent for girls (16%, compared to 6.8% for boys). 50.1% of boys and 19.9% of girls have visited websites with erotic/pornographic content.

In conclusion, for UNICEF, technology is part of the lives of adolescents and involves risks in terms of sexual violence, with worrying figures for sexting, grooming cases and access to pornography. Contact with strangers online is common. Girls receive sexual advances from adults much more frequently than boys, while pornography consumption is much higher among adolescent boys.



According to the work of Valentina Milano, Lluís Ballester and other university professors, the first access to online pornography occurs at an early age, even at 8 years old.

The new pornography has become the main source of sexual "learning" for minors and young people, a fact that they evaluate as problematic due to the negative impacts on their relationships, their self-perception, their sexist attitudes, the increase in risky and violent practices and for providing a scenario for the escalation towards prostitution as another option for consumption.

The main results of the [Study on pornography consumption in the Balearic Islands](#) : access and impact on adolescents, applicable international and national law, and technological solutions to control and control the consumption of pornography in the Balearic Islands: access and impact on adolescents and technological solutions for control and blocking, in which 3,629 students between 13 and 18 years old and 2,592 families participated, were as follows:



- 90.5% of young people recognize that in recent years they have looked at pornography (92% males and 89% females).
- In addition, 93% had their first contact with pornography before the age of 14. As for the age at which they started watching pornography regularly, the median age for boys is 12.7 years and 12.98 for girls.
- Regarding the type of pornography they usually watch, 76% of the sample answered that they mainly watch hardcore pornography and 20% said they watch content that does not show sexual acts with violence. As for the sexes, 67% of girls consume hardcore, compared to 85% of boys.
- As for the frequency of consumption, 90% admit that they regularly visit pornographic websites. By gender, only 2.6% of women consume porn on a daily basis, compared to 34% of men.

The head of the diagnostic part of the study and doctor in Sociology at the UIB, Lluís Ballester, stressed that "the problem with watching pornography is that there is a certain process of habituation in young people and they are increasingly looking for stronger content such as hardcore".

Responding to the Questionnaire

Part I: Changes in comprehensive and coordinated policies, funding and data collection in the area of violence against women and domestic violence.

Include those measures not developed from previous laws and plans.

Article 7: Comprehensive and coordinated policies

In 2022, the State Strategy to Combat Gender Violence 2022-2025 was approved, which is based on the definition of violence against women contained in Article 3 a) of the Istanbul Convention, to conceptualize different forms of violence suffered by women because they are women depending on the manifestations and scenarios where they occur, from femicides, to physical assaults, violence in the partner/ex-partner, Sexual and gender-based harassment, Sexual assaults, Street harassment, Hate speech, Vicarious violence, Crimes of dishonor, Female Genital Mutilation, Sexual exploitation, Economic violence, Reproductive violence, Institutional violence, Rape culture or symbolic violence (social norms, values, sexist use of language, practices of ridicule and invisibilization) or Sexual violence.

The Penal Code in Spain has specifically punished for more than 10 years the conducts referred to in Chapter V of the Istanbul Convention.

Organic Law 10/2022 has developed a complete framework of measures for prevention, awareness, statistics and research, reparation and protection of victims of sexual violence, almost exclusively women, girls and boys, in the health, educational, media, police or judicial spheres, but has not specifically addressed one of the most serious attacks on women's sexual



freedom, sexual exploitation in prostitution and pornography, not even forced prostitution and trafficking.

The inclusion in Article 3 a) of the Convention of gender-based acts involving economic harm to women requires institutional action under the principle of due diligence (Article 5 of the Convention), including the adoption of measures that take an integrated approach to the relationship between victims, perpetrators, children and the social environment and economic empowerment (Article 18), and provide victims with access to services that facilitate the reparation of the harm caused by this economic violence. These measures should include financial assistance, housing services, education, training and job search assistance (Article 20). The Convention does not specify which behaviors expressing economic violence should be criminally sanctioned, or what specific remedies should be made available to victims.

The Macro-survey on Violence against Women conducted in 2019 by the Government Delegation against Gender Violence 11.5 % of women aged 16 years and older have experienced economic violence by their partner or ex-partner throughout their lives. In the 2015 Macro-survey the percentage was 10.8 %.

The behaviors that in this sociological survey were equated to economic violence were those suffered by a woman when her male partner or ex-partner:

1. *refuses or has refused to give her money for household expenses when the partner has/had money for other things.*
2. *Prevents or has prevented you from making decisions related to household finances and/or making purchases independently.*
3. *Does not allow or has not allowed her to work or study outside the home*
4. *Uses or has used your money or your credit card or takes out loans in your name without your consent*

However, the 2019 MacroSurvey did not include as economic violence the non-payment of alimony or compensatory pensions fixed in a judicial resolution regulating the effects of the breakup. This conduct, unlike the rest, has been penalized since 1989 with penalties that are currently a fine or imprisonment of 3 months to one year. And a recent sentence of the Criminal Chamber of the Supreme Court, no. 239/2021, of March 17, considers that the criminal offense of non-payment of pensions "can be configured as a kind of economic violence".

Another sentence, this one from a court dedicated to first instance prosecution, the sentence of the Criminal Court no. 2 of Mataró, dated July 20, 2021. P.A. 44/2020, raises the request for legislative modification for the qualification of economic violence - in its various modalities - and specifically the non-payment of pensions, as a modality of gender violence in the state legislation, with competence of the Court of Violence against Women, in coherence with the Pact of State and with the requirements of due diligence -art. 5 and 45 of the Istanbul Convention imposing on the State the obligation to adopt measures to ensure that the crimes provided for in the Convention - which also includes economic violence - are punished with effective, proportional and dissuasive sanctions. Other associations, such as the Association of



Women Jurists Themis, have also made proposals to this effect in their 2022 Guide to Economic-Patrimonial Violence. [Guide to economic-economic violence](#)

No measures have been taken by the Parliament or the State Government to prevent, raise awareness, protect, repair or punish economic violence other than those included in an additional provision of Organic Law 10/22 on the Guarantee of Sexual Freedom, which recommends improving the benefits of the Guarantee Fund for the Payment of Maintenance Payments created in 2008 to partially repair the damage (with a maximum of 100 euros per month for 18 months) of those who suffer this non-payment, mainly women (who make up 80% of families with a single responsible adult).

Nor do the regional regulations on violence against women that do include this manifestation of gender-based violence, such as those of Valencia, Navarre or the Canary Islands, include any specific provision for reparation.

Another data that we cannot know either as it is not disaggregated by nationality is the completion of judicial proceedings in convictions and acquittals. What we do know is that during 2019 51,790 proceedings for gender violence ended in all courts (JVM, Criminal Courts and Provincial Courts) and that of these 29.5% ended in an acquittal for the aggressor and 70.5% in a conviction. [MIGRANT WOMEN VICTIMS OF MIGRANT VIOLENCE ..AIETIhttps://aieti.es/wp-content/uploads/2020/12](https://aieti.es/wp-content/uploads/2020/12/..AIETIhttps://aieti.es/wp-content/uploads/2020/12)

In general, despite the existence of advanced policies on Gender Violence, the use of Parental Alienation Syndrome (PAS) is growing, despite being prohibited by the Istanbul Convention art 48.1. and the Organic Law on Integral Protection Measures against Gender Violence, and being rejected by the General Council of the Judiciary (CGPJ) and the Organic Law 8/2021 on the Integral Protection of Children and Adolescents, which makes special emphasis on the fact that the public authorities must prevent the use of theoretical approaches or criteria for the protection of children and adolescents the General Council of the Judiciary (CGPJ) and LO 8/2021 on comprehensive protection for children and adolescents, which places special emphasis on the fact that public authorities must prevent the use of theoretical approaches or criteria that have not been endorsed by the scientific community, with SAP being used as an example. This practice is leading to the prosecution and condemnation of protective mothers (M.S., S.G., J.R., among others). Its last way of application is the legal figure of the Parental Coordinator, a national brand of Fundación Filia, a pro-SAP and pro-family organization, ACOPAR (Association of Parental Coordinators of Aragon) promoted by autonomous governments and political parties whose services are also forced to pay the affected mothers under the threat of losing their children. According to the ["Second Report on Parentality Coordination" of Mujeres Juristas Themis and the Association of Feminist Psychology and Psychotherapy.](#)

- It applies especially to in the Autonomous Communities of Catalunya and Valencia.
- It has been imposed in 13.8% of the cases studied, in which there was a gender violence procedure.
- The decisions of this figure are not subject to appeal, judicial decisions are.



- The figure of parental coordinator is used more frequently when custody has been assigned exclusively to the mother.

The [Royal Decree-Law 9/2018](#) of urgent measures for the development of the PEVG (State Pact for Gender Violence of 2017) modifies the [LOVG](#) (art. 23) allowing to accredit the status of victim of GBV with certificate of social services or specialized services without the need for complaint, but its practice is irregular as it falls on the CCAA, giving cases of non-compliance or/and revictimizing interpretation of the victims (as denounced by CCOO-Malaga in the application of the [Instruction 1/2021, of February 18, of the IAM](#)). Instruction 1/2021, of February 18, of the IAM). It has also been denounced to the Sindic de Greuges in the Valencian Community, as well as in other autonomous communities. And the Ombudsman himself expresses his concern in his report to the Cedaw of this same year. There are no accreditations that include the daughters and sons of women victims (being recognized girls and boys as victims of gender violence since 2015 with the Child Protection Act) www.defensordelpueblo.es.

According to the Statistical Portal of the Government Delegation for Gender Violence, a total of 12,713 temporary residence and work permits were granted between 2005 and 2019. It would be necessary to know the qualitative aspects related to the access to this right by women victims and their sons and daughters. In the case of women in an irregular situation who have suffered sexual violence by third parties, there are well-founded fears of expulsion or internment in CIEs if they report, since gender-based violence outside the sphere of intimate partner relationships is not considered gender-based violence and, therefore, would not give rise to an application for residence and work authorization on these grounds ([AIETI, 2020](#)).

Organic Law 8/2015, of July 22, 2015 modifies art.1 of the LOVG to consider victims, along with women, their minor children. Law 3/2019, of March 1, 2009, for the improvement of the situation of orphanhood of the children of victims of GBV creates the orphan's benefit, away from the pensions to children of victims of terrorism.

The [Organic Law 5/2018 reforming the OL of the Judiciary](#) reforming the LO of the Judiciary, includes specific subjects in the selection tests and continuous training of the Judicial and Prosecutorial careers, and specialization tests to access [Constitutional Court](#) competent in violence against women that are insufficient in quantity and quality. The JVMs continue to file too many complaints for GBV as recognized by the TC (2020), an average of 36.5% between 2015-2021; protection orders or precautionary measures were agreed in only 19% of the complaints and convictions account for almost 22% of the complaints ([CGPJ, Table 1](#)). Of 55 women victims of intimate femicide in 2019 there were prior complaints in 11 cases (20%) and only 5 had protection measures. In 2021, out of 44 cases in 9 there was prior complaint and measures were requested in 4. In 2015-2019 victims of official intimate femicides without prior complaint were 74.13%.

Likewise, the Coordinating Prosecutor for Gender Violence expresses her concern about this issue in the report issued at [Home - Fiscal.es](#)



Regarding the application of the [State Pact against Gender Violence 2018-2022 \(PEVG\)](#), approved on 10/28/2017, this is marked by a lack of transparency, serious delays in the publication of public spending on Gender Violence . In May 2020, of the 290 [PEVG measures](#) , only 75 were completed: 74% of the measures had not been completed yet, 164 were in process and 51 pending. It will not be until 2022 that data on the financial execution of the municipalities will be published ([BOE No. 184 of August 2, 2022](#)). However, the data relating to 2019, 2020 and 2021 remain pending publication.

The [Ombudsman recalls in his report to CEDAW \(May 2023\)](#) the differences in care for women depending on the autonomous community in which they live.

On the other hand, no specific legislation on Gender Violence has materialized, failing to comply with the Final Observation para. 23a, and Axis 8 of the PEVG. The measures proposed in the PEVG, which agreed on specialized training for any professional involved in the prevention, protection and psychosocial help of victims, are not complied with either. Many people lack the necessary training.

Regarding trafficking and exploitation of prostitution, Spain continues without developing article 6 of the CEDAW despite having ratified this Convention in 1983 and fails to comply with the State Pact against Gender Violence (2017), Axis 8, which calls for to have an Organic Law for a comprehensive and multidisciplinary fight against trafficking for sexual exploitation.

In this sense, despite having signed all the international instruments related to trafficking for the purposes of sexual exploitation and prostitution, legislation has **not materialized with the necessary changes for the fight to be effective**, and a lack of framework is observed. regulations regarding advertising of prostitution in different media. **There are no effective measures to discourage the demand for prostitution (Article 18 Directive 2011/36/EU and CEDAW RG 38, 2020, p.30). Awareness measures have been ineffective with no effect on reducing demand.**

The deficiencies in the Comprehensive Plan to Combat Trafficking in Women and Girls for Sexual Exploitation 2015-2018 remain:

- As it does not have the status of law, it is not mandatory.
- 41.45% of the measures were not implemented due to lack of competition and reforms
- unapproved legislative measures, e.g.: confiscation of assets and proceeds of crime, the law of witness protection...
- Absence of procedures and protocols to improve prevention, training, detection and care, with follow-up.
- Inaccuracy about resources and budget;
- Lack of communication and coordination actions with consular authorities of the countries of precedence of victims and traffickers;
- Absence of mention of victims with physical and/or intellectual disabilities;
- Lack of exit and reintegration programs;
- Absence of resources and policies for reintegration or reparation (CEDAW RG 19).
- Despite recognizing the high risk for women of the decriminalization of activities linked to pimping (Organic Law 10/1995) this issue continues without being adequately addressed.

This absence of global and comprehensive measures against trafficking and sexual exploitation is reflected in judicial statistics: In 2022, according to the statistics of the State Attorney General's Office, 194 judicial proceedings have been initiated for crimes of trafficking in human beings, which represents a slight increase, of 3.74%, compared to 2021. 83 of them for sexual exploitation, 76.1% of the total. The data allows us to conclude that the growing trend persists, although in terms that are more in line with the situation before the pandemic.

We cannot say that the obligations of institutional due diligence in the protection of women and risk assessment in the police and judicial sphere established in **articles 50 and 51 of the Convention** are being fulfilled, when the Report on the activity of the The State Attorney General's Office in 2022 offers the data: Of the 50 women murdered in 2022, 22 had previously reported, which represents 44%, when, in 2021, 23% had previously reported, and in 2020 14.30%, and in the previous series the average is 25%. And of these 22 women, 6, 27%, stopped testifying against the accused before the judge, taking advantage of the dispensation not to testify.

The already low number of judicial investigation processes for trafficking for sexual exploitation is even lower than sentences, 42, only 32 convictions for trafficking out of a total of 94 victims judicially recognized throughout the year, 88 women and 6 transsexuals, 80 of them and 4 girls. Although the eradication of sexual exploitation of women and girls depends on multiple factors, in view of the figures of the prostitution business in Spain, we believe that the main perspective of human rights must be reinforced to achieve effective collaboration of the victims to that the criminal prosecution of these crimes fulfills its preventive purpose.

It is necessary to highlight the absence of an adequate and homogeneous legal framework in Europe to fight against Violence against women in the digital sphere, given the increase in the types of cybercrimes and the concurrence with other types of crimes, such as slander, threats, coercion, crimes against sexual freedom and indemnity, exhibitionism, prostitution, trafficking and sexual exploitation and corruption of minors.

There is also an increase in digital violence in the adolescent and minor population, and the normalization of harassment behaviors and the lack of recognition of attacks, also being a means of capturing and disseminating content in the crime of human trafficking. for the purposes of sexual exploitation, without the prevention measures in the digital sphere and calls for self-regulation contained in Organic Law 10/22 having had results, nor have there been any campaigns to discourage the consumption of prostitution aimed at men, adolescents and children that this law also provided for.

Lack of regulatory framework regarding prostitution advertising (on social networks, social media platforms, messaging...) and research to address trafficking in relation to the sex industry, prostitution and pimping in line with Recommendations CEDAW/C/ESP/CO/6, para.22-23. There are no effective measures to discourage the demand for prostitution (Art. 18 Directive 2011/36/EU and CEDAW RG 38, 2020, p.30). High consumption of prostitution (first European country and third in the world, UN, 2017-2018) and one of the main destinations for trafficking (EUROPOL, 2016). 90% of trafficking crimes are linked to prostitution, 32% more than



the world average ([Foreigners Unit-State Attorney General, 2018](#)) and more than 80% of prostituted women in Spain do so by force ([National Police, 2020](#)).

The art. 177bis of the Penal Code makes it impossible to prove abusive situations in cases of women in prostitution.

The application to victims of trafficking of the acquittal excuse of art. 177 bis of the Penal Code, any discrimination in its persecution based on the nationality of the victim is inadmissible.

In cases where the victim of trafficking is a foreigner, she should not be considered an immigrant in a situation of administrative irregularity, and be subject to the immigration regime; On the contrary, the State is obliged to develop all physical, legal and assistance protection measures for recovery and, where appropriate, concerted and safe repatriation, when it suits the interests of the treated person.

In the case of women and girls with disabilities who are victims of trafficking for sexual exploitation, two aspects that make the fight difficult are invisibility and normalization.

The lack of data, methods and systematizations leads to an absence of quantitative data that can be used to analyze the problem in depth and design legislative measures and adapted programs.

Police and judicial interventions in matters of sexual exploitation and trafficking often omit disability as a vulnerability factor, indication of crime or aggravating factor, thus contributing to increasing the deterrent effect of the exploitation of women with disabilities, perceived as less risky for victims' traffickers or pimps.

Access to complaint procedures and reparation mechanisms is not guaranteed, considering special needs depending on the type of disability and its degree.

Women with disabilities are in a situation of special vulnerability to suffer violence, both because they are women and because of their disability, which exposes them to multiple discriminations, at greater risk of suffering violence, exploitation and abuse, compared to other women. ([CERMI 2021: 42-43](#)).

The follow-up procedures related to Human Trafficking opened during 2019 amounted to 131, increasing the number of victims detected, decreasing the number of minors, of the 830 victims, 98.27% are of sexual exploitation.

Reform Law of LO 2/2010, of March 3, on sexual and reproductive health and Voluntary Interruption of Pregnancy (IVE). It is still early to assess the effects of its approval by Congress, although it is noted positively the expansion of the object of the law to include violence in the reproductive sphere, complying with the mandate of the Istanbul Convention, which includes sterilization and forced abortion and female genital mutilation (this included in the Sexual Freedom Guarantee Law).



The voluntary interruption of pregnancy (IVE) must be carried out in a public health center, or only exceptionally in an accredited private center. But it is worth remembering that the law, before the approved modification, established that it would be carried out preferably in public centers, a fact that remains largely unfulfilled. However, accessibility to public health centers remains without application in all provinces.

According to the latest report published by the Ministry of Health (2021 data), 84.3% of IVEs continue to be carried out in private facilities through agreements with public health. There are 6 Autonomous Communities that have not performed a single abortion in public healthcare, not even those that are for clinical reasons, which the law establishes should preferably be performed in public healthcare. According to this report, up to 12 provinces did not report a single abortion (the same ones that have not done so for years), which implies that these women had to move to other territories.

In the Community of Madrid in 2022, 18,983 abortions were performed in private clinics and only 59 in public hospitals, according to data from the Ministry of Health.

The Murcia Constitutional Court (TC) has recognized in a sentence that forcing a woman to move from her autonomous community to have an abortion violates her fundamental rights. On the other hand, the Galician health system had to compensate (2016) with 270,000 euros to a patient who lost her uterus after being referred to Madrid for an abortion.

And despite the approval of [Law 4/2022](#) , which modifies Organic Law 10/1995, of November 23, of the Penal Code, which penalizes harassment of women who go to clinics for the voluntary interruption of pregnancy (BOE no. 88, of April 13, 2022), harassment continues to occur without the police forces acting or the promoters being punished.

Regarding migrant and/or asylum women, Spain fails to comply with the lack of regulatory development of Law 12/2009, of October 30, regulating the right of asylum and subsidiary protection (art. 46), which makes reunification difficult: family reunification. family, requests made in diplomatic missions, deadlines in the border procedure, permanence for humanitarian reasons, protection of women in situations of special vulnerability, and legal assistance and freedom of movement to travel to the peninsula of the asylum seekers in Ceuta and Melilla.

Serious deficiencies are observed in the application of mechanisms to identify women and girls exposed to situations of violence at the border, and to have a more effective asylum system. Law 12/2009, of October 30, recognizes as a reason for granting international protection, persecution for reasons of gender suffered by women and also for the sexual orientation of people. However, there are still very few women who obtain asylum for this reason, due to the difficulties of the test and the interpretation of the circumstances prevailing in the country of origin. This has a special impact on women and the LGBT population.

Measure No. 62 of the Congress of the State Pact, contemplates the obligation to introduce in LO 1/2004, the necessary modifications related to the accreditation titles as victims of gender violence, with expression of their limits and duration, with the purpose not to make the recognition of victim status subject to the filing of a complaint. For this reason the Royal Decree-Law 9/2018, of August 3, on urgent measures for the development of the State Pact



against gender violence, was published, which modifies article 23 of LO 1/2004, which allows situations of gender violence to be accredited by means of a report from the social or specialized services, or from the competent Public Administration the reception services intended for victims of gender violence, but it has not been accompanied by the necessary modifications of article 31 bis of Organic Law 4/2000 , of January 11, to request provisional authorization for temporary residence and work for foreign women in an irregular situation, victims of gender violence.

It is unknown how the [Recommendation of the Development Assistance Committee \(OECD-DAC\) \(CAD-OCDE\) to end sexual exploitation, abuse and harassment in development cooperation](#) is being implemented and the Humanitarian Action adopted on July 12, 2019 and mandatory for the signatory states, including Spain. This recommendation establishes standards on how to prevent respond to sexual exploitation, abuse and harassment by establishing protocols and mechanisms for the prevention, care of victims and reporting of crimes to be applied by relevant actors and entities such as the Spanish Agency for International Development Cooperation (AECID) and its Technical Cooperation Offices, embassies, and missions abroad.

Regarding the health field, the existence of protocols does not guarantee their implementation. There are numerous protocols on sexual violence, FGM, etc. both at the state level and in the autonomous communities (CCAA), and even developed by provincial services that are ultimately not implemented or if they are, it is carried out in an uncoordinated manner and with serious deficiencies in training as reported by the professionals and reflected in the studies [Treatment of sexual violence in the Andalusian Autonomous Community](#).

In relation to the approval of new and controversial policies in the preparation of which a good part of the feminist movement was excluded, contravening art 17 of the Convention, as in the so-called Trans Law, according to a report of April 20, 2022 from the Constitutional Court, this Law affects to legal security for women and contains aspects that discriminate against them.

The Law on Comprehensive Protection against Gender Violence was modified in 2018 to allow victims to be accredited as such through a report from health or social services without the need for a prior complaint. This modification, to be effective and include migrant women, needs to be extended to the Immigration Law (modification of art. 32 bis of the Immigration Law). However, 5 years later, this modification has still not been made, leaving women in an irregular situation unprotected.

Nor has there been any promotion, contrary to what the CEDAW committee recommended in its 2020 report, for basic state legislation on the content, ratios and quality standards of the care services (social, psychological, socio-labor insertion, legal) to victims of sexist violence, promoting the stability of resources and programs developed from the public system and women's organizations, with specific provisions to guarantee extension, accessibility and adaptation of these services to intersectional factors of discrimination such as social exclusion, immigration, rurality and/or disability.

Article 8: Financing



Regarding state budgets, the fact is hidden that despite the sustained growth of budgets in recent years, serious failures and deficiencies are observed that undermine the enjoyment and guarantee of the rights of women and girls victims and survivors of GBV.

Thus, specific policies on equality and against gender violence increased by 156% in 2021 compared to 2018. But 80% of this was directed to subsidies to other entities, mostly to Autonomous Communities (CCAA) (in 85% of cases) with a dubious impact on women's rights and their protection due to the minimal supervision by the Ministry of Equality. An example of the ineffective management of these funds is reflected in the fact that, in 2019, only 10% of the Autonomous Communities and 70% of the municipalities fully spent the funds, according to the Government Delegation against Gender Violence. Added to this is the lack of transparency and delays in the publication of public spending on policies to combat gender violence. In February 2021, the budget execution of the State Pact, signed in 2017, had not yet been accounted for. A Pact that established flat-rate funds for each locality and for each Community, based on variables such as its population and that have remained without supervising or justifying their use for the agreed objectives of combating violence.

An evaluation promoted by the General Delegation of gender violence in 2022 [evaluation promoted by the General Delegation of gender violence in 2022](#) recognizes that only expenses on the State Pact made by the central state can be reported, but that it is impossible to provide information about the expenditure executed by the CCAA and City Councils, resulting in a lack supervision of them.

There is a lack of inter-territorial and inter-institutional coordination between the Autonomous Communities (CCAA), which have powers in matters of gender violence and no cooperation mechanisms have been promoted between the central government and the autonomous governments to define the priorities for action at the autonomous level, within the limits provided for by the State Pact and its objectives, thus considering the specific needs of the Autonomous Communities and, at the same time, guaranteeing that the use of funds is not left entirely to their discretion.

And despite the provisions of the Istanbul Convention, articles 9 and 55.2, as well as the CEDAW Committee, in its recommendation 33 on women's access to justice, and consideration 43 of the GREVIO report, a line of financing has not been included for organizations specialized in addressing violence (such as Themis or the Federation for Assistance to Raped Women - FAMUVI, among others), which for more than 25 years have assisted women in processes for various forms of sexist violence.

In many Autonomous Communities, calls for grants and exclusive financing lines are being established aimed at women's associations and/or NGOs to address gender violence. In recent years, funds in some Autonomous Communities have been distorted through late change/resolution of subsidies, expenses of a family and/or anti-abortion nature (case of [Andalucía](#)), or by eliminating and/or reducing funding to the feminist associative movement and resources against gender-based violence ([AADAS, CARRMM](#)).



Article 11: Data collection and research

Regarding the monitoring of the State Pact against GBV (PEVG), the Government Delegate recognized in the appearance before the Parliamentary Commission for monitoring and evaluation of the State Pact on October 14, 2020, that these funds have an “artisanal” monitoring, lacking a system of objective monitoring and evaluation indicators, nor a computer application for data collection and dissemination.

It will not be until 2022 when a Guide will be published for the presentation of the justification of transfers to local entities for the development of the State Pact against gender violence, offering guidelines for the collection of information that enables monitoring, accountability of accounts and the transparency of its budget execution [see Guide](#). Despite this, there is still a lack of interterritorial and inter-institutional coordination between the Autonomous Communities (CCAA) that have powers regarding gender violence, which weakens the network of information, care and recovery resources for victims.

Regarding the obligation to disaggregate data by sex contemplated in Organic Law 3/2007 of March 22, for the effective equality of women and men (LOIEMH), in practice not all official statistics and surveys appear disaggregated by sex and, in some cases, it is irrelevant or insufficient, such as the Social Services User Information System (SIUSS), an instrument that allows the collection of basic data on users of Primary Care Social Services, which collects useful information about the needs, necessary to carry out an effective professional intervention with vulnerable groups (including abused children and GBV victims)

Nor is there a breakdown of disaggregated data relating to ethnic groups or groups in vulnerable situations (e.g., gypsy population), as denounced by the Special Rapporteur on extreme poverty and human rights in his report on Spain [Report of the United Nations Special Rapporteur on extreme poverty and human rights, Philip Alston, on the conclusion of his official visit to Spain, January 27 – February 7, 2020, A/HRC/44/40/Add.2](#)

There is no information about the measures to be adopted to prevent the Law for the real and effective equality of trans people and for the guarantee of LGTBI rights, better known as the “Trans Law”, approved on February 16, 2023, from undermining this obligation, when it is urged to replace “sex” with the category “gender identity”; a category that also legitimizes sexist stereotypes (see material such as [“In Daniel's Skin”](#) by Chrysallis where a girl is identified as a boy because she does not like pink, “at carnivals she dresses as a Comanche or cowboy and at Christmas she wants be a firefighter”) in clear contradiction with art. 14 of the Istanbul Convention.

There is no national data on mutilated women residing in Spain. Although female genital mutilation is a problem with a low incidence in our country, according to data from the Ministry of Equality, it is estimated that in 2020 there were 3,652 girls at risk in our country, who are left unprotected as they do not have data that “guides the policies and actions for prevention, detection and care for women and girls who suffer the consequences of the practice or are at risk of suffering from it” [\(Wassu-UAB Foundation, 2020:31\)](#).

Between 2020 and 2022, [25 forced marriages](#) were registered in Spain, of which 12 were in the last year alone. The only CCAA in the Spanish state where detected cases of forced marriages are collected is Catalonia; although they are not collected by nationality and exact age. At the moment in the Spanish state there are very few CCAA with protocols for addressing forced marriages. The violence of forced marriages is still unknown and is not an issue on the Government's public agenda. Although Law 10/2022, of September 6, on the comprehensive guarantee of sexual freedom, includes forced marriage as sexist violence, no adequate protocols or prevention and awareness campaigns have been developed.

In the [XV Annual Report of the State Observatory on Violence against Women 2021](#), prepared by the Government Delegation against Gender Violence, approved on June 20, 2023, the basic data is collected, referring to the periods and the data source. that are indicated in each case, relating to:

1. Gender-based violence fatalities (femicides)	8. Bonus contract for women victims of gender-based violence and GBV victims substitution contracts
2. Complaints for GBV	9. Women victims of GBV who receive the RAI (Active Reinsertion Income)
3. Women victims of GBV with police attention	10. Women victims of GBV who received the economic income foreseen in the art. 27 of the LO 1/2004 of Measure against gender-based violence.
4. Judicial data about GBV	11. Temporal residence and work permits granted for exceptional circumstances to foreign women victims of GBV.
5. 016-Phone service providing information and legal advice about GBV	12. Prison inmates who have committed GBV crimes.
6. ANAR Phone (Help line for children and adolescents in risk). Calls about GBV	13. Follow-up of separation orders in the sphere of GBV. telematic system
7. Users of the help line for attention and protection of GBV victims (ATENPRO)	14. Domestic Violence and GBV statistics 15. Sexual violence against women

However, these do not establish a comparison with the previous year's data, to see the evolution, they do not present conclusions or proposals for improvement that arise from the analysis of the data. The data from the reports of the Commission against Gender Violence of the Interterritorial Council of the National Health System are not reflected either..

We celebrate that the 2019 Macrosurvey includes sexual harassment and stalking, although it leaves out emotional/psychological violence.

There are either no data or studies aimed at delving into and understanding the situation of sexual violence in the State Security Forces and Bodies. The few existing reports, promoted by



social organizations, reveal common situations of abuse and sexual violence in the Army, and in the opinion of those interviewed “some measures have been taken, but they are quite precarious” ([Acculturation and purplewashing in the Army Spanish. A study on symbolic women, pg 18](#))

Indicators on trafficking for sexual exploitation and prostitution.

Quantitative studies and registry data in Spain on the reality of prostitution are very scarce, which highlights the need to comply with the international commitments acquired by Spain regarding the observation of all forms of violence against women.

The Intelligence Center against Terrorism and Organized Crime (CITCO) is the body responsible for collecting data related to Human Trafficking and who manages the data sources, causing a problem of definition and classification of victims, by prioritizing one police, legal or criminal recognition consideration, leaving aside many victims and survivors who do not report or are not recognized as such. This results in a reduction in the number of victims identified by the authorities compared to those identified and assisted by NGOs. While both the authorities and the prosecutor's office on the southern border, Andalusia, suspect that almost 100% of sub-Saharan women arriving in boats are victims of trafficking (Fiscalía Andalucía 2014-2015; MZC, 2016), the state security forces and bodies acknowledge that detected and assisted 13,317 women in 2018, 4,302 of them with signs of sexual trafficking and 9,028 victims of sexual exploitation (DGVG, 2018).

There is a lack of research to address trafficking in relation to the sex industry, a necessary aspect to obtain reliable data and fully measure the reality of the prostitution system, trafficking and the situation of the victims, in line with the Recommendations. CEDAW/C/ESP/CO/6, para. 22,

From 2010 to 2019, 53 women were recorded murdered in the Spanish prostitution system, 9 by their partners or ex-partners. These types of femicides are not part of the official statistics of fatalities due to sexist or gender violence and are counted by feminist organizations ([Femicidio.net](#)).

With respect to those seeking prostitution, the little data that exists is old: 32.1% of men claim to have paid at some point in their lives for sexual relations, according to the National Sexual Health Survey, 2009. Spain presents figures very high demand for prostitution in the European environment, according to several studies. The report directed by the professor of sociology at the University of Valencia, Antonio Ariño, *Prostitution in the Valencian Community: a sociological perspective* published in 2022, estimates a 6% annual prevalence in that Community, based on data from several surveys. . That percentage, out of the total male population residing in Spain, would mean a projection of 1,390,000 men as claimants in the last year.

Part II: Information on the application of certain provisions in priority areas of prevention, protection and prosecution



Article 12: General obligations

The normalization of denialist speeches in the media and parliaments promoted by far-right political parties (GP, VOX), supported by the right (PP, Ciudadanos) are seriously impacting social discourses. This is reflected in the growing denial of GBV among young people: 1 in 5 adolescents and young men (15-29 years) believes that gender violence does not exist and that it is an "ideological invention", doubling data from 2017 ([Youth and Gender Barometer 2021](#)).

There is also a growing view that violence is inevitable, that it is common and that, if it is of low intensity, it is not a problem.

Article 14: Education

The approval of the so-called "Trans" Law has promoted the increase in educational materials and protocols that naturalize and legitimize sexist stereotypes in their content, contravening previous efforts to achieve full coeducation free of them. These initiatives have been analyzed and denounced [teachers grouped in DOFEMCO](#) and feminist networks - Confluencia Feminista, [Contraborrado](#).

For years, the absence of education for equality and GBV prevention throughout the entire schooling stage and the lack of teacher training in coeducation and equality have been reported. However, in recent years, training in gender self-determination carried out by transgender groups has been introduced, creating confusion and distorting the concept of equality between women and men.

Article 15: Training of professionals

The measures relating to specialized training of any professional involved in the prevention, protection and psychosocial help of victims are not complied with, with many lacking the necessary training. This is often explained by the limited budget allocated and the lack of motivation and support measures for training.

The Ministry of Health has carried out a training for the implementation of gender-based violence (GBV) screening in all Autonomous Communities, through the Interterritorial Health System. But they have a little impact given that only 3 courses have been carried out this year: Early detection of GBV in the National Health System aimed at Primary Care Teams, mental health, pregnancy, childbirth and the postpartum period.

There was insufficient training with a gender perspective among health professionals that incorporate sexual and reproductive health in curricula and continuing training, according to the recommendations in Organic Law 2/2010. Little information and training of health personnel on sexual and reproductive health for lesbian and bisexual women.



In the Community of Madrid, 12,000 professionals work in primary care, and the General Directorate of Research, Teaching and Documentation declares that training in GBV reaches 6.3% of professionals. The total number of professionals trained in the Community of Madrid amounts to 765 (390 through in-person training + 375 through online training).

There is little information, awareness and skills in detection and intervention among professionals about the high prevalence and devastating consequences of GBV on women and their children.

The courses are inserted in the training strategy, but they are voluntary and outside working hours.

In general, violence against women (VAW) arouses little interest among professionals. They are unaware that it is a public health problem. More awareness should be raised and more activities should be aimed at the promotion and prevention of GBV in primary care. Professionals are afraid of the legal implications and acknowledge ignorance of the guidelines and protocols to address VAW.

In relation to the training of the heads of VAW courts, after the modification of the LOPJ by LO 1/2009, before taking office in VAW courts, in specialized criminal courts or in specialized criminal and civil sections of provincial courts which deal with GBV, judges must undergo mandatory training on GBV. This training is managed by the Judicial School and has a teaching load of 50 hours of personal dedication.

But for the rest of the judges assigned to jurisdictional bodies with jurisdiction in GBV, although not exclusively, the LOPJ does not require them to take or have any training in violence against women, which fails to comply with the obligation established in the agreements to require specialized training for all professionals related to VAW.

Article 16: Preventive intervention and treatment programs

The implementation of Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against Gender-Based Violence has led to the generalization of intervention programs with GBV perpetrators. Despite this, there is a concern about the lack of intervention programs designed specifically for those to whom they are targeting ed and their characteristics, the lack of strategies that increase real motivation for change, the adherence of perpetrators to these programs and the high level of recidivism. Although there is a lack of official data, some studies suggest that those convicted of GBV are the inmates most likely to commit again GBV offences and that up to 38% of perpetrators reoffend ([El Español, 01/25/2023](#)).

Strategies for evaluating results of those programs must also be improved, in order to enhance available information regarding the effectiveness of these programs and to allow assessing both the effectiveness of these programs and the possible risk for victims.



There is a lack of inter-territorial and inter-institutional coordination between the Autonomous Communities (CCAA), which have a mandate on response to GBV, a fact that weakens the network of information, care and recovery resources for victims.

Failures in due diligence: The Delegate against GBV recognizes coordination errors after the murder of a minor under 11 years old in Sueca, April 2022, which are structural in the judiciary.

Article 20: General support services

Art 20 of the Convention on universal access to health and social services, is not complied with. The Spanish Public Health System does not currently guarantee universal access to health care for migrant women in an irregular administrative situation.

There is little perception of risk in sexually transmitted diseases, there is underdiagnosis and greater difficulty in accessing prevention measures for lesbian and bisexual women.

Clinical and epidemiological research have presented significant gender biases, especially during the COVID19 pandemic. Ignorance and lack of study of different symptoms between women and men in other diseases, which cause late diagnosis and treatment not adjusted to the anatomophysiology of women, as in Parkinson's. There are health protocols to early diagnosis and treatment of acute myocardial infarction (AMI) in women, but they do not translate into practice since women continue to have higher morbidity and mortality, with a cardiovascular mortality gap persisting. Besides, there is ignorance and underdiagnosis of specific diseases of women such as endometriosis.

Women with malaise syndrome are more likely to be diagnosed with anxiety or depression, prescribing psychotropic drugs and hypnotosedatives in double proportion and without evaluating other possible causes or physiological diseases. Overdiagnosis of fibromyalgia and idiopathic pain without specific studies to support it or rule out other diseases. Insufficient healthcare resources and training of professionals regarding non-pharmacological therapies.

There is a lack of a feminist perspective and a lack of attention in prevention, diagnosis, intervention and monitoring of eating disorders, which affect mostly girls and women, and which have a high rate of chronicity and mortality, which was aggravated during the pandemic COVID19. There are also barriers to accessing public health care or follow-up after medical discharge.

The instrumentalization of and non-compliance with birth plans cause a high number of cesarean sections (25% of births in 2018 compared to the 10-15% recommended by the WHO, being even higher in the private sector). A trend to women's infantilization and a lack of scientific evidence in gynecological-obstetric practice has also been observed.

The provision of services and treatment to women with HIV/AIDS who are in an irregular administrative situation is not fully guaranteed. In 2018, out of all the new cases, 14.7% were women, whereas women represented 56.9% of the late diagnoses, with an overrepresentation of foreign women.



Although 57.3% of women have suffered some type of sexist violence, it is not adequately detected in the health system. 37.8% of victims of sexual violence present genital injuries, 53% have psychological consequences, reaching 78.9% in raped women, and 14.3% of victims got a disability from this violence.

46.6% of women in relationships have suffered injuries as a result of sexist violence. 70% have psychological consequences and 17.5% present some disability as a result.

Only 50% of the Autonomous Communities have specific attention services for sexual violence.

Feminized precarious working conditions affect physical and mental health. The relationship between breast cancer and jobs that involve exposure to chemical agents requires in-depth research.

The risk of female genital mutilation (FGM) persists in some groups. An irregular application of the State Protocol is observed. Some 18,000 girls are at risk of suffering from it. Lack of training of professionals to attend females who have undergone FGM.

In Organic Law 10/2022, legal assistance to GBV by intimate partner of former partner resides exclusively in the legal aid carried out by the Professional Colleges of Law and the Attorney General's Office, and it has not been reformed to provide also this assistance to victims of sexual violence committed by someone else than the intimate partner or ex-partner. .

Article 22: Specialized support services

The COVID19 Contingency Plan was expanded with additional measures for victims of sexual trafficking and prostitution, although their access to the Minimum Living Income was not included.

Absence of procedures and protocols to improve and monitor prevention, training, detection and care in this field.

Police and judicial interventions omit disability as a vulnerability factor or aggravating factor.

In Andalusian Autonomous Community, the Resolution published on December 27, 2019, annulling the positive Provisional Resolutions of 10.25.2019 and 10.28.2019 in the award of the 2019 call for subsidies from the Andalusian Women's Institute (IAM) that manages, on the one hand, the lines of GBV eradication and care for women at risk of social exclusion, as well as projects that encourage the social participation of women and the promotion of gender equality, and the subsequent cancellation of the 2020 call, seriously undermined the provision of care and protection services aimed at women victims and at risk of GBV. They left approximately 250 feminist and women's associations and federations without budget for actions that they were already developing or about to begin, economically harming and leaving thousands of users and rights holders unattended. It is worth remembering that a good part of the prevention and care policies for victims and survivors of GBV are channeled and implemented through social organizations, which alleviate the deficit and scarcity of public



resources. These measures are estimated to have affected more than 100,000 Andalusian women beneficiaries, including vulnerable women, at risk of social exclusion, trafficking and victims of sexist violence in a context of widespread crisis due to Covid.

Article 25: Support for victims of sexual violence

High impunity for sexual crimes: In 2018, only 29% of those arrested were convicted.

Increase in sexual violence among young people: Between January-March 2021, half of the victims in Catalonia were minors. Hence, the growing denial of GBV among young people is worrying ([Barómetro Juventud y Género 2021](#))

Increasing use of chemical submission (1 in 3) and gang rapes (which duplicate that the number of 2019) and lack of resources as reported by the Hospital Clínic of Barcelona.

(INE National Statistics Institute); 84% of the Preliminary Proceedings are not resolved (State Attorney General's Office), high numbers of files.

There is a lack of specialized care centers for victims of sexual assault and rape open 24 hours a day/365 days. Only half of the Autonomous Communities have specialized centers and equal attention is not guaranteed even in the same province, leaving victims unprotected, especially those with disabilities and living in rural areas. Emergency centers for victims of sexual violence, comprehensive recovery centers and care centers for victims of trafficking and minor victims of sexual violence are pending implementation, despite the provisions contained in Organic Law 10/2022.

Regarding sexual violence and harassment in companies, there is a tendency to ignore and/or minimize the problem or blame the victim (leading some victims to suicide, V.R. case in 2019) despite the fact that every company, regardless of its size, is obliged to have a protocol against sexual harassment.

Regarding women deprived of liberty, an evaluation of the history of GBV is not included in the psychosocial and health protocols and interviews Ombudsman ([Defensor del Pueblo, 2020](#)).

According to the research "Institutional violence against mothers and children. Application of the false parental alienation syndrome in Spain" (2022), carried out by the Complutense University of Madrid, the Antígona Group of the Autonomous University of Barcelona and the Institute of Human Rights of the University of Valencia, the Spanish State is not implementing adequately CEDAW nor taking into account the general recommendations of the CEDAW Committee, in particular No. 35. As well, it is not acting with due diligence in these cases, due to the difficulty of proving sexual violence against boys and girls in early childhood (1-5 years) with the use of the false parental alienation syndrome (PAS) and with the consequences of dismissal of complaints in the criminal field and shift of the trial over the protection of the minor towards a case of "family conflict" to be dealt with by a civil court. This is due, among others, to a lack of training in gender perspective and children's rights.

- In the criminal sphere, in the 38 sentences on sexual assault against girls, boys and adolescents in the family environment, the application of the PAS is identified in 23.6%.

- In the documented files and the interviews carried out, which correspond entirely to cases involving girls and boys under 10 years old (77% are under 5 years old), the percentage of dismissal is 86%. In relation to the analysis of documented cases, the PAS is applied in all of them.

-In the civil sphere, in 50% of the sentences in which indications of alleged crimes of sexual assault by the father against his daughter or son were identified, the application of the PAS appears.

Lack of investigation in cases of sexual and/or GBV against girls, boys and adolescents through the omission of any investigative activity and/or apparent investigations:

- Invocation of the false PAS in experts' reports, psychosocial reports, child services reports and meeting point reports: In 78.5% of the cases analyzed, at least one psychological or forensic psychology report was found invoking the false PAS.

- A lack of specialized legal training with a gender perspective, childhood, intersectional, trauma, human rights approach and CEDAW is identified in the judicial resolutions analyzed and in the reports prepared within the framework of those proceedings; In particular, there is no specialized legal training on intervention in situations of GBV and sexual violence.

- Shift of the content of criminal complaints of sexual violence and/or GBV in the family environment against girls and boys towards the framework of "family conflict", where "family therapy" or "family intervention" is imposed in 48.6% of the cases analyzed. The figure of the parental coordinator, which is not regulated by Spanish law, is another tool of the false PAS.

There are widespread and systematic arbitrary practices that violate the right to effective judicial protection and that criminalize mothers who accompany or report sexual violence to which girls, boys and adolescents are exposed. The application of the false PAS and the consequent absence of a gender perspective in judicial resolutions mean that mothers' attempts to protect their children lead to them being accused of crimes (Free Childhood case). In 72% of the cases analyzed, women have been criminalized after reporting domestic sexual violence against their daughters and sons, and in 77% of the cases it is the father who has initiated these procedures.

Violation of the right to comprehensive health of mothers, girls, boys and adolescents who present the following pathologies: anxiety, post-traumatic stress disorder, behavioral disorders, dissociation, depression, insomnia, epileptic seizures, cognitive delay in speech, encopresis, sleep disorders feeding, social relationship difficulties, school difficulties, self-harming behaviors, in some cases, repetition, etc. Along with this, the psychological suffering of mothers can be measured in indicators such as: memory loss, depression, dystrophy, migraines, hormonal alterations, altered immune system, stroke, extreme thinness, fear and constant state of alert, sleep disturbances, asthma, joint pain, dissociation and autolytic behaviors.

Article 31: Custody, visitation rights and security

In March 2022 and January 2023, different civil society organizations requested commissions of inquiry into the sentences based on the non-existent parental alienation syndrome (PAS), to the Spanish Parliament and Senate. The Government has not responded yet.

Institutional violence derived from:

- Helplessness and judicial helplessness: scandalous sentences and cases shelved benefiting aggressors, little follow-up and scarce requirement of forensic risk assessment. Judicial persecution and sentencing of mothers who are victims of GBV: M.S., S.G., J.R., S.B.B.
- Failure to comply with the suspension of the visitation regime for those who were convicted of GBV (art. 66 LOVG, and reform of art. 94 of the Civil Code in 2021), the percentage of suspensions of visits in situations of mistreatment does not exceed 3% (2021). Its suspension in the courts is still a minority and very uneven depending on the territories.
- Failures in due diligence: The Delegate against gender-based violence acknowledges structural failure of coordination within the judicial system that ended up with the murder of a minor under 11 years old in Sueca, April 2022. The Spanish State failed to comply with the opinion of the CEDAW Committee in relation to communication no47/2012, and refused to investigate and compensate although it was mandated by the Supreme Court. ([el Tribunal Supremo](#))

The percentage of suspensions of visits in situations of GBV by intimate partner does not exceed 3% (in 2021) and dropped to 2.8% in some years. Despite the reform of art. 94 of the Civil Code in 2021, which establishes that since preliminary proceedings are initiated based on a complaint for GBV “the establishment of a visit or stay regime will not proceed and if it exists it will be suspended”, and it will only be exceptionally maintained if it is in the best interest of the minors affected. However, the suspension of visits is still scarce and very uneven depending on the territories.

The same Organic Law 8/2021 modified the criminal procedural law to expressly establish the suspension of the stay regime and the ability to decide relevant issues concerning the life of the minor in the exercise of parental responsibility whereas a protection order was adopted when there are indications that minor children have witnessed, suffered or coexisted with acts of intimate partner violence against women. However, it endowed the power to the judicial authority to maintain the stay regime when it understood that this would best favor the best interests of these minors.

Although the percentage of suspension of visits or parental rights has increased, it is still a minority practice: While in 2020, 3.01% of protection orders suspended visits, this percentage was 7.22% in 2021 and 14.41% in 2022. Regarding the suspension of parental rights, in 2019 it was 0.72%, 5.29% in 2021 and 8.14% in 2022. The suspension of the custody regime was 4.27% in 2019, 5.29% in 2021 and 8.14% in 2022.



According to Judicial Statistics, [Observatorio/Datos-estadisticos/](#) taking into account the latest data available for the second quarter of 2023, of a total of 4,904 protection orders and 445 precautionary measures with civil measures adopted in response to the existence of minors and people with disability only 1,001, 12.73% of the total contain a measure of suspension of the regime of stays in maternal custody, 7.61% contain the suspension of paternal custody, and only 1.29 % include the suspension of the exercise of parental authority to take key decisions in the lives of minors, and 0.74% entail other protection measures.

In the absence of more qualitative studies on judicial resolutions and on the results of training measures in this regard, one cannot but conclude that in most of the courts decisions this regime of stays is being maintained in breach of the mentioned reform purpose, given the number of those in which, due to the existence of minors or people with disabilities, civil measures are adopted.

This same lack of consideration of the devastating effects on girls, boys and adolescents exposed to a coexistence marked by coercion, verbal, psychological and physical aggression and other forms of violence against women has on, is evident in studies on decisions of family proceedings such as the one published by the Themis association in 2022. [estudio-del-tratamiento-judicial-dado-a-las-mujeres-y-a-sus-hijas-e-hijos-menores-de-edad-en-los-procedimientos-de-familia-en-los-que-se-pueda-constatar-la-existencia-de-violencia-de-genero](#)

The existence of a structural pattern of discrimination due to the application of the false PAS is confirmed, which implies a set of practices and behaviors within the Spanish legal system and the institutions involved in the detection and evaluation of sexual violence against children and adolescents. This pattern can be considered as institutional sexist violence:

- 94.4% of the women interviewed have identified the presence of gender stereotypes and components of the PAS construct during the criminal process. The application of these gender stereotypes and the false construct of the PAS has clear effects on the dismissal of complaints of domestic sexual violence in criminal proceedings, as well as on the assessments of the suitability of the parent who must have guardianship and custody in the family cases.

- Lack of credibility given to the story of the girls, boys and adolescents in judicial resolutions, in order to identify alleged maternal manipulation: In 86.5% of the cases analyzed, the veracity of the testimony of the girl, boy or adolescent was questioned. Likewise, in 75% of cases, a tendency to introduce suspicion about the mother and/or the girl, boy or adolescent is identified through the PAS construct. 34.6% of the courts decisions directly question the testimony of children and adolescents. In 72% of the documented cases, inappropriate listening situations are reported and in 96% of the cases, revictimization of girls and boys has been identified.

- Interpretation of the best interest of the child contrary to the rights of girls, boys and adolescents: In 92% of the cases studied, measures have been adopted for the forced execution of decisions contrary to the will of the girl or the boy. In 78% of the cases studied, the father has obtained custody of the daughters or sons (exclusive or shared) at some point in the judicial procedure. Likewise, in 65% of the cases analyzed, the mother has lost custody in favor of the

father, who now has the sole custody. Furthermore, parental rights are also withdrawn from the mother in 20% of cases. In 36% of the cases, measures dictated by family courts have meant a prohibition of contact between the mother and her daughters and sons for a period of between 6 months and 4 years, compared to 10% of the cases where the contact of fathers with an open procedure for sexual violence against their daughters and sons with these children has been prohibited.

Article 48: Prohibition of mandatory alternative dispute resolution processes or sentences

Criminal law:

Although Organic Law 10/2022, which comprehensively guarantees sexual freedom, has limited the use of mediation in cases of underage sexual offenders to the victim's consent to mediation, and although the CGPJ and the LO 8/ 2021 of comprehensive protection for children and adolescents rejects the application of the parental alienation syndrome (PAS)) and urge public powers to prevent its use, PAS utilization persists and worsens and the use of similar figures, such as the Parental Coordinator, imposed even in GBV procedures (in 13.8% of the cases analyzed by Asoc. Mujeres Juristas Themis, 2021), contravening the Istanbul Convention (art 48.1) and the Organic Law on Comprehensive Protection Measures against GBV.

The implementation through jurisprudence of the Parenting Coordination is being consolidated as another form of institutional violence, camouflaged as an alternative conflict resolution model focused on the interest of the boy or girl in cases of high conflict. In this way, article 11 of Organic Law 8/2021, of June 4, on the protection of children and adolescents against violence, would be infringed. In fact, in Navarra this figure is already included in its legal system. In other autonomous communities, it is being established in the courts as a coercive method towards mothers and children in order to reconnect the reported parent with her sons and daughters.

This “alternative method of conflict resolution” implements the construct of the alleged Parental Alienation Syndrome (PAS) in judicial procedures, assuming damage to the health and development of children and adolescents, as well as damage to mothers.

Art. 49 and 50: General obligations and immediate response, prevention and protection

The legal possibility is maintained that those convicted of GBV can practice as ex-officio GBV lawyers.

Low number of complaints: only 9 of the 43 murdered in 2021 had filed a complaint against the perpetrator.

According to the State Attorney General's Office, 84% of the preliminary proceedings are not resolved. The numbers of sexual crimes cases shelved and, therefore, the impunity of these crimes, are scandalous. We recommend collecting detailed statistical data by territory on the main indicators (complaints, resignations, cases shelved, protection measures and convictions) in the judicial treatment of sexual violence.



In 2019, 168,057 complaints were filed by women for intimate partner violence, 150,785 in 2020, 162,848 in 2021, and 182,075 in 2022.

The confinement due to COVID 2019 significantly reduced the number of complaints, as well as the number of fatalities due to intimate partner violence (intimate femicides), evidencing the instrumental nature of the this violence in a scenario such as confinement that is conducive to guaranteeing male control and dominance over women. Specifically, the figures for intimate femicides offered by the State Delegation of Violence against Women are 56 in 2019, 50 in 2020, 49 in 2021 (the lowest figure in the series since counting began in 2003), 50 in 2022, while in 2023, only on November 8, the figure already amounted to 52, the highest number in these 4 years.

The study on Migrant Women Victims of Violence (AIETI, 2020) makes visible the unequal treatment in access to resources and, consequently, in the exercise of fundamental rights.

Both NGOs (e.g. València Acull) and the Ombudsman have denounced the situation of legal defenselessness in which migrant victims find themselves, whereas they go to file a complaint at police stations and instead receive an expulsion order (see news).

Judicial process

In 2021, by Organic Law 8/2021, of June 4, art. 416 of the Criminal Procedure Law (LECrIm) which allowed victims to take advantage of their right not to testify in court as a witness in response to their possible conflict of interest due to their current or past kinship, marital or partner relationship, preventing this possibility in many cases in which the victim is a minor, when he has already been informed of this possibility, and even so the witness decides to testify or when the injured person and witness is present in the procedure with legal assistance.

In 2019, 10.58% of female witnesses and victims decided to avail themselves of this right, depriving the prosecution of this indictment evidence. In 2022, after the entry into force of this restriction, according to the Observatory against domestic and gender violence of the CGPJ, in 2022 in 18,544 cases the victim of gender violence took advantage of the aforementioned dispensation, which represents a percentage of 10, 2% in relation to all complaints processed, 7.3% less than in 2021, the impact of the rule being low. Although according to the report of the TSJ of Andalusia for 2022, 5% of the total took advantage of this exemption.

The pre-established test for women victims of sexist violence has not yet been adequately developed. This test is contemplated in the Istanbul Convention and in the State Pact against violence against women (measure 132) according to which: "To avoid secondary victimization, prioritize the adaptation of Violence against Women Courts and courts. specialized, with units that prevent victim/aggressor confrontation, providing them with audiovisual means that avoid repetition of statements and qualified interpreters. These same facilities may be used in cases of sexual assault and human trafficking for sexual exploitation."

By LO 8/2021, of June 4, article 449 ter LECrIm was added. that introduces pre-constituted evidence when it comes to minors under fourteen years old or a person with a disability in need

of special protection, must intervene as a witness in a judicial procedure whose objective is the investigation of a crime of homicide, injuries, against freedom, against integrity morality, trafficking in human beings, against sexual freedom and indemnity, against intimacy, against family relationships, related to the exercise of fundamental rights and public freedoms, of criminal and terrorist organizations and groups and of terrorism, in which case, it must be practiced with all the guarantees of accessibility and necessary support. But the pre-constituted declaration for adult victims continues to be considered exceptional and in the cases expressly assessed. In article 448 and in relation to article 777.2 LECrim.

The possibility of pre-constituting evidence is contemplated when the witness cannot attend the trial, due to being absent from the national territory, when there is sufficient rational reason to fear his/her death or physical or intellectual incapacity, but the vulnerability of the witness is not taken into account. women victims of violence, as passive subjects of crimes of all acts of physical, sexual, psychological or economic violence that they suffer. In cases of trafficking or sexual exploitation, it continues to be applied in a limited manner even though the processes last years (case of victims of sexual exploitation on Andalusian agricultural farms).

This highlights the need to advance the protection of the victim in a transversal way, avoiding as much as possible the secondary victimization to which they are subjected. For this reason, it is essential to comply with the State Pact on Gender Violence, and develop pre-constituted evidence for victims of gender violence and other especially vulnerable victims, such as those who have been victims of sexual crimes and/or trafficking in persons with purposes of sexual exploitation. In addition to legislative adaptation, budgetary provisions must be made to have adequate facilities and specialized professionals.

Enabling title

This is an administrative accreditation, and not a judicial one, so it does not affect the aggressor; It only makes it easier for women victims of GBV to receive social protection without declaring against their aggressor or making protection conditional on the complaint and a final sentence where the woman is recognized as a victim. It was adopted in 2017 after the pact reached on November 11 by the Sectoral Equality Conference.

Its implementation is irregular and heterogeneous, denounced by the Ombudsman in his report to the CEDAW Committee.

In Andalusia, 90.38% of those requested in 2021 have been granted. They are granted by the Andalusian Women's Institute (IAM), and they do not give a copy of it to the women who request it, sending it directly to the organization or entity that requested it. requires. The woman is thus forced to ask for this title every time she needs to obtain some help (housing, employment, school scholarships, among others).

In the rest of the CCAA, the enabling title is denied if there is no protection order in force.

Article 51: Risk assessment and management



We cannot say that the obligations of institutional due diligence in the protection of women and risk assessment in the police and judicial sphere established in articles 50 and 51 of the Convention are being fulfilled, when the Report on the activity of the The State Attorney General's Office in 2022 states that of the 50 women murdered in 2022, 22 had previously reported it, which represents 44% of the total, while in 2021 23% had previously reported it, and in 2020 14.30%, and in the previous series the average is 25%. And of these 22 women, 6 (27%) stopped testifying against the accused before the judge, taking advantage of the exemption not to testify.

Under monitoring of precautionary measures and sentences; Judges barely ask for forensic risk assessment reports.

In terms of risk assessment of the seriousness of sexual exploitation and prostitution, a broad definition of pimping has not been adopted to ensure adequate prosecution of those who exploit prostitution and demand, the main causal factor, remains not effectively addressed. .

Nor have effective measures been adopted to reduce the impact of the use of digital technology in the recruitment of vulnerable women and girls for online exploitation (pimping 2.0), aimed at increasing the demand for pedophile content.

Likewise, the measures adopted by the state and the Autonomous Communities to prevent the recruitment and sexual exploitation of minors under guardianship in some Autonomous Communities are unknown, after the publication in media and the denunciation by relatives of the existence of networks in their vicinity.

Finally, note that in the last 3 years the victim detection protocol has been activated only 6 times (Ombudsman, 2021). In 2021, a woman was detained at the Barajas airport for almost 2 months before being interviewed despite signs of trafficking.

Article 53. Restraining or protection orders Restraining or protection orders

Of the 55 women victims of intimate femicide in 2019, there was a prior complaint in 11 cases (20%) and only 5 had protection measures, in one case already expired. In 2020, of 47 cases, 8 had a prior complaint and measures were requested in 3. In 2021, of 44 cases, 9 had a prior complaint and measures were requested in 4.

During fiscal year 2022, 47,156 protection orders were requested in judicial bodies, which represents an increase of 7.8% compared to 2021. 69.4% were adopted, a lower percentage than in 2021. In Andalusia, the percentage of orders of protection adopted represents 81% of those requested.

Regarding the percentage of women who obtain a protection order compared to those who request them, it was 70% in 2019, 70.52% in 2020, and 68.22% in 2022. Significant variations continue to be observed depending on the Autonomous Community, from 51% in 2019 to 47% in 2022 in Catalonia, or 51% in Madrid in 2021 and 46% in 2022, to 87% in the Valencian Community in 2019 and 83% in 2022.

These notable divergences by territory, both in the percentage of granting or denial of production orders and that of files, continue to be reproduced in all statistical series, and between the same territories, and alert to the differences in resources, support services and effectiveness of the training provided in the judicial and police field that does not appear to have yet been evaluated by the General Administration of the State and the different Autonomous Communities.

It is worrying that more than 40% of complaints are filed prior to trial (41.96% in 2022 and 42.09 in 2021). In 2020, 10.25% of female complainants decided not to give their statement in court.

Article 56. Protection measures

An increase in vicarious violence is observed: 3 in 2020 and 7 in 2021 (in 57% of the cases there were previous complaints), which denotes the failure of the restraining and/or protection order measures.

Article 56. Protection measures

Incomplete implementation of Law 4/2015, of April 17, on the Statute of Victims of Crime regarding the legal and social response and specific attention to victims of Trafficking. There is no National Referral Mechanism to coordinate rapid referral between CCAA, undermining the protection, safety and recovery of victims; Access to resources for victims is heterogeneous and the criteria for police action in the identification of victims are disparate in the Autonomous Communities.

Part III: New trends in violence against women and domestic violence.

There is an increase in criminalization and attacks on feminists in RRSS in academic spaces, bookstores, conference rooms and in 8M demonstrations (Vigo, Madrid, Barcelona, Valladolid...) by transactivists, attacks that have been publicly supported by high institutional representatives generating a climate of fear and limitations on freedom of expression and assembly.

The arrival in parliaments, national, regional and municipal, of far-right parties and speeches, deniers of Violence against women and girls, has generated unfavorable civic environments in territories where the support of the far-right party VOX is key to political governance. (Andalusia, Madrid, Murcia and Castilla-León). In these, frameworks and structures for equality and the fight against GBV are being dismantled and/or undermined, as reflected in the Agreement signed by PP, Cs and Vox to form the previous Andalusian government (2019-2022). Despite justifying these measures by the political agreements with Vox, many of these elements have been maintained in the current government chaired by an absolute majority by the PP in Andalusia.



These agreements also involve the exercise of economic violence and economic strangulation of women's associations, by suppressing and/or reducing subsidies to them, after branding them as “ideological NGOs.” In fact, this point is one of the points explicitly imposed by VOX for its support in those CCAA where its parliamentary support is required, and that has been appropriated by PP and Cs (see VOX agenda, point 3), as they come. denouncing the full feminist organizations and the feminist entities members of the Andalusian Women's Council.

Complaint and Criminalization: The articulation of extreme-right and ultra-Catholic entities, sometimes with the complicity of members of the police, has led to the false complaint and falsification of documents by the police against the association “Free Childhood” managed by “protective mothers” in the context of custody and GBV, accusing them of being a “criminal organization” that falsifies reports of abuse and abducts minors. Although the case was filed in 2020, several women were detained and their cases affected. To this day they continue to be harmed in their processes and without recovering their children (case of M. S.).

Signing organizations:

1. AAMM FEMINISTAS MARCELA LAGARDE
2. Accoes
3. Adavas
4. Aesco ONG
5. AIGU - Asociación Igualdad de Género Universitaria
6. Alanna
7. AMILIPS - Mujeres Integradoras para Lograr la Igualdad Psicosocial.
8. AMMI
9. Asociación `Por ti Mujer´
10. ASOCIACIÓN ANDALUZA DE ANTEOPOLOGIA (ASANA)
11. Asociación Azul Violeta
12. Asociación CAMINAR
13. Asociación Clara de Campo-Ponferrada
14. Asociacion Colectivo Urbanas
15. Asociación Cultural Casa de Perú
16. Asociación de Mujeres Amatista
17. Asociación de mujeres Belda
18. Asociación de mujeres Cuidadoras sin papeles de Igualeja
19. Asociación de Mujeres de Orihuela Clara Campoamor
20. Asociación de mujeres Eleonor Rooselvet
21. Asociación de Mujeres Feminista Puntos Subversivos
22. Asociación de Mujeres Feministas Tomando Partido
23. Asociación de Mujeres Gara
24. Asociación de Mujeres Hypatia
25. Asociación de Mujeres Juristas Themis
26. ASOCIACIÓN DE MUJERES LA RONDILLA
27. Asociación de Mujeres Lilith
28. Asociacion de Mujeres Malvaluna
29. Asociación de Mujeres Parque Amate
30. Asociación de mujeres socias de cooperativas agroalimentarias de Jaén
31. Asociación Feminista Colectivo Sórico



32. Asociación Feminista Leonesa Flora Tristan
33. Asociación Feminista Mercedes Machafo
34. Asociación Feminista Ronda y la Serrania
35. Asociación Foro Veneranda Manzano
36. Asociación Frida
37. Asociación Intercultural Candombe
38. ASOCIACIÓN KARTIO
39. Asociación Madres Protectoras
40. Asociación Mujeres Feministas de Rots
41. Asociación Mujeres por la Igualdad de Barredos. LViana. Asturias
42. Asociación mujeres por la igualdad Violetas del Teide
43. Asociación Nerea
44. Asociación para la Defensa de la Imagen Pública de las Mujeres
45. Asociación por la Igualdad de Género de Castellón
46. Asociación RED de Mujeres Latinoaméricas y del Caribe
47. Asociación SC para las mujeres Mararia
48. Asociación SEDOAC
49. Asociación Terapia y Género ELKARTEA
50. Asamblea feminista d'Alaquás
51. Associació de Cooperació al Desenvolupament Infàncies i Dones del Món
52. Associació de dones L'Oroneta blanca
53. AVI (Asoc. por la Vida Independiente de personas con diversidad funcional)
54. Bombers Fénix
55. Brilla Illes Balears Contra la Violència de Gènere
56. CAEFAM
57. Casa Marruecos
58. Centro de Estudios e Investigación sobre Mujeres (CEIM)
59. CIAMS Coalition Internationale pour l'Abolition de la Maternité de Substitution /
Exploitation Reproductive
60. CIM Burkina
61. Ciudad del Paraiso
62. Clasicas y Modernas
63. Col•lectiu Feminista Victoria Sau
64. Col•lectiu de dones feministes de Montcada
65. Colectiva de Mujeres Refugiadas, Exiliadas y Migradas
66. COLECTIVO FEMUNISTA CARMEN OLMEDO
67. Colectivo Independiente de Mujeres
68. Colectivo NIELDA Mujeres por la salud Salud
69. Consejo Comarcal de la Mujer del Guadiato
70. Coordinadora de Organizaciones de Mujeres para la Participación y la Igualdad -
COMPI
71. Dones de negre Mujeres de negro
72. Dones de Xirivella en Acció
73. Emergencia Feminista
74. Empleadas y empleados de Hogar de Navarra
75. Escola de pensament feminista Amelia Valcárcel
76. Federació Dones progrssistes
77. Federación de AAMM Rurales Rurales SOL RURAL



78. FEDERACIÓN DE ASOCIACIONES DE MUJERES ARENA Y LAURISILVA
79. Federació de associacions de dones de la Comunitat de Madrid (FAMCM).
80. Federació de Dones Progresistas
81. Federació del consell nacional de associacions de dones i menors a resilients de la violència de gènere
82. FEMINISTAS 8M JAÉN
83. Feministas Rota
84. FORO FEMINISTA CASTILLA Y LEON
85. FÓRUM DE POLÍTICA FEMINISTA
86. Fórum de Política Feminista de Granada
87. FÓRUM DE POLÍTICA FEMINISTA DE MÁLAGA
88. Forum Feminista de Madrid
89. Forum política feminista de Murcia
90. Front Abolicionista del País Valencià
91. Fundació Nova Feina
92. Fundación CERMI Mujeres
93. Fundación de Familias Monoparentales Isadora Duncan
94. Grup de Debat per la Igualtat d'Alzira
95. Haurralde Fundazioa
96. Hoac
97. IMME
98. INCIDE
99. Intersindical Dones
100. La Frontissa
101. La.Comala SCM
102. Libres de Violencia Vicaria
103. Lunes Lilas navarra
104. MADRESqueNObesanSAPos
105. Malen Etxea, mujeres inmigrantes
106. MAPVA
107. María Coraje
108. Mijeres Pensionistas Málaga
109. Movilidad Humana
110. Mujeres Antares
111. Mujeres feministas María Cambrils
112. Mujeres Moviendo el mundo
113. Mujeres Palante
114. Mujeres para la Salud
115. Mujeres Por Igualdad Calp
116. Mujeres por la Igualdad Bierzo y Laciana
117. Mujeres por la paz
118. Mujeres por la Paz, todos por la paz
119. Mujeres Progresistas de Ceuta María Miaja
120. Mujeres Supervivientes
121. Mujeres y Teología de Sevilla
122. Mundo sin Guerras y sin violencia
123. Organización de Mujeres de la Confederación Intersindical
124. Partido Feminista de España en Canarias



125. PETRA Maternidades Feministas
126. Plataforma Andaluza de Apoyo al Lobby Europeo de Mujeres
127. Plataforma catalana de suport al lobby europeu de dones
128. Plataforma contra las violencias machistas- violencia cero
129. Plataforma Mujeres Criminologas MuCrim
130. Plataforma Violencia Cero
131. Por la igualdad de oportunidades entre mujeres y varones
132. Somos Mas, Mujeres sobrevivientes de la violencia machista
133. Tertulia Feminista Les Comadres
134. Trébol Rural
135. Xateba -Asoc por la Igualdad y contra la violencia de género